

Exhibit C-44: SEPA MDNS (May 26, 2016)

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
PL16-0097 & PL16-0098

PROJECT DESCRIPTION: On March 7, 2016, Concrete Nor'west filed an application for a forest practice conversion (PL16-0098) and mining special use permit (PL16-0097) to develop a gravel mining operation on parcels P50155, P123644 & P125645. To facilitate development, the applicant proposes to harvest approximately 50,000 board feet of timber on 68 acres, remove the stumps, and convert the parcels to a gravel mining operation. The gravel mining operation will remove approximately 4,280,000 cubic yards of gravel from the site over an approximately 25 year period. Gravel will be removed from the site by truck and trailer, generating about 46 truck trips per day. The material will be transported to one of Concrete Nor'wests nearby facilities for processing. Operations onsite will be limited to excavation and removal from the site. No processing is proposed onsite at this time. The site is accessed from Grip Road on an existing private gravel road. The subject site is located within the mineral resource overlay and the Rural Resource-Natural Resource Land zoning/comprehensive plan designated area. Both applications were determined to be complete on March 22, 2016 and a letter of completeness was issued for the applications. For additional information contact the County.

Proponent: Concrete Nor'west, PO Box 280, Mount Vernon, WA 98273

Location of proposal: The subject site is located north of Grip Road and south of the Samish River, within a portion of the southeast quarter of Section 27, Township 36 North, Range 4 East, Skagit County, WA (Parcels *P50155*, *P125644* & *P125645*).

Lead Agency: Skagit County Planning and Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 14.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

- The public right-of-way shall be kept clean. Tracking of mud and debris off site shall not be allowed.
- The applicant shall comply with Northwest Clean Air Agency (NWCAA) requirements, including all dust control requirements both on and offsite.
- The applicant shall comply with the provisions of Skagit County Code 14.24, Critical Areas Ordinance. No development or disturbance of soil, vegetation or water may occur within critical areas and associated buffers.
- Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the initiation of the project pursuant to Skagit County Code (SCC) 14.32, Drainage Ordinance. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage/Erosion/Sedimentation Control Ordinance. Said measures shall remain in place

until completion of the project.

- The project shall comply with noise, vibration, and light/glare limitations as per SCC 14.16.840.
- The project is limited to those activities described in the SEPA checklist and supporting documents. Significant deviation from the proposal may require additional review and approval by Skagit County Planning and Development Services.
- The applicant shall comply with the provisions of Washington State Administrative Code (WAC) 173-200 & 173-201A as required to prevent surface water quality and groundwater impacts. Best management practices shall be utilized to prevent interference and/or degradation of water quality.
- No gravel mining operations shall occur within 10 feet of the groundwater table as established by the Hydrogeologic Site Assessment report by Associated Earth Sciences, dated August 21, 2015.

A Copy of this MDNS and special use permit shall be kept on site and made available to inspecting agencies during all phases of mining activity.

Failure to comply with any of these conditions will result in all work on the site being stopped until the condition is remedied.

This MDNS is issued under 197-11-350(2). The lead agencies will not act on this proposal for 15 days from the date of publication.

Comments must be submitted by June 10, 2016.

You may appeal this threshold determination by addressing those criteria as set forth in SCC 14.06 and 14.12 and then by filing such with Skagit County Planning and Development Services for service to the SEPA responsible official within (14) calendar days after the date of the threshold determination.

Appeals must be submitted by June 24, 2016.

RESPONSIBLE OFFICIAL: Planning Director

CONTACT PERSON: John Cooper, Natural Resource Planner

Address: Skagit County Planning and Development Services
1800 Continental Place
Mt. Vernon, WA 98273

Phone: (360) 416-1334

Date: _____ Signature _____

cc: NWCAA, WDFW, WDNR, WDOE, WDOT, SC Public Works, SC fire marshal, Skagit Systems Cooperative, Applicant.

Please publish May 26, 2016.