

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Monday, April 19, 2021 12:09:44 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Friday, April 16, 2021 9:50 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Barbara Lemme  
Address : 5856 Park Court  
City : Sedro Woolley,  
State : WA  
Zip : 98284  
email : [bobbil@cnw.com](mailto:bobbil@cnw.com)

PermitProposal : Grip Road Mine proposal

Comments : I have a tremendous concern for the safety of bike riders on Prairie Road. There is minimal shoulder space for a bike rider to safely get off the road in case a large truck comes by. With an increased number of trucks on the road, it will be extremely difficult to safely get off the road, especially if two trucks are passing each other, going different directions.

This is an accident waiting to happen. I would imagine a family would rightfully sue the county if a death or injury resulted from too many trucks on the road. Prairie road has too many curves. Grip Road is steep and narrow. And where the two roads meet, there is a blind spot for turning trucks, even with blinking lights.

It seems like the county is caving in to business interests instead of listening to the residents who live in the area. Who does the county represent??

I don't think that this proposal is a good one.

From Host Address: 50.34.189.197

Date and time received: 4/16/2021 9:46:11 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Monday, April 19, 2021 12:50:58 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Saturday, April 17, 2021 3:35 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Kathryn Longfellow  
Address : 5318 Cedar Ridge Pl  
City : Sedro Woolley  
State : WA  
Zip : 98284

email : [klongfellow@frontier.com](mailto:klongfellow@frontier.com)

PermitProposal : Grip Road Mining

Comments : Please consider postponing this request until appropriate infrastructure is in place which is beyond what is proposed in the resubmission.

I am driving a school bus on Grip Road having turned off Prairie Road and headed south toward Mosier. I have just entered one of the sharp turns and there in front of me is a full gravel truck with its bumper over the center line. I've a full load of children. Now the driver may not know he's over the center line as the paint line is invisible because its been crossed so much it is rubbed out. There are no fog lines to assist in lane visibility and there are no shoulders to give a little room to either vehicle. Not a good outcome.

The roads need to be brought to a standard that is applicable for the weight and width of the vehicles that are intended to drive on them. The trucks cause a serious deterioration of roadways due to weight and Grip Road nor Prairie have been brought up to that level of repair. Actually, noted in the reissue, that if there is a problem with the bridge on Highway 99 the trucks will need to re-route to I-5. Which begs the question of load limits and trucks on the bridge over the Samish River on Grip and Friday Creek on Prairie.

Please reconsider the issuance of this permit until road and bridge structures are sufficiently remediated to handle the proposed truck traffic.

From Host Address: 50.34.103.133

Date and time received: 4/17/2021 3:31:36 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#); [Betsy D. Stevenson](#)  
**Subject:** FW: PDS Comments  
**Date:** Tuesday, April 20, 2021 9:25:26 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Monday, April 19, 2021 2:55 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Josh Nipges  
Address : 20610 Prairie rd  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [nipges@juno.com](mailto:nipges@juno.com)  
PermitProposal : PL16-0097

Comments : While it is nice to see that Concert Northwest is addressing the double corner east of the old 99 and Prairie Rd intersection and the intersection with grip. They still have not addressed the over all road itself. Prairie is road is narrow. It has become even more so since the guard rail was added along the high tension power lines. Widening the road needs to be addressed. With the number of truck trips and narrow road way it is only a matter of time before there is a head on collision. There have been many times that I have encountered semi trucks hugging or over the divider line in this section.

From Host Address: 165.225.217.34

Date and time received: 4/19/2021 2:52:41 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 22, 2021 8:50:02 AM

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Name : Ellen Martin  
Address : 4929 Ida Drive  
City : Sedro-Woolley  
State : WA  
Zip : 98284  
email : ellenkmartin39@gmail.com  
PermitProposal : Reference: File #'s PL16-0097 & PL16-0098  
Comments : Grip Road Gravel Mine Environmental Concerns Not Addressed in the MDNS

The Noise and Vibration Study did not use realistic scenarios to model noise impacts. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

The environmental review did not consider the full footprint of the project. The applicant owns more than 700 contiguous acres, however only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. This private road has previously been used only for forestry. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

The County is not following its own Critical Areas Ordinance(CAO).Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.

The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than five-years-old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as “Endangered” in Washington State and “Threatened” federally. In addition critical habitat for Bull Trout is located just downstream, Bull Trout is a “Candidate” species for listing in WA State, and is listed as “Threatened” federally. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.

Wildlife corridors are not identified and protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

A drainage plan was not required to protect water quality from runoff on the private haul road. Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.

Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. They claim that all runoff from the disturbed site will drain into the mine, and infiltration will protect the groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. No mention of seasonal fluctuation of the groundwater is discussed. Further more, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.

Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

Grip Road Mine Traffic, Road and Public Safety Issues Not addressed in the MDNS: County government and the concerned public cannot evaluate the traffic safety impacts of the project and the adequacy of the MDNS without the following information:

The maximum number of truck trips per hour, how often the number of trips may exceed the average trips per hour, and how long the number of trips may exceed that average. The average of 46 trips per day or 4.6 trips per hour given in the MDNS is meaningless due to the seasonal nature of product demand. The applicant’s October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 60 trips per hour (30 trucks in each direction). The SEPA determination must evaluate the traffic safety impacts of the project based on this maximum and set hard limits on this number, frequency, and duration

A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.

Safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation

measures to be required for every location where they will not. The TIA provides analysis showing that truck and trailer combinations cannot traverse the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. The MDNS requires the applicant to take specific actions to mitigate this issue at this location. The TIA acknowledges that the same issue of lane encroachment exists at several other locations on the haul route, but neither it nor the MDNS lists those locations, provides any analysis of the problems there, or sets out the mitigation measures required to correct them. These locations include, among others, the S-curves on the Grip Road hill and practically all of the intersections on the haul route. This is unacceptable

Projections for the increase in non-mine traffic on the haul routes over time and evaluation of the safety and road capacity impacts of mine traffic with increased non-mine traffic. The TIA uses 2020 traffic levels to evaluate mine traffic impacts and does not factor in growth.

Field studies to determine the speeds at which vehicles are currently traveling on the haul route and evaluation of how mine traffic will impact existing traffic given those speeds.

More thorough evaluation of the accident records for all road segments and intersections on the haul route, including the contributing causes for the accidents. What are the implications for mine traffic safety?

Determinations as to the actual safe speeds for any given road segment or intersection on the haul route, along with recommendations for changes to legal speed limits where they are needed for safety.

More detailed evaluation of sight distances at all intersections, including “Vision Clearance Triangle” drawings as shown in Skagit County Road Standards, 2000, Appendix C –7.

A full evaluation of what the warning beacon systems proposed for the Grip Road/Prairie Road and Grip Road/Mine Entrance intersections are intended to accomplish and how they will do so. Drivers are clearly ignoring the existing speed warning signs at Grip and Prairie. How can they be expected to slow down adequately for the warning beacons?

“Third party” sales at the mine would mean trucks traveling to and from the site via every route possible. Disallow third party sales from the mine.

Adding heavy mine traffic to our existing, substandard roads will cause increased damage to public infrastructure and higher maintenance costs. These impacts must be evaluated and the applicant required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels.

Pedestrian and bicycle safety must be evaluated along the entire haul route. This is a particular concern in areas where there are no shoulders on Grip and Prairie, and where guardrails were recently installed on Prairie Road. Necessary safety improvements must be required.

From Host Address: 172.92.201.41

Date and time received: 4/22/2021 8:49:19 AM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 22, 2021 10:40:02 AM

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Name : Todd Ouellette  
Address : PO Box 2255  
City : Mt Vernon  
State : WA  
Zip : 98273

email : todd@nwlink.com

PermitProposal : Concrete Nor'west/Miles Sand & Gravel; PL16-0097 & PL16-0098

Comments : Several concerns:

1: as a landowner near the proposed mine on a private well that shares the water table, I am concerned by the casual statement that they will limit mine depth to ten feet above the water table. Spills and contaminants in the mine may still infiltrate into water used by residential and agricultural citizens.

2: the wetlands assessment seems superficial. The Samish River drainage is home to several threatened or endangered species. I do not see this addressed in the documents I've seen, nor have I seen a full EIS on the projected mine. I see no actual wetlands assessment, something even a small land owner like myself had to file with the county when building.

3: Prairie Road is designed for rural traffic. If the mine runs only six trips / hour (three each way), a truck that will likely not achieve a thirty MPH average speed over the four miles from Gripp Rd to Hwy 99 will take eight minutes. The chance of trucks meeting seems inevitable, and at at least four places in that stretch, one will have to stop entirely while the other maneuvers through the turns using both lanes. This could happen multiple times / hour.

These are only a few of my concerns, none of which seem to be assessed in the documents on file at the county. I would ask for a more complete evaluation, as this projected mine will cause permanent changes, many of which seem potentially harmful, without adequate forethought.

Respectfully,  
Todd Ouellette

From Host Address: 174.204.78.255

Date and time received: 4/22/2021 10:36:28 AM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 22, 2021 8:50:01 PM

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Name : Leslie Mitchell  
Address : 4929 Ida Drive  
City : Sedro Woolley  
State : Washington  
Zip : 98284  
email : ldmitch2015@gmail.com  
PermitProposal : File #'s PL16-0097 & PL16-0098  
Comments : 23 April 2021

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: Concrete Nor'west/Miles Sand & Gravel; PL16-0097 & PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)

Dear Mr. Cerbone,

Please consider the following points concerning the need for greater and more specific study into three major areas related to the impacts that would result from the establishment of the Nor'west/Miles Sand & Gravel Mine:

1. Grip Road Gravel Mine Environmental Concerns Not Addressed in the MDNS

- The environmental review did not consider the full footprint of the project. The applicant owns more than 700 contiguous acres, however only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. This private road has previously been used only for forestry. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

- The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.

? The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and



## Wildlife

Assessment provided by the applicant is more than five-years-old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the

Samish River adjacent to the mine site; this animal is listed as “Endangered” in Washington State

and “Threatened” federally. In addition critical habitat for Bull Trout is located just downstream,

Bull Trout is a “Candidate” species for listing in WA State, and is listed as “Threatened” federally. The

MDNS does not mention these “ESA” species nor any protective measures necessary.

Furthermore,

state and federal agencies responsible for protecting endangered species need to be consulted.

- Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the

entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.

- Wildlife corridors are not identified and protected. Cougar, bear and bobcat are known to use the

site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish

River and Anderson Mountain to the north. These animals require large territories and are sensitive

to disturbance.

- A drainage plan was not required to protect water quality from runoff on the private haul road.

Without a drainage plan that identifies treatment measures for runoff from the haul road, the high

volume of truck traffic is likely to cause excess sedimentation and potentially contamination from

petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.

? Impacts to groundwater are not adequately evaluated and protections measures are not required.

They intend to excavate the mine to within 10 feet of groundwater. They claim that all runoff from

the disturbed site will drain into the mine, and infiltration will protect the groundwater. But it is

unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table.

No mention of seasonal fluctuation of the groundwater is discussed. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out

contaminants

such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish

River and flowing directly into it, with potential to contaminate the river.

2. The Noise and Vibration Study did not use realistic scenarios to model noise impacts. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully

loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

3. Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

4. Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

5.. Grip Road Mine Traffic, Road and Public Safety Issues Not addressed in the MDNS: County government and the concerned public cannot evaluate the traffic safety impacts of the project and the adequacy of the MDNS without the following information:

- The maximum number of truck trips per hour, how often the number of trips may exceed the average trips per hour, and how long the number of trips may exceed that average. The average of 46 trips per day or 4.6 trips per hour given in the MDNS is meaningless due to the seasonal nature of product demand. The applicant’s October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 60 trips per hour (30 trucks in each direction). The SEPA determination must evaluate the traffic safety impacts of the project based on this maximum and set hard limits on this number, frequency, and duration
- A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.
- Safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not. The TIA provides analysis showing that truck and trailer combinations cannot traverse the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. The MDNS requires the applicant to take specific actions to mitigate this issue at this location. The TIA acknowledges that the

same

issue of lane encroachment exists at several other locations on the haul route, but neither it nor the

MDNS lists those locations, provides any analysis of the problems there, or sets out the mitigation

measures required to correct them. These locations include, among others, the S-curves on the Grip

Road hill and practically all of the intersections on the haul route. This is unacceptable.

- Projections for the increase in non-mine traffic on the haul routes over time and evaluation of the

safety and road capacity impacts of mine traffic with increased non-mine traffic. The TIA uses 2020 traffic levels to evaluate mine traffic impacts and does not factor in growth.

- Field studies to determine the speeds at which vehicles are currently traveling on the haul route

and evaluation of how mine traffic will impact existing traffic given those speeds.

- More thorough evaluation of the accident records for all road segments and intersections on the

haul route, including the contributing causes for the accidents. What are the implications for mine traffic safety?

- Determinations as to the actual safe speeds for any given road segment or intersection on the haul route, along with recommendations for changes to legal speed limits where they are needed

for safety.

- More detailed evaluation of sight distances at all intersections, including "Vision Clearance Triangle" drawings as shown in Skagit County Road Standards, 2000, Appendix C – 7.

- A full evaluation of what the warning beacon systems proposed for the Grip Road/Prairie Road

and Grip Road/Mine Entrance intersections are intended to accomplish and how they will do so.

Drivers are clearly ignoring the existing speed warning signs at Grip and Prairie. How can they be

expected to slow down adequately for the warning beacons?

- "Third party" sales at the mine would mean trucks traveling to and from the site via every route

possible. Disallow third party sales from the mine.

- Adding heavy mine traffic to our existing, substandard roads will cause increased damage to public infrastructure and higher maintenance costs. These impacts must be evaluated and the applicant required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels.

- Pedestrian and bicycle safety must be evaluated along the entire haul route. This is a particular

concern in areas where there are no shoulders on Grip and Prairie, and where guardrails were recently installed on Prairie Road. Necessary safety improvements must be required.

The Sedro-Woolley community is a rural respite from the traffic and noise of urban settings.

This is a huge attribute for longtime residents and is an enormous attractant to those looking for a quiet and calm place to live. Please take the time to do a methodical and adequate review of these permit proposals. This mine and associated increased traffic, noise and environmental impacts are not worth destroying the rural community calm of Sedro Woolley.

Respectfully,

Leslie Mitchell  
4929 Ida Drive  
Sedro-Woolley, WA 98284

From Host Address: 172.92.201.41

Date and time received: 4/22/2021 8:47:40 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 22, 2021 11:25:02 AM

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Name : Terri Wilde  
Address : po box 5  
City : Rockport  
State : WA  
Zip : 98283  
email : wildefoods@yahoo.com

PermitProposal : Concrete Nor'west/Miles Sand & Gravel; PL16-0097 & PL16-0098

Comments : I don't believe this project is in the interest of Skagit County. I am disappointed that crucial aspects have not been studied sufficiently to know the potential damage that can be caused. For example, this project seems bound to have severe detrimental effects on the Samish River watershed. A complete wetland delineation has not been done on the whole site but apparently the proposed road for hauling is adjacent to a wetland and crosses Swede Creek, a fish bearing stream. The mining itself intends to excavate "to within 10 feet of groundwater" and expects to collect all runoff from the disturbed site in the mine. The groundwater at the site is near the level of the Samish River and flows directly into it. Add on to all these contaminations waiting to happen, we know there will definitely be runoff from the roads into the watershed from the extreme increase of large trucks on the county roads over sensitive habitat (more than 11,000 per year and up to 60 trips/ hour !?!). We have put so many efforts into trying to revitalize the delicate Samish River. It is critical habitat for the Bull Trout, designated habitat for the Endangered Oregon Spotted Frog and an important River for our dwindling salmon populations. This is not time to assault it with a project of this scope and destruction!

We are at a crucial time of understanding that we are at a tipping point and our actions today will have extreme effects on the livability of many species, including our own. The value of clean water, salmon and orcas is irreplaceable. Please don't go to your deathbeds not knowing you did the right thing for the future.

This proposal for the mine lacks identification and mitigation of wildlife corridors, mention of effected endangered species and the necessary agencies that need to be consulted for this, a drainage plan to protect water quality from runoff on the haul road, protections for groundwater and the expense of all the mitigations that would be needed to county road infrastructure to keep these roads from becoming a death trap for local travelers trying to navigate amongst the frankly inconceivable amount of heavy equipment on the county back roads.

Please do not approve it.  
Thank you.

From Host Address: 50.34.194.251

Date and time received: 4/22/2021 11:21:55 AM

**From:** [Planning & Development Services](#)  
**To:** [Betsy D. Stevenson](#); [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Friday, April 23, 2021 12:11:38 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Wednesday, April 21, 2021 8:15 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Jim Wiggins  
Address : 21993 Grip Road  
City : Sedro Woolley  
State : WA  
Zip : 98284

email : [jimwiggins@fidalgo.net](mailto:jimwiggins@fidalgo.net)

PermitProposal : Concrete Nor'west (CNW) application mining special use permit, PL 16-0097.

Comments : Re: Concrete Nor'west (CNW) application mining special use permit, PL 16-0097.

Fish and Wildlife, and Water Quality (regulated Critical Areas [CA]) review, comments and questions. Wiggins, April 2021.

The information provided to date by CNW for the above referenced project regarding biological issues is insufficient to determine impacts the proposed project will have on regulated critical areas. At a minimum, we need to have maps, surveys, and descriptions of all regulated critical areas (species and habitats) including those in and near the proposed mine site, and, all roads, specifically the proposed haul road. In addition, we need to know all permit conditions that will be proposed to mitigate for impacts identified in this larger footprint. Only then can we assess impacts and adequately comment on how the proposed mine and other related project details will have on the biological environment.

SCC 14.24.060 Authorizations Required, of the county Critical Areas Ordinance, states: With the exception of activities identified as Allowed without Standard Review under SCC 14.24.107, any land use activity that can impair the functions and values of critical areas or their buffers including suspect or known geologically hazardous areas, through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to existing vegetation shall require critical areas review and written authorization pursuant to this Chapter.

The July 2015 Graham Bunting Associates (GBA) Fish and Wildlife Habitat Site Assessment report does not include descriptions nor data of the 63-acre mine site, wetland/stream buffers, wooded slope, nor the access road. It focuses only on the Samish River and adjacent wetlands with no data sheets to corroborate their findings. Because CNW has not submitted an updated critical area report for the entire impact area (proposed mine site, private road, and adjacent public roads) it is not known what type of impacts to County Critical Areas, species and habitats, and their buffers will occur. Furthermore, Critical Areas Reports require to be

updated every 5 years. Said GBA report is over 5 years old.

The critical areas report completed by GBA for the wetlands associated with the Samish River recommends a 200' buffer. SCC 14.24.230 Wetland Protection Standards, requires a 300' buffer for High Intensity Land use, which the proposed mine is per the definitions section of the SCC CAO as follows: Land Use Intensity, High; Land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium-and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses. Therefore, the Samish River and its associated wetlands require a 300-foot buffer. It is inherent in the proposed use of the site as a commercial gravel mine, there will be a significant increase in noise, dust, and general overall on-site movement of heavy equipment. The assumed 300 foot existing buffer between the proposed mine and the Samish River and its associated wetlands is a wooded slope, protecting, in this case, all flora and fauna, such as migratory salmonids, trout, avian species, and large and medium fauna such a deer, elk, bear, cougar, coyote, and fox. Additionally, we are now aware Oregon Spotted Frog (*Rana pretiosa*) habitat occurs along the Samish River adjacent to the proposed mine site. Bull trout (*Salvelinus confluentus*) are also known to use the Samish River sometime during their lifecycle. A biological assessment is needed to address these species.

The Scope of a SCC critical areas study requires a full description of the proposed project and all biological features whether said features are regulated by the local, state, or federal government or not and is a combined quantitative (on the ground data collection) and qualitative (literature and map review) report. A description of all features such as flora and fauna, soils, topography (a survey of the top of slope), land use, a general description of the surrounding area needs to be included to provide us with an understanding of what the study area looks like and what features are present. Current and historical photographs help with this understanding of the study area. A broad-based literature review with the on-the-ground data collection of all potential areas that will be impacted needs to be studied and included in the contents of the report.

In the GBA assessment, the singular wetland rating they completed appears accurate. However, the land use intensity (moderate) they concluded does not conform to the land use intensity description put forth in Appendix 8C of WA DOE Publication No. 05-06-008 as required if using the alternative buffers in SCC 14.24.230(1)(b), Department of Ecology (Doug Gresham, DOE), the authors (DOE) of the said referenced publication. The land use intensity for a full-time gravel mining operation is high. A high habitat score (supplied by GBA wetland rating) requires a 300-foot wetland buffer per SCC 14.24.230, not 200 foot as proposed.

The review/assessment also neglected SCC 14.24.230(2), where in general, buffers are to extend 25 feet past the top of sloping areas that are 25% or greater. The site plan as indicated shows areas where this provision is applicable. Regardless of the aforementioned land use intensity issue, the buffer likely should still extend past the line indicated in areas unless there is a rational reason put forth not to, which does not appear to have been done specific to this project.

Going from an access only road that is used infrequently for forestry purposes to a gravel mine haul road that could have dozens of truck trips per day for many years will be an impact to the environment in numerous areas. This will be a distinct habitat break in what is presently one

of the largest undeveloped tracts of land remaining in lowland Skagit County, home to deer, bear, cougar, and elk \*as well as many avian and small mammal species, and amphibians (\* while CNW's application does not mention these species, local knowledge confirms their presence). Heavily trafficked corridors are well known to affect the habits of such species. The haul road also drains to a salmon stream that has turbidity problems, i.e. Swede Creek, and it is not practical that the increased road traffic and maintenance/improvements without stormwater control will further affect the onsite wetlands, streams and riparian areas.

No meaningful protective measures have been assessed to the buffers of the critical areas adjacent to the mine operations. While recording of a Protected Critical Area (PCA) site plan is standard and generally adequate for a single family home, a commercial operation with employees on heavy equipment, no oversight, and no vested interest in the observation of the buffers will not protect said buffers. If there is no survey or mapping, how will anyone know where the critical areas and their regulated buffers are? The buffers need to be demarcated in the field, a standard practice, and should be fenced as well.

Because a Critical Areas Review and Fish and Wildlife Assessment has not been completed on the entire project area, it is likely additional biological critical areas occur on and near the project area, such as wetlands and Swede Creek and they need to be identified and surveyed. Not to mention recently (summer 2019) much of the land owned by Miles has been logged and the haul road has been widened and resurfaced, thus because of these new modifications to the site, further necessitates an updated report.

Additional questions:

- What mitigation is proposed for CA impacts?
- How will mine excavation be monitored to ensure the “bottom” of the mine will remain greater than 10 feet above the seasonal high water table?
- Will the project occur beyond the mine site and proposed access road? If so, will there be road maintenance, widening, ditch maintenance, Grip/Prairie Road intersection maintenance/reconstruction? If so, said areas need to be assessed for regulated critical areas and mitigated for buffer impacts, habitat impacts, and stormwater quality.
- Because the mine site will be converted from forestry to a gravel mine, all habitat for the cursory list of species listed in this letter will be obliterated. For species such as amphibians that require upland habitat for a portion of their lifecycle further necessitates, at a minimum, the need for a 300-foot buffer off the wetlands adjacent to the Samish River. Also, other wetlands near the proposed mine and haul road mapped in the FPA further necessitates the need to complete an updated wetland/habitat reconnaissance and delineation report for all land within 300 feet of the mine and haul road.
- What mitigating measures have been included in the report for the introduction of invasive plant species such as Butterfly bush (*Buddleja* sp.) and spotted knapweed (*Centaurea* sp.) both of which occur on their Bellville pit site.
- What species and species habitats, such as Oregon Spotted Frog, Bulltrout, or other listed species occur in the Samish River watershed? Their presence needs to be assessed by qualified biologists and mitigation strategies addressed.

From Host Address: 50.35.55.32

Date and time received: 4/21/2021 8:10:15 AM



**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Sunday, April 25, 2021 10:17:30 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Saturday, April 24, 2021 4:05 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Norm Conrad  
Address : 1120 S 25th St, #87  
City : Mount Vernon  
State : Washington  
Zip : 98274  
email : [nsconrad@gmail.com](mailto:nsconrad@gmail.com)

PermitProposal : File #'s PL16-0097 & PL16-0098

Comments : The Skagit County's "Mitigated Determination of NonSignificance" (MDNS) under the State Environmental Policy Act (SEPA) is ridiculous in that it is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.

The environmental review did not consider the full footprint of the project. The applicant owns more than 700 contiguous acres, however only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. This private road has previously been used only for forestry. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

The Fish and Wildlife Assessment is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than five-years-old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as "Endangered" in Washington State and "Threatened" federally. In addition critical habitat for Bull Trout is located just downstream, Bull Trout is a "Candidate" species for listing in WA State, and is listed as "Threatened" federally. The MDNS does not mention these "ESA" species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.

Wildlife corridors are not identified and protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the

Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

A drainage plan was not required to protect water quality from runoff on the private haul road. Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.

Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. They claim that all runoff from the disturbed site will drain into the mine, and infiltration will protect the groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. No mention of seasonal fluctuation of the groundwater is discussed. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.

The Noise and Vibration Study did not use realistic scenarios to model noise impacts. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

Do you need more reasons to reject this report? And this project?

Thank you.

From Host Address: 73.254.112.76

Date and time received: 4/24/2021 3:59:59 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Sunday, April 25, 2021 10:17:58 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Saturday, April 24, 2021 1:00 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Jerry Eisner MD  
Address : 1618 E Broadway  
City : Mount Vernon  
State : WA  
Zip : 98274  
email : [stardoc2@gmail.com](mailto:stardoc2@gmail.com)  
PermitProposal : PL16-0097 and PL16-0098  
Comments : Dear Mr. Cerbone,  
My wife Marilyn and I have lived in the Skagit Valley since 1980.

We would like to comment on the SEPA determination issued by Skagit County Planning and Development Services in response to the mine development application submitted by Mile Sand & Gravel's. Applications of this type have many unforeseen effects on traffic, lifestyle, and environment.

While the conditions suggested in this MDNS are more substantial than in the previous one issued nearly five years ago, these conditions still reflect a limited understanding of the scale and scope of the project and offer only piecemeal and symbolic mitigation, rather than specific and prudent measures to protect our community's well-being.

There is no limitation on the volume of truck traffic. While the applicant suggests an average of 46 truck trips per day, it's clear that the average is a meaningless number when it comes to determining traffic safety impacts.

Speed limits, for example, are set based on the maximum safe speed of travel, and principle for a maximum limit on mine traffic volume should be similar. The applicant's own analysis suggests that up to 30 truck & trailer combos or up to 70 single dump truck trips per hour might occur. It is reasonable to expect the SEPA determination to evaluate the traffic safety impacts of the project based on this maximum, and mitigation conditions should set hard limits on this number, frequency, and duration.

We need a safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not. We are glad to see that the new MDNS recognizes and requires mitigation for the fact that truck & trailer combos are unable to navigate the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. However, this is not the only spot along the proposed haul route, or the other likely alternative routes, which are similarly difficult to traverse for truck & trailer combos. The S-curves on Grip Road are particularly challenging

and on a steep incline. These other locations must be evaluated, and mitigation measures required. What happens when a school bus meets a gravel truck on these shoulderless curves? Slow-moving trucks can cause irritation and provoke unsafe passing behaviors in some drivers.

Adding heavy mine traffic to our existing, substandard roads will cause increased damage and higher maintenance costs. These impacts must be evaluated and the applicant should be required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels. It's no secret that as the gross vehicle weight increases, the damage to road infrastructure increases exponentially.

As regards environmental concerns, the environmental review did not consider the full footprint of the project. Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

These are just a few of the concerns we share regarding this potential project. Each small piece of our local environment that gets mistreated adds up to a larger and more extensive impact on the whole.

Respectfully,  
Jerry and Marilyn Eisner

From Host Address: 73.221.165.250

Date and time received: 4/24/2021 12:56:47 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Sunday, April 25, 2021 10:18:57 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Saturday, April 24, 2021 10:35 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : WILLIAM D PFEIFER  
Address : 7472 Pressentin Ranch Dr  
City : Concrete  
State : WA  
Zip : 98237

email : [billpfeifer@yahoo.com](mailto:billpfeifer@yahoo.com)

PermitProposal : PL16-0097 & PL16-0098

Comments : Why is the County not following its own rules when considering this proposed gravel mine? One of many examples is the approval of a 200-foot buffer when Critical Areas Ordinance rules call for a 300-foot buffer. Also, the environmental review did not consider the full footprint of the project (60 acres, rather than the whole 700-acre property) and the huge number of dump trucks that would drive on the 2-mile access road. Is the County being pressured by big-money lobbying sources? This is totally unacceptable. Follow established rules and the law.

From Host Address: 66.235.39.246

Date and time received: 4/24/2021 10:31:47 AM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Sunday, April 25, 2021 12:20:02 PM

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Name : Anne Middleton  
Address : 12694 Josh Wilson Rd  
City : Mount Vernon  
State : WA  
Zip : 98273  
email : anne.jackm@gmail.com  
PermitProposal : PL16-0097 and PL16-0098  
Comments : I am requesting the County require a complete EIS for the proposed MILES Quarry expansion.

Moral imperative tells us to take the very best care as possible of the lands and inhabitants of our County. In this case, the requirement of a complete EIS, carefully looking at potential impacts of quarry expansion on the Samish River, a salmon river, on the endangered Oregon Spotted Frog marsh habitat, on air quality, and traffic impacts on a small rural road is called for.

The choice to do what is right, requirement of a complete EIS, as well as the requirement of the maximum 300 foot buffer for this high intensity land use, is the right path forward.

Thank you for your careful work on this land use proposal.

Cordially, Anne Middleton

From Host Address: 172.92.210.127

Date and time received: 4/25/2021 12:20:00 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Sunday, April 25, 2021 11:20:02 AM

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Name : Paula Shafransky  
Address : 22461 Prairie Rd  
City : Sedro-Woolley  
State : WA  
Zip : 98284-8586  
email : pshafransky@gmail.com  
PermitProposal : File #'s PL16-0097 & PL16-0098  
Comments : Dear Mr. Cerbone,

As a 28 year resident on Prairie Road I am writing to say I have grave concerns about the Mitigated Determination of Non Significance for the proposed Grip Road mine project. Because this mine is in my neighborhood, I have been following these developments for the past 5 years.

I have always had significant concerns about the assessment and application documents that supposedly addressed the environmental protections for wild life and fish as well as water and air quality. Concrete Nor'west's application for this mine was denied in 2018 due to incomplete application materials and factual inaccuracies. In reviewing the current documents I don't see that much has changed since then. The same environmental concerns I had in 2018 still don't appear to being addressed or taken seriously.

In addition, the road safety issues are paramount. I have traveled Prairie Road for 28 years and have seen traffic increase significantly as well as numerous close calls and accidents, particularly at the Grip Road and Prairie Road intersection. It is inconceivable that truck and trailer rigs would be able to navigate that corner in a safe fashion. The TIA provided an analysis showing these truck/trailer combinations cannot make the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. As far as I know this problem has not been addressed.

My husband and I moved to this area to enjoy a rural setting with quiet living, clean air, and wild life viewing in our back yard. This mine will drastically change all that. I don't believe the planning commission is doing its due diligence in the oversight of this project. One example of this is the commission is not following its own critical area ordinance which requires a 300 foot buffer zone in areas of high density land use. This whole project seems to be about ignoring public comments and legitimate concerns in order to facilitate Concrete Nor'West's business interests at the expense of the environment and public safety issues. This MDNS decision needs to be reversed, and a full EIS should be required before moving forward.

Thank you for your consideration in this matter.

From Host Address: 172.92.213.103

Date and time received: 4/25/2021 11:16:21 AM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Sunday, April 25, 2021 2:45:02 PM

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Name : Martha Hall  
Address : 2617 16th Street  
City : Anacortes  
State : WA  
Zip : 98221

email : pondfrog.mh@gmail.com

PermitProposal : File # PL 16-0097 and PL16-0098 (Grip Road Gravel Mine )

Comments : I am writing comments because of concerns about possible environmental impacts that should be carefully analyzed and presented to the public and decision-makers before a permit is considered.

A full Environmental Impact Statements is needed so all impacts to important critical areas are fully understood, considered and mitigated. This has not been done.

At the top of my list are concerns about impacts to fish and wildlife species that depend on the Samish River. Our County "Critical Area Ordinance" protects important wetlands and rivers like the area where this gravel mine is proposed by requiring large buffers when uses are "high intensity" as this mine certainly will be. Skagit County, WA State, our federal government and private citizens and landowners have spend large sums of money and countless hours of work to improve the Samish River and its adjacent wetlands and riparian areas. This has all been done because of concerns about species that are very important to the people of Skagit County, WA State and our country, several species of salmon and resident orcas. Numerous other species are tied into the food webs that support these species. These food webs extend into the Salish Sea and neighboring high quality wetlands and mudflats at the mouth of the Samish River. All of these are connected - as this gravel mine may also be connected in its impacts.

This project should not proceed until its full impacts are fully understood or it could mean a step backwards in everyone's efforts to improve the Samish River riparian areas and the Salish Sea.

A full Environmental Impact State (EIS) is needed so we know impacts that could occur from the road leading to the mine as well as the mine itself.

These have not been adequately considered.

Swift Creek is also a fish-bearing stream that could be impacted by this road. These impacts and mitigation need to be part of an adequate evaluation of this permit.

I don't see that there has been a formal "consultation" with the federal agencies that protect some of the protected species that might be impacted including bull trout and the spotted frog. This is required and needs to be part of the EIS.

I also do not see that wetland delineations have been completed which should be part of any permit that might impact wetlands and rivers which are "critical areas" . This should be in an EIS.



To protect wetlands and rivers, our CAO should require drainage plans which seem to be missing from this permit. Run-off poses one of the greatest threats to our rivers, wetlands and the Salish Sea. This is needed in an EIS.

Groundwater is another concern whenever we think about drainage, water tables and protecting rivers such as the Samish River in the case of this mine. The Samish flows directly into the Salish Sea. Again, groundwater is a source of pollutants for all of these important habitats. The depth of this mining operation is a huge concern because of its close proximity to the river and wetlands. These impacts to the groundwater have not been analyzed and disclosed.

Wildlife corridors have been identified by ecologists and biologists as one of the most important features of wildlife habitats. Wild animals need connectivity between their habitats so they can move from one area to another to find food, breed, and meet the challenges of their daily lives. The amount of truck traffic generated by this mine along adjacent roads as well as the impacts at the site of the mine may well mean loss of connectivity for many wildlife species. This may impact the smaller and less mobile species such as frogs and salamanders and larger ones such as deer and black bear.

Finally, as is always true, and most important, are the cumulative impacts. Most often it is not one project but instead it is the cumulative impact of many projects that result in degraded habitats. This could be true of the Samish River which is already compromised by many other uses. This mine could result in various and significant additional negative impacts because impacts will occur not only at the site of the proposed mining, but also from the many loads that will be carried many miles beyond this mine in diesel trucks. An EIS is needed to study these impacts on fish-bearing streams and wildlife corridors and other habitats.

It seems like little is really known about the negative impacts of this proposed mining operation because studies have been few and limited. Why is this when the county has a CAO that should be protecting a huge operation like the one that is proposed? Why hasn't an EIS already been required?

As a resident and tax payer in Skagit County, I also believe an EIS is needed so the public understands the added costs to tax payers of this project. We all notice and know and pay the costs of additional traffic. Additional heavy truck traffic will mean the need for far more road maintenance, repair, construction and signage. How will public safety be protected from the additional traffic and pollution from this truck traffic? These concerns have not been adequately addressed so that the public can evaluate and understand what this project will cost us.

Finally, do we care about the quality of life and safety issues raised by people who live where this mine is located and near where the truck traffic will be greatest? I live in Anacortes and I know I personally experienced the problems generated by mining of large rock that went from the Skagit River to Anacortes. I can't imagine what living along the truck route to this mine and/or near this mine might mean for the people who live nearby. I care about these people. I hope the county does too.

I hope Skagit County will decide to require a full Environmental Impact Statement for this mining permit. I am amazed by how inadequate the

MDNS was in analyzing and disclosing impacts of a project that is so near a river that is as important as the Samish River and a river that is so near the important mudflats of the Salish Sea. These are natural resources that are highly valued by the people of Skagit County and WA State. For the County to decide after such a limited and superficial assessment that impacts are not significant enough to require an EIS does not make sense.

Thank you for considering my comments,  
Martha Hall  
A concerned resident of Skagit County

From Host Address: 73.225.22.226

Date and time received: 4/25/2021 2:40:54 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Monday, April 26, 2021 7:09:44 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Monday, April 26, 2021 7:05 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Donna Schoonover  
Address : PO Box 207  
City : Bow  
State : WA  
Zip : 98232

email : [donnawh@earthlink.net](mailto:donnawh@earthlink.net)

PermitProposal : PL16-0097 & PL16-0098

Comments : I live on Prairie Road, west of Grip.

I am very concerned about the traffic safety and road impacts of this project. I am concerned about the intersection of Grip and Prairie. Even with the proposed changes I do not feel that this is adequate to prevent a fatal accident at that site. I am concerned about the gravel trucks navigating the tight corners without shoulders to the west of us before Highway 99 and the crashes that will happen there. I am concerned about the increased truck traffic pulling onto Highway 99, already the scene of multiple wrecks. I am concerned about our safety, pulling out of our driveway onto Prairie Road in a section that is known for excessive speeding and reckless passing which will be markedly increased by the proposed average of 46 truck trips a day. And I am concerned about the effects of these heavy trucks on Prairie Road which is already in poor condition from the traffic it is already experiencing.

I am also very concerned about the impacts of this increased traffic on our desired rural lifestyle. We bought and are maintaining this farm on Prairie Road in order to have a quieter, more peaceful existence. In doing so we are helping support multiple farm related, local businesses. But with this increase in noise and congestion, it may not be feasible for us to continue to live here, and one more small farm in Skagit County may bite the dust.

I hope you consider these impacts in your decision making regarding this proposal and can mitigate some of the damages.

Sincerely,  
Donna Schoonover

From Host Address: 172.92.229.37

Date and time received: 4/26/2021 7:02:17 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Monday, April 26, 2021 9:51:38 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Monday, April 26, 2021 9:40 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Anne Winkes  
Address : PO Box 586  
City : Conway  
State : Washington  
Zip : 98238-0586  
email : [annewinkes@gmail.com](mailto:annewinkes@gmail.com)  
PermitProposal : PL16-0097 and PL16-0098  
Comments : I am writing re PL 16-0097 and PL16-0098.

I urge the County to require a full Environmental Impact Statement (EIS) of the immediate, long term and cumulative adverse impacts posed by Miles Sand and Gravel's proposed gravel mine along the Samish River. The 60-acre open-pit mine that will eventually reach a depth of ninety feet is a major industrial scale proposal that will negatively impact the natural environment both on-site and off.

On April 15, 2021 the County issued a "Mitigated Determination of Non Significance" (MDNS) that did not consider all the possible adverse impacts of the proposed project on the environment. The issuance of a MDNS must be re-examined. The immediate, long-term, and cumulative adverse impacts to air and water quality and fish and wildlife habitat must be carefully studied and considered in a thorough and complete EIS.

A full EIS must consider not just the environmental impacts in the immediate vicinity of the 60 acre mine site. A full EIS must study the impacts, of which there are many, that will extend beyond that 60 acres.

A full EIS must analyze the immediate, long term and cumulative adverse impacts on the environment surrounding the two-mile haul road on which more than 11,000 trucks will pass each year as gravel is hauled from the pit mine toward its final destination. The EIS must examine all adverse impacts to the natural environment, including Swede Creek, a fish bearing stream over which the trucks will cross, and the adjacent Samish River by which the trucks will travel. Impacts on water quality and air quality must be studied. Impacts on wildlife and fish and their habitats must be analyzed. Mitigations must be proposed when the studies reveal adverse impacts.

The MDNS was based on a Fish and Wildlife Assessment done more than five years ago. A full EIS must study current conditions and habitat, including the potential impact on the Oregon Spotted Frog and the Bull Trout, both listed by the federal government as "threatened" species, with the Oregon Spotted Frog also listed as endangered in Washington State, and the

Bull Trout as a “candidate” for listing as an endangered species in Washington State.

The EIS must examine what impacts these same trucks will have on the wetlands that lie adjacent to the road. Wetlands protect and improve water quality. Wetlands are habitats for fish and wildlife. Wetlands’ plants and soil store carbon, thereby moderating global climate changes. A full EIS must study, survey and mark the wetlands. Wetlands are sensitive areas important to the health of the watershed. The adverse impacts of the project on the wetlands should not be ignored.

Prior to the issuance of the MDNS the impacts of the project on the fish, wildlife and habitat of neither the wetlands, Swede Creek, or the Samish River were evaluated. Because the impacts were not studied, no mitigation was, or could be, proposed. A full EIS must correct this omission and conduct in-depth studies of the impacts on the wetlands, on Swede Creek, and on the Samish River. Mitigations must be proposed and their impacts analyzed.

An EIS must look carefully at the buffer size recommended in the Fish and Wildlife Assessment submitted by Miles Sand and Gravel and determine if it is appropriate. A 60-acre gravel pit mine producing enough gravel to fill more than 11,000 truck loads per year is industrial scale mining. Industrial scale mining is a high intensity land use, yet Miles Sand and Gravel plan for only a 200 foot buffer, even though the Skagit County Critical Area Ordinance requires a 300 foot buffer adjacent to high intensity land use.

The 70 acres owned by Miles Sand and Gravel is the last large area of undeveloped land lying between Butler Hill, the Samish River and Anderson Mountain. Cougar, bear and bobcat inhabit and travel through these acres. The routes of these animals must be identified as these animals are dependent on intact wildlife corridors and protection from disturbance within their large territories if they are to survive. The MDNS did not identify nor protect these wildlife corridors. No mitigations were proposed. A full EIS must correct this omission.

An EIS must study the immediate, long term and cumulative impacts of the project on water pollution, air pollution and noise pollution. If adverse effects are revealed, mitigations must be proposed and their effectiveness evaluated.

In summary, The State Environmental Policy Act (SEPA) review done by the County prior to issuing the MDNS failed to take into account all the environmental impacts of the project. A full EIS must review in depth what the SEPA review did not. The County must require a full EIS that will study and analyze the immediate, long term and cumulative effects of the project on the environment both onsite and offsite. The County must require the full EIS contain mitigation proposals for all adverse impacts.

Thank you for considering my comments.

Anne Winkes  
18562 Main St.  
PO Box 586  
Conway, WA  
98238

From Host Address: 172.92.226.32

Date and time received: 4/26/2021 9:37:23 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Monday, April 26, 2021 2:35:51 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Monday, April 26, 2021 2:25 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Lucy W Eggerth  
Address : 1304 39TH ST  
City : BELLINGHAM  
State : WA  
Zip : 98229

email : [lweggerth@gmail.com](mailto:lweggerth@gmail.com)

PermitProposal : PL16-097 and PL16098

Comments : I am writing to express my opposition to the proposed Grip Road Gravel Mine. This development will cause significant harm to the natural environment and wildlife habitats along the Samish River and Swede Creek as well as upland wildlife habitat. Before this proposal moves forward the County needs to reverse its Threshold Determination under SEPA and require a full Environmental Impact Statement that evaluates the impacts of the proposed project and identifies alternatives.

Respectfully submitted,

Lucy Eggerth

From Host Address: 71.197.249.80

Date and time received: 4/26/2021 2:21:19 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Wednesday, April 28, 2021 7:42:58 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Wednesday, April 28, 2021 5:45 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Rick Eleazer  
Address : PO Box 657  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [rickeleazer@aol.com](mailto:rickeleazer@aol.com)  
PermitProposal : CNW Gravel Pit. Grip Rd. Permit Application PL16-0097  
Comments : 2019 10-16 ADDENDUM  
Logging other parcels.

Noise study.

Response

Have they studied dump trucks or other equipment noise impact throughout the neighborhood. "No" Just the inner site of the gravel pit itself. If a dump truck goes by your house do you here it "YES" one truck is one thing but all day long, through out the year. This would be quite annoying. This would be a public nuisance and a safety issue.

There could not be anyone walking, riding a bike, or walking their dog(s) on the roads. They are not wide enough now as they are. The load noise of the trucks can cause safety issues as well for people and animals along the roadway by getting them scared and jumping into the ditch or the travel lane(s).

On--off site spill prevention & control measures for water quality.

You can not stop all pollution, you can control it, and contain it until its cleaned up. But eventually there will be a times where its not caught or cleaned up properly and ending up in environmental impacting the land and vegetation. Then potentially winding up into the aquatic system such as Swede creek and Samish river water shed below the CNW Grip Rd Gravel pit. Please review 2018 WSDOT Spec. 1-07.4-----1.07.7 (2) 1—07.230

2019 10-1 Exhibit

Water pollution control & sources.

Response

All equipment breaks down sooner or later. Hyd. Hoses blow and break, along with the following. Radiators, Transmission and other petroleum transport lines or hoses. Sometimes you don't find out until it's too late, or the tank is empty. Sometimes you catch it. But no mater how big or small it is.

Its absorbed by the native ground. Sometimes it cleaned up, other times not. Then in the rainy days. It gets tracked around the site and out by equipment, and trucks going into, and out of the site, with smaller amounts on their tires that creates pollution everywhere. It's called track out. Whether it be oil, gas, diesel, dirt, dust or mud. It's all considered pollution by the



WSDOT standards. Environmental impact.

Then what about the dust. What about the mud. What about oil track leaking out the dump trucks as they drive up and down the road next to the ditches that lead into the near-by streams and rivers.

All these ditches around the site, or along the roadway go right into Swede creek or the Samish river.

To add to this. I'm sure the public doesn't understand how a gravel pit works. You take out loads of gravel all day long, then in return you bring back other waste or spoil materials from other sites to fill that hole back in.

Who knows from where or what was on this site years ago. That material brought back can be contaminated with various chemicals, oils and bio hazard materials. This would increase the potential hazard of possibility of the water and site pollution. Contamination to the wildlife and aquatic water shed around and below the said project..

## 2019 10-16 RESPONSE

Updated Traffic report.

Response

Why was this study done by just one sub-contractor picked by Miles Sand & Gravel out of Preston, Wa. They know nothing about our neighborhood or Skagit County. There is nothing mentioned about the surrounding area traffic impact on the Grip Rd. , Prairie Rd., Bow Hill, Hwy 99, or any intersections, blind corners, or roads that are not wide enough for two trucks and trailers to travel on at the same time, at or around the said project.

The Grip Rd can't be expanded as it is now. The road now is to the R/W limits. As you can see.

The power poles are in the ditches. This is the R/W line. Miles would have buy a portions of the landowners property to expand and widen the roadway on grip road and Prairie Rd. to the new construction standards. It doesn't say or mention the rail road bridge that has a low clearance on Prairie Rd. by Hwy 9.

The Grip Rd. is not designed for heavy traffic. It shows every year at the S corners at the bottom of the hill of Grip Rd. just below the said project. It breaks and cracks apart at the surface.

( Reading EX.3 DOC 7)

Gary Norris of DN Traffic Consultants states. ""States"" There is not enough dump trucks in Skagit county to fulfill the quantities they want to remove each day.

Response

This is not a true statement. Mills Sand & Gravel own trucks in WHATCOM, SKAGIT, SNOHOMISH, KING, PEIRCE Co. If they need more trucks, they just call and rent like all other Sub-Contractors do. I see Whatcom and Skagit Co. dump trucks all the time in King or Snohomish Co. working every day of the week. I'm sure they would rather work up north where they live.

Plus, I know for a fact Miles/ CNWs takes trucks from other locations to fill the gap if needed. Supply & demand.

EX. 1 -4.5.18

While the access road is currently being used for forest practice activities.

Response

No this statement is not true. Logging roads are not built with drainage ditches, culverts, cleared wide enough for two trucks to pass at the same time. Then gravel place down and graded like a standard gravel roadway is built. This supposedly logging road was built for heavy traffic, long term use.

Additionally, existing traffic reports from DN Traffic Consultants have not alleviated public concern. As a result, Skagit County Public Works is in the process of retaining a third party traffic consultant to further evaluate potential traffic impacts of the proposed project, including safety concerns relating to pedestrians, bicycle riders, and school bus stops. Pursuant to sec 14.16.440(8)(i), the consultant will also determine whether the "roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable State and local regulations." Finally, the consultant will evaluate the sufficiency of the proposed mitigation and may propose additional mitigation if necessary to reduce or eliminate potential traffic impacts.

Response

The Grip Rd. is differently not wide enough for two dump trucks to pass at the same time, and I don't think Prairie Rd. in certain areas are not either. The road is an oil mat road. Its not designed for heavy hauling traffic day in and day out through the year. You can see signs of fatigue from the last few years of Miles Sand and Gravel working at the Samish pit from heavy truck traffic from hauling logs out clearing their gravel pit area. Bringing in other materials to build the roadway. Equipment pick up and Delv. There was never any problems before until then.

Then the intersection at Prairie Rd. and Grip Rd. is a blind corner. As a Past Volunteer fire fighter EMT for Skagit Co. Dist 8. Of 15 years. Prairie / Hickson halls. I have been on many accidents at this intersection. It's a blind corner. Someone pulling out onto prairie road from grip in a car is frightening enough some times when a car comes 50 Mph around the corner. Can you image a truck and trailer pulling out and onto Prairie road. Major Accidents.

They grip road can't be expanded as it is now. The road now is to the R/W limits. Miles would have buy a portion of the landowners property to expand the roadway on grip road and Prairie Rd.

Have they even done any core samples to see what the depth of the roadway section , or what's underneath it for stabilization.

Then. Just recently. The Skagit Co. Public works has removed a portion of that blind corner at Grip & Prairie. How did this become after all these years until the Gravel Pit is up for renewal now !!!!

It's still a public and traffic safety concern as it is now.

Also. They left the embankment vertically. That's illegal. Needs to be sloped back or fenced for public safety.

EX. 2 -3.14.17

“Shall not create undue noise, odor, heat, vibration, air or water pollution”

Response

In mining, you are going to do all the above.

You'll have equipment noise, mechanical various break downs, air pollution, dust falling into the aquatic and surrounding neighborhood. Then if you add a screen/ crusher plant you increase all the above while making sand, and smaller crushed rock materials for use.

For the 2000 gal fuel tank.

Response

This would need a 100% containment around it, with a oil /water separator installed to catch the diesel that gets spilled. Yes. it spills and drips every time you fuel something, or receive fuel form a supply truck. Environmental Impact

EX. 3 1 of 7 5.15.17

Response

46 trucks. This would be one every 10.43 minutes. Would you want this in front of your house our your neighborhood that is not designed for this type of use on the oil mat roads not wide enough for two truck to pass at the same time, or a dump truck and passenger car. Especially the winding corners of the Grip Road are subject to collapsing and moving due to all that surge pressure in which has been receiving and has shown in the last years of miles sand and gravel already prepping the gravel pit behind the tree line here so the public can't see. The county has been out here fixing it every year lately because the roadway has been moving. Again. These roads are not designed for heavy traffic. It's a residential. Not commercial. There are no shoulders. Only deep ditches on both sides of the road. No escape routes for public safety if needed.

EX. 3 doc 3 of 7

Bridge load limits. Grip Rd.

Response

U80 load limits. Grip Rd. Samish river bridge. The Maximum load design for this bridge is 37,000 Lbs. A loaded truck and trailer is 33,000---35,000 lbs loaded. Not far from the max load limit design. This bridge is not intended to get massive heavy traffic day in and day out. If this bridge was to fail or collapse. This would put a High Impact on this neighborhood such as emergency vehicles responding to aid, or fire calls, school buses, public access and transportation.

I'm very concerned about our neighborhood being turned into a Noisy, Dusty, Un-Safe for Public and Traffic, Damaged Aquatic system of the surrounding waters. Our roads getting damaged, to and from our homes being impacted daily throughout the year(s).

This would also, I believe drive our taxes up for road repairs for others, as well as a decline in property values.

Rick Eleazer

From Host Address: 172.92.225.18

Date and time received: 4/28/2021 5:43:20 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Tuesday, April 27, 2021 4:45:18 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Tuesday, April 27, 2021 2:15 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Dale Romain Abbott  
Address : P.O. Box 804  
City : Burlington  
State : WA  
Zip : 98233  
email : [d\\_abbott@hotmail.com](mailto:d_abbott@hotmail.com)  
PermitProposal : PL16-0097 & PL16-0098  
Comments : April 27, 2021  
Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Proposed Concrete Nor'west Gravel Operation Near Grip Road  
Special Use Permit Application PL16-0097  
And Mitigated Determination of Non-Significance for proposed Grip Road Gravel Mine  
File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to register my concerns about the proposed gravel mine along Grip Road which I believe will have significant deleterious effects on the surrounding environment and community. Many of these concerns do not appear to have been adequately addressed in the proposal.

First, there does not seem to be any mention about the safety of pedestrian and bicycle traffic on Grip and Prairie Roads. The shoulders are non-existent on long stretches, and yet I see many of my neighbors out walking or biking these roads on a regular basis. I also regularly ride my bike on Prairie Road for exercise. Having to share this road with huge dump trucks is a frightening thought.

I am worried about the environmental impact to the natural environment of the Samish River. This valley is home to a variety of wildlife which both reside here permanently or transit through. I've had a bobcat on my land, and my neighbor had a cougar cross his property. In addition, there are deer, coyotes, opossums, raccoons, muskrats, beaver, and all manner of amphibians, reptiles, salmon, and birds living here.

There does not appear to be any mention of wetlands protection in the proposal despite the

haul road crossing Swede Creek and the forest buffer being established as only 200 feet from the Samish River. The county's own regulations require a 300 foot buffer when adjacent to "high intensity" land use. As pointed out by the Central Valley Samish Neighbors group, a gravel mine would most certainly qualify as "high intensity" land use.

Another environmental concern I have that does not appear to have been addressed is the problem of light pollution. I can't tell from the reams of papers which have been filed just exactly what the working hours of the mine will be, and I see no mention of what kind of lighting will be utilized. Light pollution can have a significant deleterious effect on wildlife---particularly birds and insects---and there is growing evidence that it is harmful for human health as well.

I am worried about the effect that this mine will have on groundwater. By definition, they will be mining gravel which is much more porous than other forms of earth. How can they be sure that sediment, petroleum products, and other toxic debris will not migrate through the ground into the Samish River? Also, how will they handle runoff from the haul road and where will it go when it is raining? These concerns do not appear to have been adequately addressed in the proposal.

The noise studies mention the additional noise that the mine will contribute to the general background, but it is hard for me to believe that such low numbers can come from intermittently dumping a bucket load of gravel into the metal bed of a dump truck. I've stood next to that kind of activity, and it hurt my ears. The examiner must have been referring to the routine operation of the motors and trucks, not the dumping of gravel. Also, will the trucks be using their compression brakes as they descend the haul road? I grew up in Darrington, and you could hear the logging trucks coming into town from a mile away.

Before the mine proposal moves forward, I believe that the county needs to require a full Environmental Impact Statement to address these concerns and how they might be mitigated.

Thank you for your time and consideration.

Sincerely,

Dale R. Abbott  
22290 Prairie Road  
Sedro-Woolley, WA 98284

[d\\_abbott@hotmail.com](mailto:d_abbott@hotmail.com)

From Host Address: 172.92.195.144

Date and time received: 4/27/2021 2:13:02 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Wednesday, April 28, 2021 3:48:15 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Wednesday, April 28, 2021 10:45 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Donald J Allgire  
Address : 1607 Birch Court  
City : MOUNT VERNON  
State : Washington  
Zip : 98274  
email : [dkallgire@hotmail.com](mailto:dkallgire@hotmail.com)

PermitProposal : PL16-0097 PL16-0098

Comments : I was a Union Carpenter for 30 years and I am not anti growth. My wife and I built our dream home in 1994 at 17939 Valley Ridge Lane, fronting East Hickox Road 1/2 mile from Meridian Aggregates Rock Quarry. We experienced first hand the effects of Gravel Truck Traffic on a road with little or no shoulder. During times of flooding Truck Traffic was greatly increased to reinforce Dikes in Skagit and Snohomish Counties. Often times schedule overshadowed safety. As East Hickox had an abundance of litter my wife volunteered to "Adopt East Hickox". The County and State denied her request since there was little or no shoulder and "it is not safe". It was also not safe to walk or ride a bicycle. In 2005 we moved into town where it was safe to walk.

As a member of the Skagit Bicycle Club I have ridden the roads all around the proposed Concrete Nor'west Rock Quarry. I know 1st hand the safety issues created by the Quarry as proposed. Unlike Seattle we do not have miles of converted Rails to Trails and must ride the Rural roads.

The County has a responsibility to fairly represent the citizens of Skagit County and follow the permit requirements as they were written and not " Rubber Stamp " this in the interest of Business or Tax Revenue. Respectfully Donald Allgire

From Host Address: 107.77.205.114

Date and time received: 4/28/2021 10:40:54 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Wednesday, April 28, 2021 4:42:15 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Wednesday, April 28, 2021 10:50 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Erin Heckman  
Address : 19254 Prairie rd  
City : Sedro Woolley  
State : washington  
Zip : 98284  
email : e.heckman@hotmail.com  
PermitProposal : grip road gravel pit  
Comments : I live on Prairie rd at the S curves. I have several concerns.

The first being the safety of my children getting on and off the bus at the S curve in front of our house, gravel trucks with delayed stopping time ability greatly concern me. this and also the potential increase for accidents in front of our home.

Second the noise due to the increase in traffic and size/type of vehicles.

Third; Decreased property values due to traffic, noise and/or encroachment on property for widening of roads.

fourth- water quality from our well, will mining release heavy metals into our water supply posing potential hazards to our health?

This road has many persons/children riding bikes. and walking, this gravel mine will adversely effect our quality of life. I hope that the mine approval will be reconsidered as our neighborhood would be ruined with the addition of this gravel pit.

From Host Address: 66.165.40.10

Date and time received: 4/28/2021 10:48:41 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Wednesday, April 28, 2021 4:42:35 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Wednesday, April 28, 2021 10:55 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Mary Ruth Holder  
Address : 201 S. 7th St.  
City : Mt Vernon  
State : WA  
Zip : 98274

email : [mruthholder@gmail.com](mailto:mruthholder@gmail.com)

PermitProposal : Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098  
Comments : Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

Dear Mr. Cerbone:

We are writing to express our opposition to the Mitigated Determination of NonSignificance (MDNS) issued for the above-referenced Puyallup based Miles Sand and Gravel proposal for the 90-foot deep open pit Grip Road Gravel Mine, an industrial-scale mining operation adjacent to the Samish River. Among other things, this project would cause significant adverse impacts and irreparable harm to the natural environment, including to water and air quality and fish and wildlife habitat. The issuance of the MDNS is inappropriate: a full Environmental Impact Statement (EIS) should be required for the project. The applicant failed to identify all of the areas impacted by the project and to provide updated and complete studies of all fish and wildlife adversely impacted. Additionally, the MDNS allows applicant to violate the County's Critical Area Ordinance.

The flawed MDNS only took into account just 60 acres of the project's impact, and ignored applicant's more than 700 contiguous acres and the two-mile long private road over which 11,000 truck trips will travel annually. Significantly, this private road is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed. Sensitive areas and buffers within the entire project area (not just the 60-acre mine site) must be identified so that operators and regulators know where they are. Significant adverse impacts to these sensitive areas would be made worse by the County's allowing applicant to provide only a 200-foot buffer on the river instead of complying with the County's Critical Area Ordinance requiring a 300-foot buffer based on applicant's proposed high intensity land use (industrial scale mining. An appropriate environmental review (EIS)



must consider the full footprint of this project and all of its impacts.

The MDNS determination is based on applicant's out-of-date and incomplete Fish and Wildlife Assessment. This Assessment is more than five years old despite the fact that the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as "Endangered" in Washington State and "Threatened" federally. In addition, critical habitat for Bull Trout is located just downstream. Bull Trout is a "Candidate" species for listing in WA State, and is already listed as "Threatened" federally. The MDNS ignores these "ESA species" and does not require any protective measures for them. Furthermore, the County failed to consult with the appropriate state and federal agencies responsible for protecting these species pursuant to SEPA.

The MDNS was issued in the absence of a full wetlands delineation. Thus, there is no requirement for surveying and permanently marking wetlands. Sensitive areas and buffers within the entire project area (not just the mine site itself) must be identified so that operators and regulators know where they are.

Wildlife corridors were neither identified nor protected. This site is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. It is used by cougar, bear and bobcat - all animals that require large territories and are sensitive to disturbance.

Significant adverse water quality impacts could result from runoff from the private haul road, yet there is no drainage plan to identify treatment measures for this runoff. The high volume of truck traffic is likely to cause excess sedimentation and potential contamination from petroleum products that could pollute surface water flowing into Swede Creek, a fish bearing stream. An effective drainage plan must be developed.

Impacts to groundwater from the (eventually 90-foot deep) mining pit have not been adequately evaluated, and needed groundwater protection measures are not required in the MDNS. Applicant proposes to excavate the mine to within 10 feet of groundwater. Although applicant claims that runoff from the disturbed site will drain into the mine, and that infiltration will protect the groundwater, it is unclear how that ten-foot limit was determined, how the operation will avoid penetrating the water table and how seasonal groundwater fluctuation may influence drainage. The MDNS fails to consider the permeable nature of sand and gravel, thus it is unclear whether ten feet would be sufficient to filter out contaminants such as petroleum product spills. Applicant failed to address whether the groundwater at the site, essentially at the level of the Samish River and flowing directly into it, would contaminate the river.

Applicant failed to evaluate the impacts of emissions and dust on air quality resulting from mining equipment and hauling material minimum of 240,000 cumulative miles per year driven by diesel gravel trucks. No mitigation plan was prepared for this significant adverse impact on air quality.

Finally, the MDNS ignores the cumulative adverse impacts that the mine would create over its 25 years of operation. Neither on-site nor off-site cumulative impacts were evaluated. The twenty-five year period of this large mining operation will radically change and irreparably harm the landscape and important wildlife habitat and fish bearing streams. It will also

degrade the quality of life of residents in surrounding areas and threaten their public health and safety (cumulative adverse impacts from noise, vibrations, air pollution and heavy diesel truck traffic driven more than 5,500,000 cumulative miles over the 25 year period).

For all of the above reasons, we request that you withdraw the MDNS and require a full EIS. Alternatives considered must include 1.) no permit and 2.) issuance of a permit for a much smaller operation for which impacts would be fully mitigated by applicant. Any permit must provide that any project expansion or other change to the operation will require a new application and full environmental review. If the applicant still fails to provide all the necessary updated and accurate information for purposes of an EIS, the permit must be denied. Thank you for your attention to our comments.

Sincerely,  
Mary Ruth and Phillip Holder

From Host Address: 50.34.142.207

Date and time received: 4/28/2021 10:51:43 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Thursday, April 29, 2021 7:32:18 AM

---

From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Thursday, April 29, 2021 4:50 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Rick Eleazer  
Address : PO Box 657  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [rrickeleazer@aol.com](mailto:rrickeleazer@aol.com)  
PermitProposal : Samish River Gravel Pit. Miles/ CNW Grip Rd. Gravel Pit  
Comments : Question:  
Logging other parcels.  
Noise study.

Response

Have they studied dump trucks or other equipment noise impact throughout the neighborhood. “No” Just the inner site of the gravel pit itself. If a dump truck goes by your house do you here it “YES” one truck is one thing but all day long, through out the year. This would be quite annoying. This would be a public nuisance and a safety issue. There could not be anyone walking, riding a bike, or walking their dog(s) on the roads. They are not wide enough now as they are. The load noise of the trucks can cause safety issues as well for people and animals along the roadway by getting them scared and jumping into the ditch or the travel lane(s).

Question:

On--Off site spill prevention & control measures for water quality.

You can not stop all pollution, you can control it, and contain it until its cleaned up. But eventually there will be a times where its not caught or cleaned up properly and ending up in environmental impacting the land and vegetation. Then potentially winding up into the aquatic system such as Swede creek and Samish river water shed below the CNW Grip Rd Gravel pit. Please review 2018 WSDOT Spec. 1-07.4-----1.07.7 (2) 1—07.230

Question:

2019 10-1 Exhibit  
Water pollution control & sources.

Response

All equipment breaks down sooner or later. Hyd. Hoses blow and break, along with the following. Radiators, Transmission and other petroleum transport lines or hoses. Sometimes you don't find out until it's too late, or the tank is empty. Sometimes you catch it. But no

mater how big or small it is.

Its absorbed by the native ground. Sometimes it cleaned up, other times not. Then in the rainy days. It gets tracked around the site and out by equipment, and trucks going into, and out of the site, with smaller amounts on their tires that creates pollution everywhere. It's called track out. Whether it be oil, gas, diesel, dirt, dust or mud. It's all considered pollution by the WSDOT standards. Environmental impact.

Then what about the dust. What about the mud. What about oil track leaking out the dump trucks as they drive up and down the road next to the ditches that lead into the near-by streams and rivers.

All these ditches around the site, or along the roadway go right into Swede creek or the Samish river.

To add to this. I'm sure the public doesn't understand how a gravel pit works. You take out loads of gravel all day long, then in return you bring back other waste or spoil materials from other sites to fill that hole back in.

Who knows from where or what was on this site years ago. That material brought back can be contaminated with various chemicals, oils and bio hazard materials. This would increase the potential hazard of possibility of the water and site pollution. Contamination to the wildlife and aquatic water shed around and below the said project, and the community ground water wells

Question:

Updated Traffic report.

Response

Why was this study done by just one sub-contractor picked by Miles Sand & Gravel out of Preston, Wa. They know nothing about our neighborhood or Skagit County. There is nothing mentioned Response about the surrounding area traffic impact on the Grip Rd. , Prairie Rd., Bow Hill, Hwy 99, or any intersections, blind corners, or roads that are not wide enough for two trucks and trailers to travel on at the same time, at or around the said project.

The Grip Rd can't be expanded as it is now. The road now is to the R/W limits. As you can see.

The power poles are in the ditches. This is the R/W line. Miles would have buy a portions of the landowners property to expand and widen the roadway on grip road and Prairie Rd. to the new construction standards. It doesn't say or mention anything about the low rail road bridge that has a low clearance on Prairie Rd. by Hwy 9. I believe this is a bias traffic report just for Miles/CNW

The Grip Rd. is not designed for heavy traffic. It shows every year at the S corners at the bottom of the hill of Grip Rd. just below the said project. It breaks and cracks apart at the surface.

Question:

Reading EX.3 DOC 7)

Gary Norris of DN Traffic Consultants states. ""States"" There is not enough dump trucks in Skagit county to fulfill the quantities they want to remove each day.

Response

This is not a true statement. Mills Sand & Gravel own trucks in WHATCOM, SKAGIT, SNOHOMISH, KING, PEIRCE Co. If they need more trucks, they just call and rent like all other Sub-Contractors do. I see Whatcom and Skagit Co. dump trucks all the time in King or Snohomish Co. working every day of the week. I'm sure they would rather work up north

where they live.

Plus, I know for a fact Miles/ CNWs takes trucks their own trucks from other locations to fill the gap if needed. Supply & demand.

Question:

While the access road is currently being used for forest practice activities.

Response

No this statement is not true. Logging roads are not built with drainage ditches, culverts, cleared wide enough for two trucks to pass at the same time. Then gravel place down and graded like a standard gravel roadway is built. This supposedly logging road was built for heavy traffic, long term use.

Question:

Additionally, existing traffic reports from DN Traffic Consultants have not alleviated public concern. As a result, Skagit County Public Works is in the process of retaining a third party traffic consultant to further evaluate potential traffic impacts of the proposed project, including safety concerns relating to pedestrians, bicycle riders, and school bus stops. Pursuant to sec 14.16.440(8)(i), the consultant will also determine whether the "roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable State and local regulations." Finally, the consultant will evaluate the sufficiency of the proposed mitigation and may propose additional mitigation if necessary to reduce or eliminate potential traffic impacts.

Response

The Grip Rd. is differently not wide enough for two dump trucks to pass at the same time, and I don't think Prairie Rd. in certain areas are not either. The road is an oil mat road. Its not designed for heavy hauling traffic day in and day out through the year. You can see signs of fatigue from the last few years of Miles Sand and Gravel working at the Samish pit from heavy truck traffic from hauling logs out clearing their gravel pit area. Bringing in other materials to build the roadway. Equipment pick up and Delv. There was never any problems before until then.

Then the intersection at Prairie Rd. and Grip Rd. is a blind corner. As a Past Volunteer fire fighter EMT for Skagit Co. Dist 8. Of 15 years. Prairie / Hickson halls. I have been on many accidents at this intersection. It's a blind corner. Someone pulling out onto prairie road from grip in a car is frightening enough some times when a car comes 50 Mph around the corner. Can you image a truck and trailer pulling out and onto Prairie road. Major Accidents.

They grip road can't be expanded as it is now. The road now is to the R/W limits. Miles would have buy a portion of the landowners property to expand the roadway on grip road and Prairie Rd.

Have they even done any core samples to see what the depth of the roadway section , or what's underneath it for stabilization.

Then. Just recently. The Skagit Co. Public works has removed a portion of that blind corner at Grip & Prairie. How did this become after all these years until the Gravel Pit is up for renewal now !!!! and new traffic study. Its still a blind corner for traffic doing 50 MPH and a truck or cars pulling off Grip Rd. onto Prairie Rd.

It's still a public and traffic safety concern as it is now.

Also. They left the 20' embankment vertically. That's illegal. Needs to be sloped back at a 2:1

or fenced for public safety.

Question:

Shall not create undue noise, odor, heat, vibration, air or water pollution”

Response

In mining, you are going to do all the above.

You’ll have equipment noise, various mechanical break downs, air pollution, dust falling into the aquatic water supply, ground water wells and surrounding neighborhood would hear and see signs of all the above..

Then if you add a screen/ crusher plant you increase it to double or more to all the above while making sand, and smaller crushed rock materials for use.

Question:

On-site 2000 gal fuel tank.

Response

This would need a 100% containment around it. A concrete barrier that would contain any leak or breakage of the said tank. Needs a oil /water separator installed to catch the diesel that gets spilled.

Yes. Spills and drips happen every time you fuel something up, or receive fuel form a supply truck. Its a on going Environmental Impact.

There is nothing mention about fuel spills clean up, or various spill kit stations if needed. What actions are taken to prevent this or to do in case of.

Question:

EX. 3 1 of 7 5.15.17

46 trucks. This would be one every 10.43 minutes. Would you want this in front of your house our your neighborhood that is not designed for this type of use on the oil mat roads not wide enough for two truck to pass at the same time, or a dump truck and passenger car. Especially the winding corners of the Grip Road are subject to collapsing and moving due to all that surge pressure in which has been receiving and has shown in the last years of miles sand and gravel already prepping the gravel pit behind the tree line here so the public can’t see. The county has been out here fixing it every year lately because the roadway has been moving. Again. These roads are not designed for heavy traffic. It’s a residential. Not commercial. There are no shoulders. Only deep ditches on both sides of the road. No escape routes for public safety if needed.

Question:

Bridge load limits. Grip Rd.

Response

U80 load limits. Grip Rd. Samish river bridge. The Maximum load design for this bridge is 37,000 Lbs. A loaded truck and trailer is 33,000---35,000 lbs loaded. Not far from the max load limit design. This bridge is not intended to get massive heavy traffic day in and day out. If this bridge was to fail or collapse. This would put a High Impact on this neighborhood such as emergency vehicles responding to aid, or fire calls, school buses, public access and transportation.

I'm very concerned about our neighborhood being turned into a Noisy, Dusty, Un-Safe for Public and Traffic safety, Damaged Aquatic system of the surrounding waters. Our roads getting damaged, then the impact to and from our homes being impacted daily throughout the year(s) due to these heavy trucks and added traffic  
This would also, I believe drive our taxes up for road repairs for others to use and damage, as well as a decline in property values, due to pollution and noise .

RE

From Host Address: 172.92.225.18

Date and time received: 4/29/2021 4:45:45 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Carbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Thursday, April 29, 2021 2:56:55 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Thursday, April 29, 2021 2:45 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Rick Brumfield  
Address : 5318 Cedar Ridge Pl.  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [rbb123@frontier.com](mailto:rbb123@frontier.com)

PermitProposal : PL16-0097and PL18-0200

Comments : Re PL16-0097 and PL18-0200 ... the gravel pit project off Grip Road:

1. I know it is anecdotal, but I have already been personally run off Grip Road by these truck trailer combos ... twice. My fear is Skagit County is going to allow this activity to happen without sufficient safeguards to prevent severe injury or even death. Avoiding these truck trailer combos, especially in the tight turns where they violate their lanes, is a literal impossibility. There are either no shoulders or inadequate shoulders to provide “bail out” space. The county and Miles/Concrete Nor'West, could quite likely find themselves in costly lawsuits having to defend against serious injury or wrongful death by allowing the project to proceed with pre-knowledge of such hazardous conditions.
2. One option, to at least partially mitigate such hazardous conditions, would be to require the too wide truck trailer combos or lane violating truck trailer combos to use flaggers, or pilot/escort vehicles. Does Washington State Law already require such mitigations for “too wide” or lane violating vehicles?
3. Re the lane violation issue, item #12. (2) ... the NOTICE OF WITHDRAWN and RE-ISSUED MDNS speaks to the required mitigations if trailers are going to be used. The county and the applicant need to realize at these lane violation locations, the normal two lane roads really become one lane roads. The required mitigations need to be adequate to prevent related collisions ... recommend automated red-light/green light one lane control systems.
4. 25 years is significant ... to say it is non significant is a terrible judgment call.
5. The proposed volume of truck traffic is significant ... to say it is non significant is a terrible judgment call.
6. I do not think this project should be allowed to proceed at all.
7. At a minimum, the project should be required to submit a full EIS ... again, the project is significant.
8. If the project is allowed to proceed, one thing that might help would be to add fog lines to Grip Road. While there are no shoulders to provide “bail out” space, adding fog lines might at least encourage all vehicles to stay in their respective lanes and their drivers to know where the edge of the road is.
9. Or/and add guard rails along grip where there are no or inadequate shoulders ... that is what that county did recently on Prairie between Old 99 and the Prairie/Grip Road intersection ... and that was along a straight stretch of road. Guard rails along dangerous curves should be a



higher priority.

10. Truck trailer combos waiting to turn left, from Grip Road onto the access road, are going to block traffic wanting to proceed further west on Grip. Miles/Concrete Nor'West should be required to provide a center turn lane of adequate length to prevent such blockages.

From Host Address: 68.116.101.110

Date and time received: 4/29/2021 2:43:44 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Thursday, April 29, 2021 12:03:55 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Thursday, April 29, 2021 11:25 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Julia Hurd  
Address : 19396 Ashe Lane  
City : Burlington  
State : WA  
Zip : 98233-8578  
email : [hurdjulia@gmail.com](mailto:hurdjulia@gmail.com)

PermitProposal : Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

Comments : I live in Alger, not far from the proposed Grip Road Gravel Mine. I am concerned about the effects on traffic, nature, and the radical change in the neighborhood from such a massive industrial project. I understood the now closed gravel mine on Highway 99 at the bottom of Bow Hill Road, and now the replacement mine farther down on 99 next to I-5 in terms of need and location, but this mine is significantly different.

The Grip Road Gravel Mine is located in a rural, sensitive, undeveloped 700-acre parcel of land next to a creek as well as the Samish River. Both are fish bearing and the home to listed threatened species. This mine will have negative impacts on and change life dramatically for local residents, wildlife and the environment.

The roads in and out of the mine are back county roads, not suitable for up to 30 noisy, heavy gravel trucks with trailers per hour; this is a problem for traffic, cyclists, pedestrians. The shoulders are too narrow in places and the roads were not designed for industrial usage or this type of traffic. Who will pay for road and safety improvements?

Such enormous industrial usage in this rural area poses threats to drainage, noise, emissions, groundwater, fish, wildlife wetlands, property values and everyday living. The impacts, especially over the 25 year life of the project, are all areas of concern that need to be fully addressed in an Environmental Impact Statement. The scope and location of the mine demand this.

Thank you for considering my concerns.

Julia Hurd

From Host Address: 172.92.219.225

Date and time received: 4/29/2021 11:21:17 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Thursday, April 29, 2021 5:26:17 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Thursday, April 29, 2021 3:55 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Suzanne Butler  
Address : 109 S. 9th St  
City : Mount Vernon  
State : WA  
Zip : 98274  
email : [suzanne.butler@outlook.com](mailto:suzanne.butler@outlook.com)

PermitProposal : Proposed Gravel Mine off Grip Road

Comments : Dear Commissioners Browning, Wesen, and Janicki,

I would ask you to give serious thought to allowing a huge, open pit, gravel mine near Grip Rd in rural Skagit County. There is nothing environmentally insignificant about the proposal. It is close to the Samish River with a smaller buffer than usually demanded. Every river is a delicately balanced ecological system that cannot support such an intrusion. Assessments of water and air quality and their affect on all wildlife (flora and fauna) must be updated before a decision is made. The environmental impact will be monumental and must be examined carefully before giving this Puyallup company permission to break ground in Skagit County. Respectfully, Suzanne Butler

From Host Address: 50.34.112.174

Date and time received: 4/29/2021 3:53:02 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Thursday, April 29, 2021 5:35:32 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Thursday, April 29, 2021 5:35 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Martha Bray and John Day  
Address : 6368 Erwin Ln; Sedro Woolley, WA  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [mbray1107@gmail.com](mailto:mbray1107@gmail.com)  
PermitProposal : Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098  
Comments : Dear Mr. Cerbone,

Central Samish Valley Neighbor's attorney, Kyle Loring, is submitting comments on behalf of our group regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. That letter provides a more comprehensive review of our concerns regarding this SEPA review process, and we fully support its findings. However, we are also submitting a few additional comments directly to express our concern with the state of this application and permit review process.

Even though this project has supposedly been under review by PDS for more than five years, it appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, and air and water quality have been updated (except the 2017 "Addendum to the Fish and Wildlife Assessment further evaluating ESA listed species", wherein there is a clear disclaimer stating that the addendum is not intended to address requirements of the ESA). The SEPA documents were incomplete and inaccurate in 2016-2017 and they still are. Further, it appears that the County has ignored almost all of the concerns expressed by the community on these matters over the past years. We acknowledge the County's efforts to provide better information regarding traffic and public safety impacts, however the additional traffic analysis has obvious, glaring omissions and the proposed mitigation falls far short.

And, now, there seems to be a rush to push through a new Threshold Determination without truly taking into consideration new public comment (as indicated by publishing the deadline for a SEPA appeal prior to even receiving public comment on the MDNS). This does not feel like a sincere effort at public process.

The volume of information referenced in the MDNS serves mostly to confuse and obfuscate. We have spent countless hours poring through these documents trying to understand what the applicant really proposes to do. And yet, we still don't know how many daily truck trips to

expect (presumably somewhere between “46 per day” and “30 per hour”). We are still confused about whether the applicant will adhere to “normal” or “extended hours” scenarios; or, whether they plan to haul during peak traffic hours or not. In addition, if they are allowed to haul during peak hours and/or at volumes up to 30 per hour, why doesn’t the MDNS specifically state this and require appropriate mitigation measures? With the modest requirement to fix some of the most glaring safety hazards on Prairie Road prior to using trucks with trailers, we are now confused as to whether they will run more single trucks until this work is completed, or if they might use ‘alternative haul routes’ instead – potentially generating even larger number of truck trips and/or new haul routes that haven’t been evaluated at all for safety concerns. In fact, we still don’t know what the haul route will be, with the MDNS simply stating that material will be “transported to nearby facilities for processing or sold directly to market”. We still find no mention in the traffic analyses of dozens of trucks per day added to the narrow steep “S” curves on the Grip Road hill. Community members have repeatedly expressed the danger of school buses, farm equipment and commuters encountering tandem gravel trucks here, yet it is not even mentioned, let alone evaluated. We find it bewildering that the County has still not required the applicant to clarify these issues.

We don’t even know if the County will require a 300-foot buffer on the Samish River, even though this is clearly required by the County’s CAO. And, we still don’t understand why the applicant wasn’t required to conduct an environmental review of the entire footprint of the project, including the two-mile long private haul road that is clearly integral to the project, with approximately 12,000 truck trips annually traveling on it.

This is an industrial scale development located in a vibrant rural community and a sensitive watershed, where no commercial mining anywhere near this scale has occurred. The applicant and the County still don’t seem to grasp the magnitude of impact and permanent change this proposal would cause to the place we call home. Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that fully evaluates the impacts, appropriate mitigation, and identifies scaled back alternatives.

Thank you for your time and consideration.

From Host Address: 50.34.124.61

Date and time received: 4/29/2021 5:30:42 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 29, 2021 9:10:02 PM

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Name : Carolyn Gastellum  
Address : 14451 Ashley Place  
City : Anacortes  
State : WA  
Zip : 98221  
email : Cgastellum67@gmail.com  
PermitProposal : PL16-0097  
Comments : Regarding Grip Road Gravel Mine Proposal

I previously wrote a comment requesting that a full EIS be required for the gravel Mine proposal because the MDNS that was issued on April 15, 2021 is not adequate. The electronic form would not “send” so I am writing the following summary in hopes that my comments are received before the April 30 deadline.

I agree with all comments that were submitted by Martha Bray and Jed Holmes. The MDNS is inadequate because it does not fully assess the potential negative impacts of the Gravel mine project. I request that Skagit County PDS require a complete EIS that will study the cumulative impacts on the environment and traffic safety due to approximately 11,000 diesel truck trips per year. Please study the impacts on Threatened and Endangered species like the Brown Trout. Study the need for wildlife corridors so that big mammals like cougar, bear, and bobcats are not cut off from the territory they need. These animals are essential to a well balanced ecosystem. Study the impacts on climate and air quality from heavy diesel truck traffic emissions over the life of the project. Please require thorough analysis of the potential negative impacts to wetlands which are critical ecosystems in themselves. Please carefully and thoroughly study traffic safety concerns from the rural route on Grip road to more populated areas of the county that would be impacted by such a large increase in heavy dump truck traffic.

Thank you for your careful attention the the concerns of the community. Please require a full EIS for this project.

From Host Address: 63.142.207.34

Date and time received: 4/29/2021 9:09:01 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 29, 2021 9:20:02 PM

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Name : Rick Eggerth  
Address : 1304 39th Street  
City : Bellingham  
State : WA  
Zip : 98229  
email : rickeggerth@gmail.com  
PermitProposal : File #'s PL16-0097 & PL16-0098  
Comments : April 29, 2021

Hal Hart, Director  
Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of Non-Significance for Proposed Grip Rd. Gravel Mine File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA Species

Dear Mr. Cerbone:

As the chair of the Mt. Mount Baker Group of the Washington State Chapter of the Sierra Club (MBG), encompassing San Juan/Skagit/Whatcom counties, I speak on behalf of thousands of Sierra Club members and supporters in Skagit county. While we greatly appreciate and commend the work of the Skagit Planning and Devt. Services (SPDS) staff in what is a difficult task, we nonetheless have serious concerns about the recently re-issued MDNS for the proposed Grip Road Gravel Mine. And while the Sierra Club's status as the nation's largest and oldest environmental protection organization means we must direct our attention in this letter to environmental concerns, we also note that there are other significant concerns that deserve attention, such as the traffic and public safety issues raised in comments by the Central Samish Valley Neighbors organization. These concerns are also shared and supported by MBG.

Little has changed from the original mining 2016 proposal, especially in protecting the natural environment, as there have been minimal updates to the assessments and application documents related to protecting fish, wildlife, water and air quality. They were incomplete and inaccurate then, despite a 2017 update to the Fish and Wildlife Assessment, they still are now.

In addition, these documents fail to address community concerns raised during the past few years, and are also now completely outdated. We sincerely hope that failing to address previous public comments does not signify a rush to a new Threshold Determination without seriously considering and evaluating new public comment.

The fact of the matter is that this is an industrial scale development in a sensitive rural environment where commercial mining has never occurred. It will irreparably and significantly harm the natural environment along the Samish River and Swede Creek, as well

as upland wildlife habitat. In light of these undeniable facts, the MDNS must identify and mitigate the harmful environmental impacts of this proposal, including:

- Considering the project's full footprint. Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on a two-mile long private road, requiring more than 11,000 heavy truck trips per year, that is adjacent to wetlands and crosses fish-bearing Swede Creek. These sensitive areas must be evaluated and mitigation proposed.
- The County's Critical Areas Ordinance (CAO) has not been followed. Only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, without justification and even though the CAO demands 300-feet adjacent to high intensity land use such as industrial scale mining. A full EIS is necessary to be sure that all relevant aspects of the CAO are followed.
- The Fish and Wildlife Assessment, though revised in 2017, is still out-of-date and incomplete. River and associated wetlands have changed and have not been adequately accounted for. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention this Endangered Species Act (ESA) species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
- Wetlands must be delineated, surveyed and permanently marked. Sensitive areas and buffers within the entire project area (not just the mine site) must be identified so that operators and regulators know where they are.
- Wildlife must be identified and protected. As already mentioned, it must be determined whether the Oregon Spotted Frog, an endangered species and so protected under the ESA, is on or near the site. Reference to the OSF is by no means a shot in the dark. It was on the headwaters of the Samish River in Whatcom County in 2011-12 that OSF were found after having been thought to have been exterminated in the region. Which makes it all the more important that Samish County work with its northern neighbor to assure protection of this species. In addition, cougar, bear, and bobcat use the site. These animals require large territories and are sensitive to disturbance by human activity, so as the last large tract of undeveloped land between Butler Hill to the south and the Samish River and Anderson Mountain to the north, the site should accommodate the needs of these animals.
- A drainage plan is necessary to protect water quality against runoff on the private haul road. Treatment measures for runoff from the haul road must be identified, as the high volume of truck traffic is likely to cause pollution from petroleum products to pollute surface water flow into Swede Creek, a fish-bearing stream that also empties into the Samish River, which empties into Puget Sound. Pollution into any of these bodies of water must be stopped, or at least contained.
- Impacts to groundwater must be evaluated and protection measures required. The announced intent to excavate the mine to within 10 feet of groundwater leaves precious little room for error, especially because it is unclear how a 10-foot limit can be maintained for everywhere the aquifer touches the site. What measures will be undertaken to prevent pollutants from seeping down 10 feet to the water table? What measures will be taken to cleanse the aquifer if pollution does occur? These and related questions absolutely must be answered because, with the pervious nature of sand and gravel, 10 feet may not be enough to filter out pollution from



petroleum product spills. Furthermore, the groundwater at the site is essentially at the level of the Samish River and flows directly into it, so groundwater pollution would become river, and then Sound, pollution.

- The Noise and Vibration Study used unrealistic scenarios to model noise impacts. Assumptions as to number and size of equipment operating on-site are vague and misleading. Noise levels must be modeled at maximum mine production levels, not merely “typical” and “average” levels. The significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road must also be included. But regardless of legal noise limits, the question of how this major change in soundscape for residents of the area must be addressed in a full EIS.

- Emissions must be evaluated and mitigation plans required. There will be air pollution from mining equipment and haul trucks, and this must be quantified and prevented, especially considering that at least 240,000 cumulative miles per year will be driven by diesel gravel trucks.

- Cumulative impacts must be considered. This major industrial scale proposal will create many cumulative impacts, both on and off-site. 25 years of mining is not a “temporary” activity, yet no off-site impacts were evaluated. This will permanently change the character of the landscape and surrounding neighborhoods, degrading wildlife habitat and fish-bearing streams. Hauling the amount of material proposed to the closest site for processing means more than 5,500,000 cumulative diesel truck miles over 25 years. That’s a lot of potential air and water pollution, not to mention road wear and tear and safety concerns. These and any other cumulative impacts, on and off-site, deserve evaluation and protective measures.

MBG respectfully requests that the County reverse its Threshold Determination under SEPA, and require instead a full Environmental Impact Statement that evaluates all impacts to the natural environment and identifies alternatives, including the possible alternatives of reducing the size of the mine, or denying the mine altogether.

Your cooperation in this matter is very much appreciated.

Sincerely,

Rick Eggerth  
Chair, Mt. Baker Group, Washington State Sierra Club

Cc: Mt. Baker Group Executive Committee and Leadership Team  
Central Samish Valley Neighbors

From Host Address: 71.197.249.80

Date and time received: 4/29/2021 9:17:04 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 29, 2021 9:30:02 PM

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Name : Larry William Hedgpeth  
Address : 5809 Brookings Road  
City : Sedro Woolley  
State : Wa  
Zip : 98284  
email : ljhedgpeth@gmail.com  
PermitProposal : Special Use Permit Application #PL16-0097 Grip Road Gravel Mine  
Comments : April 29, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services 1800 Continental Place  
Mount Vernon, WA 98273  
RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Dear Mr. Cerbone,

I am writing to comment on your April 15, 2021 revised SEPA threshold determination for the proposed Grip Road Gravel Mine. I have followed the county's oversight of this project almost since its start five years ago, but my personal interest is now much greater than it was back then. My 12-year-old grandson now lives with us and will be riding the school bus to Cascade Middle School in Sedro Woolley next school year. I am very concerned for the safety of everyone on the roads in our area, especially school busses, if the county doesn't do more to keep the roads here safe after the mine is in operation.

Now, I know your office took a look at some of these concerns because you're requiring Miles to either use trucks only (no trailers) OR fix the two sharp turns on Prairie just east of old 99 and detour around the Samish bridge on old 99 if the load is too heavy. --mitigation measures 12 and 15 in the new MDNS--

But what about the rest of the haul route? There are two areas especially where it is so dangerous even now that I can't understand why the county hasn't required effective mitigation measures in this new MDNA.

First, the downhill curvy stretch on Grip just west of where the mine access road comes in. As anyone will tell you, it's a white-knuckle experience meeting a dump truck anywhere on that short stretch of road. It's too narrow, the turns are pretty sharp, there's not much of a shoulder, the truck always comes over into your lane, and there is not much visibility around the curves – he's almost on top of you before you see him.

That's with a car or pickup meeting a dump truck. A school bus meeting a truck/pup combination on the road the way it is now could be such a tragedy. Isn't it your job to protect the public interest? How can the county turn a blind eye to such a dangerous situation?

The second part of road I want to talk about is the Grip / Prairie intersection just west of the downhill section on Grip. Two parts in this area—the bridge and the intersection.

The bridge -- Why is there no mention of any protection for the Samish bridge on Grip comparable to that for the bridge on old 99? Is the Grip bridge in better so much better shape? The intersection – Visibility a big issue here. Traffic west bound on Prairie often goes past that intersection at a pretty good clip and has to slow down for rigs turning west onto Prairie from

Grip. When making that turn onto Prairie you just can't see far enough east on Prairie to avoid having traffic back up behind you. The recent work cutting the hill back has helped, but it is still a problem. With a gravel truck it's much more pronounced. With a constant string of truck/pup combinations, it could get pretty uncomfortable for everyone involved. Maybe you could require a merge lane from the intersection west long enough for the truck to get up to speed. That doesn't seem unreasonable, does it?

Both of these areas get some gravel truck use now, of course. But there will be a lot more truck traffic when the mine is up and running. How much more? Despite some numbers, (46/day, up to 30 /hr -- are there others I missed?) there isn't any real hard and fast limit. And even though Miles now says they plan to work set hours and not on Sundays, I couldn't find anything in the permit that actually limits trucks per hour or hours per day. Why do they need a blank check in this area? Why won't the county set limits to extra traffic on the roads and hours of operation? That would act to limit all potential dangers on the roads and seems very reasonable to me.

Thank you for your time considering my comments. This is very important to my wife and I – it will directly effect the risk our grandson will be exposed to while he is attending public school here – 6 more years!

Larry Hedgpeth. 360-855-8326

From Host Address: 172.92.218.39

Date and time received: 4/29/2021 9:28:50 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 29, 2021 9:45:03 PM

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Name : Brian Bowser  
Address : 21110 Parson Creek Road  
City : Sedro Woolley WA  
State : WA  
Zip : 98284

email : CMSInc@myfrontiermail.com

PermitProposal : Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097

Comments : Dear Mr. Cerbone,

I am writing to express my concerns on your April 15, 2021 revised SEPA threshold determination for Concrete Nor'West proposed Grip Road Gravel Mine. The revised MDNS falls woefully short of what is needed to identify serious traffic problems and the mitigation required to protect public safety.

Additional items of concern:

- Grip Road intersection still has a service sight-distance issue. The proposed solution, "traffic activated flashing beacon system," does not solve the sight-distance problem. To solve the problem, part of the hillside needs to be completely excavated. The County recently made some improvements to the intersection by excavating a portion of the hillside, and by doing so, has proved fixing the sight-distance problem can be straight-forward and relatively inexpensive. Furthermore, the current Puget Sound Energy power pole upgrade project on Parson Creek Road has also proven that acquiring the right of way needed to fix the sight-distance problem is not cost prohibitive.
- Grip Road S-curves are not passible by a dump truck/pup trailer combination when met with simultaneous oncoming vehicular traffic; there simply is not enough room. Skagit County Public Works is aware of this problem, as I first-hand witnessed the test run with a Skagit County dump truck and pup trailer. I am left wondering why this problem is not being addressed. Likewise, on East-bound Grip Road, the curve at the Samish River bridge has the same issues as the Grip Road S-curves. I am once again wondering why this same problem is not being addressed.
- Yet another sight-distance problem exists for West-bound traffic at the F&S Grade Road and Prairie Road intersection; sight-distance at this intersection for West-bound traffic is approximately 50'. West-bound dump trucks hauling materials from the Grip Road pit should not attempt to turn South on F&S Grade Road. In addition to the sight-distance issue, the intersection is not wide enough to allow a vehicle and the dump truck access to the intersection at the same time.
- Haul routes should be limited to only those routes that have been evaluated with traffic safety studies. As it currently stands, CNW would be allowed to haul on any route they choose. A more thorough Transportation Impact Analysis needs to be completed that evaluates the road system as a whole. Then we can evaluate whether other haul routes can safely be used by CNW.
- Prairie and Grip Road systems were not designed to support any industrial mining activity. I am unaware of any real industrial mining activity in the area since the early 1970's; up until now, there have been only small, occasionally-used pits in the area.
- Further, we have serious concerns about the piece-meal SEPA. If Concrete Nor'West were asking to process materials on site, boundary setback requirements would be larger and would,

therefore, reduce the amount of gravel they can remove. We suspect that as CNW removes material and the mine boundaries are established, they will then apply for onsite processing, and all materials will be direct-to-market from that point forward, thus by-passing the proper permitting process.

- Moreover, there is currently no system in place to verify truck counts or to monitor noise levels generated, thus giving the appearance that CNW will operate on an honor system. If allowed to operate as is, the onus will then unfairly be on the community to monitor and prove that CNW is operating outside of their permit allowances.
- The current application provides average daily truck trips by CNW. The maximum number of round trips needs to be clearly defined for both a daily and weekly basis. The road systems need to be evaluated at this maximum number and not on an annual average rate
- Finally, Skagit County documentation/maps show Prairie Road and F&S Grade Road as part of U.S. Bicycle Route 87. This Federal designation should be removed unless mitigation is made to allow for bicycles to safely use the route.

Sincerely,

Brian Bowser  
21110 Parson Creek Road  
Sedro Woolley, WA 98284  
(360) 202-3084  
CMSinc@myfrontiermail.com

From Host Address: 50.34.127.171

Date and time received: 4/29/2021 9:42:31 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Thursday, April 29, 2021 10:50:02 PM

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Name : Donald Butterfield

Address : 4380 Blank Rd

City : Sedro Woolley

State : WA

Zip : 98284

email : [acupuncturedoeswork@gmail.com](mailto:acupuncturedoeswork@gmail.com)

PermitProposal : Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Comments : APRIL 29 2021

Michael Cerbone, Assistant Director

Skagit County Planning and Development Services

1800 Continental Place

Mount Vernon, WA 98273

RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Dear Mr. Cerbone,

I live at the East end of Prairie Road and drive past Grip Road 4-5 times a week. I am very concerned about the traffic problems the Miles gravel pit will cause on Prairie Road. This is a sharp curve that has very poor sight lines. To have as many trucks the company is talking about will effectively shut down the use of Prairie Road in the summer time. This will cause an increase of traffic unto Parson Creek Road to access HWY 99. The other problem will be the cross traffic at Prairie Road and Hwy 99. The amount of trucks that will be entering Prairie Road will back up that intersection to be all but unusable. There will be an increase of accidents as HWY 99 is a 50 mile an hour road and people will have a hard time stopping at that intersection. We can all pretend that everything will just work out fine but this is not the reality of traffic flow. As the population growth continues and Prairie Road becomes more of a connector road we can expect more and more traffic flow problems. The traffic study the County has used for this project is so poorly related to the facts I found it hard to believe that is all you are asking. I would hope that a level II impact study is the only proper way to look at all these issues.

I also ask that a full CAO review be done. You have not asked for a full environmental review of the whole site. A WDFW review with an emphasis on whether there are any Oregon Spotted Frogs. Impacts to wetlands and ground water are also not adequately addressed in the present permit. I know this is zoned for mining but that does not mean they can extract the gravel without meeting current review standards. Having followed this from the start I have been disappointed in the way the Planning commissioner has done everything to try and pass this permit without acknowledging the citizens of Prairie Road. You act like our concerns are not valid. I drive by this every day and am very concerned about the potential impacts to my self and other drivers in this area. I don't want to see an increase in accidents and deaths because Miles wants to run a mine without addressing our concerns.

Donald Butterfield 4380 Blank Rd Sedro Woolley, WA 98284  
360-856-4497

From Host Address: 50.34.98.158

Date and time received: 4/29/2021 10:49:50 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 6:25:02 AM

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Name : Linda L Walsh  
Address : 21710 Prairie Road  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : walshl2006@hotmail.com  
PermitProposal : PL16-0097 & PL-0098 reissued MDNS  
Comments : June 2020

This letter was used as a guideline to talk during the video meeting with Skagit County officials on 6-10-2020, I would like it entered into the record as a comment for the reissued MDNS on permit file #'s PL16-0097 & PL16-0098. Concrete Nor'West gravel mine.

My husband and I own land adjacent to this project. We have lived on Prairie Road since 1991. We chose this area for the peace and quiet of rural life to raise our family, as did many of the people that live in this area. I have driven on Prairie Road past Grip Road for the past 29 years several days a week. I have witnessed the number of vehicles steadily increasing on these roads. I have talked with hundreds of residents in our rural Community regarding the proposed Gravel Mine on Grip Road since December 2016 and not one of those people said they would feel safe on the roads out here with daily truck and trailer traffic. It seems to me if the majority of residents using these roads every day are telling you it is unsafe it may be worthwhile to look beyond the expert opinions. It is possible the experts may be relying on inaccurate data given to them and have not done a thorough onsite investigation. Should we be the ones burdened for the next 25 years with unsafe roads for vehicles, pedestrians and bicycles, expensive road improvements and repairs, longer commute times, noise and a disruption in our quiet country lifestyles in order for one business operate as they wish. The permit process should be a transparent process and the County codes dictate it will include public participation. We have been excluded from this process many times over the past few years. Right from the beginning the process had already failed. Our Community brought up serious issues and they were heard by the County but they have been unable to get complete and accurate documentation from the Applicant to address these issues.

It is obvious in the comment letter presented earlier children recognize the dangers and are concerned. I wonder how each of us would feel if our child expressed a safety concern based on an actual experience and no one listened or even tried to make any changes. Many times these issues prove to be fatal oversights and there is no second chance for those impacted. There are several school buses traveling morning and night during many months when it is dark and rainy. I have no doubt if you were to ask these Bus drivers each of them would have similar stories. There are little to no shoulders on these roads so there is nowhere to get out of the way. I think it is very important to let the County and the Hearing Examiner, who will be making decisions, know this. We are the residents who will be impacted every day by their decisions. This 25 year proposal is not 'temporary', as the applicant describes, it spans the remaining life of many of us and the decisions made now will also impact our children and grandchildren for years to come

This project is asking for the ability to operate 24 hours per day 7 days per week with an actual unknown trucks per hour, it should be evaluated on that criteria. We all know the



impacts to people and their environment will greatly increase with longer hours of operation and more loads of material hauled. An industrial scale operation, even operating 6 to 8 hours per day 5 days per week with 46 trucks per day will have an adverse impact. Mining is known to have adverse impacts and we depend on the SUP permitting process to determine if a project is even mitigatable for a specific location. In Skagit County Code 14.16.440 it clearly states: The burden of proof shall be on the Applicant. I will be honest it feels like that burden has been placed on us. An industrial 68 acre mine excavating 4.2 million cubic yards of gravel is not a small borrow pit and it has irreversible impacts. The project must be burden with proof that it can operate and be safe as well as not cause harm to our Community and environment. We depend on people using common sense and knowledge when reviewing the project. The MRO only designates there are resources present it does not mean it is an landowner's right to operate an industrial mine. Especially in an area where the road infrastructure is already inadequate, sensitive environment is present and it is very well known the project is in conflict with the surrounding area landowners. Like many of our neighbors we chose our properties in this agricultural area decades before the MRO was placed on this area.

County Policy 4-D - 5.3 Roads and Bridges:

New public roads and bridges accessing designated MRO areas shall be designed to sustain the necessary traffic for mineral extraction operations. Existing roads and bridges shall be improved as needed as each new extraction operation is developed. Cost sharing for the improvement of roads and bridges shall be negotiated between the permitting authorities and the applicant.

The above Policy is listed in the Staff report issued for this permit. I believe it is possible this policy has been overlooked because otherwise it seems the County and Applicant would have had a plan and a budget in order to meet this policy goal years before now. However, it seems no improvements or budgeting has been done to address the new extraction operation impacts on the existing roads and bridges.

All residents on Prairie Road traveling west past Parsons Creek must travel past the Grip/Prairie Road intersection or turn onto Grip or F & S Grade Road to reach any connecting roads to any Cities. Going west past Parson Creek we don't have access to other routes to get to the cities so we will be forced to use the same route as the massive truck and trailers.

Contrary to what the applicant has stated this is not a remote area but it is a rural area with a thriving Community. Other residential developments which feed into Prairie include residents traveling from Blank Road, Upper Samish, Ida Drive, Lois Lane, Prairie Lane, Parsons Creek, Double Creek Lane, Wildlife Acres, Grip Road & Park Ridge Lane. Many of us already commute 30 minutes and when we are told in reports that up to 30 trucks per hour will not reduce our LOS and will not be unsafe it is very hard to understand how that would be possible. We must be able to safely navigate the narrow windy roads past Grip/Prairie, Prairie/F & S Grade and Prairie/Old 99 intersections to even reach Interstate 5. We feel our lives will be negatively impacted by the unsafe traffic, noise, vibration, air pollution and daily stress of changes to our environment. We all drive these roads frequently and deserve to be protected from known safety hazards.

In the noise study it looks like they designated a spot up by Prairie Road which would be the farthest point from the mine site(IMAP approx. 1800 feet) to determine the noise levels on our property. The point measured is thousands of feet from where the mine operation will be. A receiving property border is defined in WAC 173-60-020: (11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension, this study does not measure noise using the code definition.

We own acreage on both sides of the Samish River and throughout the year our family and friends come here to visit and to seek shelter from the hectic, noisy world. This fact should not

be swept aside as if it does Not matter, it is even more important now to have a place of safety and well-being as the chaotic world unfolds around everyone these days. It is a gathering spot we center our family and friends' celebrations around, it is a way of life. This industrial scale open pit mine will be hundreds of feet away from our activities. We all enjoy recreation much of the year outside in our backyard which shares a border with the proposed mine site. Unfortunately for us and our Community the busiest time outside is also when most of the excavating and hauling will occur, causing the greatest impacts. I want to invite each of you to take a drive out to see first-hand what we are talking about. Thank you for your time and listening, I appreciate it.

Linda Walsh - Properties adjacent to mine  
21710 Prairie Road  
Sedro Woolley WA 98284

From Host Address: 172.92.225.214

Date and time received: 4/30/2021 6:23:26 AM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 7:45:02 AM

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Name : Mark Hitchcock  
Address : 9620 Samish Island Road  
City : Bow  
State : WA  
Zip : 98232  
email : 4s3@wavecable.com  
PermitProposal : Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098  
Comments : April 30, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098

Dear Mr. Cerbone,

Thank you for the opportunity to comment on the Mitigated Determination of NonSignificance (MDNS) for the proposed gravel mine on the Samish River near Grip Road. Since 1995 Skagit Land Trust has owned and cared for Tope Ryan Conservation Area, an important natural site along Grip Road approximately 2 miles downstream of the proposed mine. This preserve has long included 900 feet along the Samish River. The Trust also protects two other Samish River properties upstream of the project site and is continually seeking to protect more land along this important watercourse. All of Skagit Land Trust's properties along the Samish have been donated by landowners who wanted to protect the natural habitat of the river and its shoreline. We have partnered with federal, Tribal, state, and local agencies on numerous projects to protect and restore habitat in the Samish watershed. These partnerships include excellent work conducted by Skagit County Public Works Clean Samish Initiative, Skagit Fisheries Enhancement Group, and others.

Last year, Skagit Land Trust received a donation of land significantly expanding Tope Ryan Conservation Area on the other side of Grip Road protecting an additional 900 feet of shoreline along the Samish River and Swede Creek including their confluence. The river and creek in the vicinity of the conservation area are of particular importance for juvenile salmon due to the habitat complexity of the site. The river's wide gravel bars are critical spawning grounds for Coho and Chum Salmon as well as Steelhead and Cutthroat Trout. Last year, the latest restoration planting project at Tope Ryan added over 5,000 trees and shrubs. The costs of this effort were covered by the National Estuary Program, administered by the Washington State Department of Ecology with assistance from the U.S. Environmental Protection Agency. The Skagit Conservation District prepared the planting plan and helped secure a federal partnership grant to maintain the plantings. I mention these details to make the point that this is a preserve made possible and continually improved by the generosity of private landowners

supplemented by public funds and the dedication of many staff and volunteer hours over a long span of years. The potential for adverse impacts from a nearby mine and associated heavy truck traffic greatly concerns us and could directly affect our ability to meet our responsibility to protect this significant area of habitat.

Each year the Trust organizes community volunteers to conduct amphibian monitoring at the Tope Ryan site, gathering significant data about the wetlands which we convey to Washington Department of Fish and Wildlife. We hope to someday discover that the endangered Oregon Spotted Frog has returned to this site, given its appropriate habitat for this now rare species present elsewhere in the Samish Watershed. Tope Ryan is a rich area laced with beaver ponds, important not only for native amphibians but also for a rich assemblage of riparian dependent songbirds and waterfowl. It also supports commercially important fish stocks. In addition, restoring and protecting this large riparian area helps protect water quality in the river that is so important for commercial shellfish grown in Samish Bay. Potential river degradation due to the proposed mine and haul road puts a long list of values at risk.

One of the lessons we have learned from years of restoration work is that protecting habitat is far more cost effective than restoring it after the fact. In addition, there are factors contributing to habitat degradation that are more subtle than direct impacts, but perhaps even more concerning. For instance, Swede Creek routinely spills over its banks into the ditch along Grip Road by the Tope Ryan property. This has created a cascade of effects including accelerated erosion of the roadbed, routine flooding of the road and increased sediment loading in the creek and river. Skagit Land Trust staff and volunteers have on several occasions discussed with staff at Public Works various ideas for “fixing” the creek; but have yet to arrive at a cost effective and feasible plan to solve this problem. The volume and type of truck traffic that would be using the haul road crossing Swede Creek could well add to the present problem.

The Trust is concerned that the impacts of the proposed mine have not been adequately evaluated, nor we will look back and wish we had considered taking stronger measures to prevent the ongoing unraveling of important habitats in the Samish Watershed. Further review of the impacts to the riparian habitat and associated wetlands along the river should be conducted with special attention to Oregon Spotted Frog and Bull Trout habitat, both listed species.

Under Skagit County’s Critical Areas Ordinance it would be appropriate to require a 300’ buffer, rather than 200’, between the Samish River and the mine, clearly an industrial activity calling for this larger buffer. A larger buffer would provide greater assurance that the mining will not in fact degrade the river through sedimentation, erosion, and leaching of spilled fuel oil (noting the statement in the application materials that fueling of equipment will take place on site). We are also concerned that the plan to maintain the floor of the mine at least 10’ above the water table, while well-intended, lacks certainty. There should be a more thorough analysis of the site hydrology through the seasons and of how it will be affected by the mining plan.

In addition, as mentioned, there are issues with Swede Creek just downstream on Trust property, and yet it appears that the impacts to the creek from heavy truck traffic on the private haul road have not been evaluated. The haul road crosses Swede Creek approximately 0.6 stream miles above Land Trust property. Sedimentation from this unpaved road would likely degrade the salmonid habitat downstream which we have been working for years to protect. We are also aware that there are beaver ponds and wetlands near the haul road and that the

environmental review did not take these sensitive habitat areas into account.

The projected numbers of heavy trucks on this haul road are significant and will permanently change the nature of the forested upland habitat on the site. Local residents report that the uplands on the property are used by bear, cougar, and bobcat. Signs of these animals have also been observed on the Trust's nearby property. These animals require large territories, and the applicant's property is the last large undeveloped tract of land so close to the Samish River in this part of the watershed. The impacts from this disturbance to these important upland wildlife species should be evaluated.

We also have concerns related to the safety of staff, volunteers, and visitors to Tope Ryan Conservation Area in light of the heavy and frequent truck traffic which would be associated with the mine. Trucks entering Grip Road would pass the conservation area as they approach the turn onto Prairie Road. Vehicles using the preserve's small parking area will be at very significantly increased risk of collision as they pull into or out of the limited space. The conservation area lies on both sides of Grip Road. Pedestrians crossing from one part to the other will also be in the path of trucks approaching or leaving the mine.

Skagit Land Trust is not opposed to resource extraction; however, these uses must be balanced with effective measures to protect public resources, such as the Samish River, private ones such as Tope Ryan Conservation Area, and public safety. In addition, the Trust staff would be happy to discuss conservation options with the landowner to address some of these concerns.

Before recommending approval of the Grip Road Gravel Mine application, please conduct further evaluation to ensure measures are taken to adequately protect the natural habitats of the Samish watershed that all of us are working so hard to restore. We ask that you do this by withdrawing the MDNS and requiring a full Environmental Impact Statement with thorough consideration of project alternatives and a more complete scope of mitigations than in the MDNS. It is essential that this analysis include not only the mine site itself but also the area traversed by the haul road, the downstream reaches of the Samish River and Swede Creek, and areas adjacent to the public roadways the trucks would use.

Again, thank you for the opportunity to comment, and for your time and consideration.

Sincerely,

Mark Hitchcock  
President  
Skagit Land Trust

From Host Address: 172.92.212.48

Date and time received: 4/30/2021 7:42:19 AM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 8:00:02 AM

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Name : Katelynn Piazza  
Address : 3190 160th Ave SE  
City : Bellevue  
State : WA  
Zip : 98008  
email : [kpia461@ecy.wa.gov](mailto:kpia461@ecy.wa.gov)

PermitProposal : Concrete Nor'West; File No. PL16-0097, PL16-0098

Comments : Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) mitigated determination of nonsignificance (DNS) process for the Concrete Nor'West proposal. Based on review of the checklist associated with this project, the Department of Ecology (Ecology) has the following comments:

The operation will require coverage under the NPDES Sand & Gravel General Permit to authorize the discharge of stormwater and/or process water to surface waters and/or groundwaters from sand and gravel operations. Applicants must submit the Notice of Intent (NOI) application online through Ecology's Water Quality Permitting Portal (WQWebPortal).

Thank you for considering these comments from Ecology. If you have any questions pertaining to the NPDES Permit or would like to respond to these comments, please contact Stephanie Barney at (360) 255-4390 or [stephanie.barney@ecy.wa.gov](mailto:stephanie.barney@ecy.wa.gov). For assistance navigating the WQWebPortal, please contact Tonya Wolfe (800) 633-6193, option 3 or [WQWebPortal@ecy.wa.gov](mailto:WQWebPortal@ecy.wa.gov).

From Host Address: 165.151.213.203

Date and time received: 4/30/2021 7:58:07 AM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Friday, April 30, 2021 11:50:53 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Friday, April 30, 2021 11:50 AM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : David Goehring  
Address : 20002 Double Creek Lane  
City : Sedro Woolley  
State : Wa  
Zip : 98284

email : davidgoehring@gmail.com

PermitProposal : Grip Road Gravel Mine

Comments : I have reviewed the traffic study done for Miles Gravel, and find it woefully insufficient in a number of areas. First off, why were no other routes besides the route east on Prairie included in the study? Who is going to make sure that every driver of every load takes this route. If the trucks turn left and go up Grip, that would be insanely dangerous with all those tight turns. It's bad enough just in my SUV. If they take Grip to then turn left onto F&S, they will be cutting off cars either at or coming up to the stop sign. Again, it is bad enough already because of the steep slant on F&S. I see that the study did acknowledge that the gravel trailers would be cutting off cars coming around the two 90' turns on Prairie just east of 99. This alone should be enough to deny this permit unless the turns can be widened. I think that one homeowner there on the first curve will be pretty upset to lose a big chunk of his lawn, which would be the case. I see the report also acknowledges that the Samish River bridge on 99 is not currently rated for this much heavy traffic. So that means that since the majority of the traffic is going to the Belleville pit that the trucks will have to proceed up the narrow windy Bow Hill Road, which has basically been trying to slide off the edge of the hill for years. Even worse, the trucks will then have to cross over the Cook Road I-5 overpass which is already a big mess as you surely know. The fact that this was not addressed in the study should tell you a little bit about it's veracity. That overpass already needs major upgrades, as all of us trying to get out onto the overpass from either the northbound or southbound exit ramps from I-5 can surely tell you. Both of those off ramps often back up onto the shoulders of the freeway, which makes for a very hazardous situation. Allowing all this additional truck and trailer traffic to use that route in it's current state would be completely irresponsible at best, criminally liable at worst. That whole interchange needs to be completely overhauled already, including more lanes. Another issue is this truly ridiculous band-aid proposal to put flashing yellow warning lights on Grip and Prairie. Is their another such arrangement anywhere else in the county? I've never seen one if there is. Prairie Road has become very heavily trafficked, especially during commuter hours. This isn't some backcountry lane. Why the hell should all of us who use that road be subjected to the delays resulting from this? Drivers from both directions who have to wait while one of the trucks enters onto Prairie will be frantically trying to pass it after it is out on the road, which is very dangerous on that narrow road. It is hairy enough just trying to pass a car. Prairie will have to be widened all the way to 99 to even think about using it as a haul route. Lastly, I see that Miles thinks that the

county should pay for any road upgrades. This just makes my blood boil. The roads are okay with the current levels of traffic, so any upgrades would be specifically to benefit Miles Sand & Gravel. They need to fully pay for any and all road work needed to make it safe to haul out their gravel. That property was originally zoned for timber as I understand it, and was converted to gravel with the State's blessing. The timber traffic would have been about 1% of what this gravel traffic will be. They decided to change it, so they can damn well foot the bill! If ANY of my taxes go to improving these roads for them, I will be the leading torchbearer when we descend upon the county offices. I would like to remind the Planning Commissioners and the County Commissioners that their number one priority as our elected and appointed representatives is public safety. I've said it before and I will say it again, approving this permit in its current state will get people injured, killed or both. The only even remotely safe way to get gravel out of that mine would be one single truckload at a time. NO TRAILERS! If Miles can't make a profit that way, then they can go find another site. It's not like there's a shortage of gravel pits around anyway.

From Host Address: 174.204.65.127

Date and time received: 4/30/2021 11:48:27 AM



**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 2:15:02 PM

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Name : Kyle A Loring (on behalf of Central Samish Valley Neighbors)  
Address : PO Box 3356  
City : Friday Harbor  
State : WA  
Zip : 98250  
email : [kyle@loringadvising.com](mailto:kyle@loringadvising.com)  
PermitProposal : PL16-0097 & PL16-0098 MDNS part 1  
Comments : By Electronic Portal and Email

April 30, 2021

Hal Hart  
Director of Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: File No. PL16-0097 & PL16-0098; Concrete Nor'West Grip Road Gravel Mine  
Skagit County Planning and Development Services Mitigated Determination of  
Nonsignificance

Dear Mr. Hart,

I'm writing on behalf of Central Samish Valley Neighbors ("CSVN") to request that Skagit County Planning and Development Services ("PDS") reconsider and withdraw the Mitigated Determination of NonSignificance ("MDNS") that it issued for the clearing and development of a 68-acre sand and gravel mine ("Mine") along the Samish River. The MDNS conflicts with Washington's State Environmental Policy Act ("SEPA") because it issued without an evaluation of multiple potential environmental impacts from the Project. For example, although prominent issues like the Mine's hours of operation and its encroachment into the 300-foot wetland buffer have been raised consistently since Concrete Nor'West ("CNW") applied for a special use permit for the Mine in 2016, the MDNS does not limit the hours of operation or reject CNW's proposed 200-foot buffer. Its silence on those issues can be presumed to allow CNW to operate the Mine without time limitations, as CNW has asserted that it may, and to mine up to just 200 feet from wetlands that host Endangered Species Act-listed species like the Oregon spotted frog. Yet the neither PDS nor the applicant has evaluated the impacts of those project operations. Absent this information, as well as significant information gaps like the refusal to evaluate private haul road impacts on Swede Creek, a fish-bearing tributary of the Samish River, PDS has not satisfied the SEPA requirement that it fully consider the environmental impacts of the Mine. The MDNS must be withdrawn.

Moreover, PDS must issue a Determination of Significance ("DS") because the information disclosed in the application materials for permits PL16-097 and PL16-0098 indicates that the Mine would cause significant impacts. For example, CNW's traffic impacts analysis confirms that dump trucks and trailers pose a threat to other users on the narrow, high-speed-limit roads that they will traverse.

CNW has had five years to address the potential impacts of its Mine, and while they have slowly piecemealed a few additional documents, they have not demonstrated that the Mine will address the impacts. As the representative of the local community entrusted with ensuring that applicants for large industrial development analyze and address environmental impacts, PDS must respond accordingly and issue a DS and start the Environmental Impact Statement (“EIS”) process to address the Mine’s impacts.

This letter explains below that: (1) the Project outlined by the application materials; (2) will have a variety of impacts, some unevaluated and others already identified as significant; on (3) its sensitive ecological surroundings and the local transportation network. The MDNS does not adequately condition the Mine to address those impacts.

In drafting this letter, we reviewed application materials that included the following: (1) the March 7, 2016 fact sheet, special use narrative, and project description; (2) subsequent special use narratives and revised project description; (2) SEPA Checklist; (3) fish and wildlife documents by Graham-Bunting Associates; (4) the Hydrogeologic Site Assessment from Associated Earth Sciences; and (5) traffic documents by DN Traffic Consultants. We also reviewed comment letters by state agency officials, consulted with fish and wildlife officials and a traffic engineer, and reviewed publicly-available information about the site and environs like aerial photographs and the regional bicycle map. We have attached the CSVN November 24, 2020 comments on the Project’s SEPA process, none of which have been addressed since the submission of that letter, and incorporate it by reference.

#### A. Project Details.

Concrete Nor’ West has applied for a Mining Special Use Permit to excavate approximately 4,280,000 cubic yards of sand and gravel in a 68-acre mine in the Central Samish Valley. CNW projects that the mining would occur over 25 years, though the proposal would not be limited to a specified period of time and the rate of excavation would depend on demand for sand and gravel. The mining would require the clear cutting of timber, followed by excavation that would dig down 90 feet toward the water table. The withdrawn MDNS stated in 2016 that logging would remove approximately 50,000 board feet of timber from the land but there are no updates on the progress of the logging. While the proposed mining would occur on three parcels totaling 77 acres, these parcels form just a portion of an overall block of parcels totaling more than 726 acres. Although the SEPA Checklist suggests that there are no plans for future additions, expansion, or further activity related to or connected with the proposal, a large portion of the other 650+ acres of land have also been designated as Mineral Resource Overlay, with some of it approved for active harvest by the Washington Department of Natural Resources. A noise and vibration study submitted by CNW did not evaluate the noise and vibration impacts that would occur after logging of the larger property.

#### 1. Hours and staffing.

According to CNW, mine hours would be unlimited consistent with its underlying zoning, though normal working hours would typically extend for 10 hours, from 7am to 5pm, six days a week. According to the MDNS, hauling would occur during the workweek, Monday through Friday, and site operations would occur Monday through Saturday. CNW estimates that one to two full-time employees would work on-site and an unspecified number of truck drivers would haul gravel off-site throughout the day. On-site operations would involve heavy equipment like a front-end loader, excavator, dozer, and dump trucks.

## 2. Hazardous materials.

The Application offers conflicting information about whether hazardous materials will be stored at the site. It responds “Yes” to a question about whether chemicals, waste oils, solvents, and fuels would be stored at the site, and describes the possibility of installing a 2,000-gallon diesel fuel tank. But it also states that “[w]aste oils, solvents, etc. will not be stored on site.”

## 3. Gravel and sand hauling routes and volume.

Application materials offer varying estimates of the amount of truck traffic that the mine would generate. A September 10, 2020 Traffic Impact Analysis (“TIA”) by DN Traffic Consultants estimates that under “extended hours conditions,” the Mine would generate 29.4 truck-and-trailer trips per hour. The TIA does not define extended hours or explain why the site would be limited to that number of trips if demand were high enough to require greater production. DN Traffic Consultants’ earlier memo, aptly-titled “Maximum Daily Truck Traffic,” estimated that a realistic maximum number of trips for truck-and-trailer was 60 trips per hour. That study assumed that increased demand for material would lead to increased production at the site, limited only by the (likely artificial) logistical consideration of the number of truck and pups available in Skagit County. DN Traffic explains in its TIA that the ~30 trips per hour that it estimates for a higher end number is based on the anticipation that the Mine could generate up to 5000 tons per day. It does not explain how this production amount was derived and does not explain the inconsistency between the ~30 trips figure and the 60 truck-and-trailer trips per hour that it deemed a realistic maximum in its Maximum Daily Truck Traffic memo.

The gravel and sand would be hauled by trucks and trailers forced to navigate narrow rural roads with medium to high speed limits. The original road special use narrative stated that hauling would occur along Old Highway 99, Prairie Road, and Grip Road. Subsequent documents identified Bow Hill Road and F&S Grade Road as potential route extensions. Road widths along these routes are just 20-22 feet and they allow speeds up to 50 mph. Although the TIA suggests that shoulders exist along each of these roads but Grip Road, the Skagit County Bike Map identifies Grip Road, Prairie Road, and F&S Grade Road as roads without shoulders. A simple review of these roads through google maps’ street view function confirms that paved shoulders are largely non-existent on those roads, though some stretches contain large gravel that promptly slopes down to a ditch. In addition, the TIA asserts that there are no known bike routes in the subject area, yet the readily-available Skagit County Bike Map identifies Prairie and F&S Grade Roads as part of a federal bike route, US Route 87. Local residents have communicated that guard rails have been installed along a significant stretch of Prairie Road, shrinking the width available for cyclists and pedestrians outside the actual roadway to nothing.

The transportation documents associated with the application do not prescribe a haul route, but instead contemplate multiple options. The TIA states “[i]t is estimated that 95 percent of the trips will be assigned to and from the west on Prairie Road; with 80 percent south to the existing Belleville Pit Operation using either Old Highway 99N or I-5 south; ten (10) percent of the trips to end users via I-5 south, five (5) percent to end users west of I-5 on Bow Hill Road; and five (5) percent to end users east of the Mine access via Grip Road.” One of the options in the TIA assumes that truck/trailer combinations using Old Highway 99 would be short-loaded to comply with current weight restrictions on the Old Highway 99 Samish River

bridge or that those restrictions would be removed. The Application does not evaluate the number of truck trips that would be required if vehicles were short-loaded to meet current bridge weight limits. The Application's revised project description identifies the route through Grip Road, Prairie Road, and Old Highway 99 North.

In addition, although the Application does not describe the on-site haul route on CNW property, a review of aerial photographs indicates that it would stretch for more than two (2) miles between the Mine and Grip Road.

#### 4. Independent review of transportation documents.

Although CNW has provided several documents about the Mine's traffic impacts, a review by Jeffrey Hee, P.E., Senior Transportation Engineer at Transportation Solutions Incorporated ("TSI") reveals that some impacts have yet to be addressed and others have not been fully evaluated. Mr. Hee analyzed project documents, including the traffic reviews by DN Traffic Consultants, and discovered the following unresolved issues:

- the maximum trip generation numbers and frequency of maximum trip hours and days for the Mine have not been finalized. The Application offers conflicting information about the maximum traffic to be generated, and County conditions could require trucks without trailers, which would decrease capacity for each shipment and therefore increase the number of trips to ship the same overall volume of material. Also, the Application does not identify whether the trip generation numbers account for on-site workers and non-haul mining operations (page 3);
  - site distance impacts were not evaluated based on common industry practice that contemplates the use of 85th-percentile design speeds from the County's Road Standards. Instead, even though those 85th-percentile speeds were readily available on the Skagit County of Governments website, DN Transportation relied on lower posted speeds for its modeling. This may underrepresent sight distance risks (page 4);
  - site distance impacts were not evaluated for the intersection where the site access road meets Grip Road, based on the mistaken assumption that it wasn't required for a lower volume road (page 4);
  - no mitigation was proposed to address site distance impacts at the Grip Road/access road intersection for egress to the east, and no analysis occurred to determine whether a gravel truck or truck/trailer combination can safely navigate the road network east of the mine (page 4);
  - intersection sight distances were not evaluated for truck/trailer combinations at the intersection of F&S Grade Road and Prairie Road. Consequently, Mr. Hee recommended preventing the hauling on F&S Grade Road (page 5);
  - the significant truck-trailer impacts that the TIA identifies between the site and Old Highway 99 have not been fully addressed (pages 1, 5);
  - there has been no analysis of safety impacts associated with truck-and-trailer combinations traveling east of the Mine access. Mr. Hee recommended preventing hauling east of the Mine site (page 5-6);
  - the Application does not evaluate traffic impacts associated with the redistribution of truck traffic onto Cook Road due to Samish River bridge weight limits. This is important given the traffic issues that WSDOT and Skagit County have identified for the Cook Road interchange at Old Highway 99 (page 6);
  - the Application does not provide detailed specifications for the type(s) of vehicle(s) it modeled for transportation impacts, preventing confirmation of its results (page 5).
- Specifically, with regard to site distance and haul route concerns, Mr. Hee notes at pages 5 and

6 that the following comments and questions should be answered:

- is the County's vision clearance triangle satisfied in the study area?
- what speed is needed to achieve site distance at the study locations?
- are sight distance exhibits available for public review?
- Why are total crashes different in some of the Tables in the TIA?
- Will the applicant complete the improvements recommended by the TIA for the intersection of Prairie Road and Old Highway 99?
- Why doesn't the TIA provide conclusions about whether the project traffic will increase the frequency and severity of collisions on the haul route given the route's geometric and sight distance constraints?

## B. Valuable Ecological Setting.

The 68-acre mine site and associated properties provide important terrestrial and aquatic habitats. The Samish River, a salmon-bearing river, winds for more than one-quarter mile along the eastern portion of the mine property. Associated wetlands extend toward the Mine from the river's active channel and flood plain, though it is unknown just how close the edges of the wetland reach to the proposed mining area because they have not been delineated. Swede Creek, a documented fish-bearing stream, would be traversed by every truck hauling gravel and sand to and from the Mine on the private haul road. The Application does not acknowledge the private haul road as part of the project and therefore does not evaluate impacts to wetlands along that route or to Swede Creek from the haul road that crosses it. A fish-bearing tributary to the Samish River crosses the southeastern corner of the Mine site.

### 1. Lack of analysis of undersized Mine buffer.

According to the project description set forth in the MDNS, the Mine would observe a 200-foot wetland buffer rather than the 300-foot buffer required for the wetlands associated with the Samish River. The MDNS refers to the mining of approximately 4,280,000 cubic yards of sand and gravel. According to its Special Use Narrative, CNW will be able to extract 4,280,000 cubic yards of material if it mines up to 200 feet from the estimated edge of the wetlands, and approximately 3,942,000 cubic yards if it observes the required 300-foot buffer. By embracing the larger volume, the MDNS indicates PDS' approval of a 200-foot buffer for the Mine.

A buffer of at least 300 feet applies to the Mine as a high intensity land use adjacent to a Category II wetland. According to the Skagit County Code, "high intensity land uses" include "land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses." The Mine qualifies as a commercial and industrial use of the land, and the clear-cutting of existing forest and conversion to a sand and gravel mine qualifies as a high level of human disturbance and substantial habitat impacts. In addition, the Application does not evaluate the angle of the slope in the buffer to determine whether it is greater than 25%, and thus warrants an extension of the buffer 25 feet past the top of the slope.

In addition, by clearing the forest into the buffer, the Mine would eliminate functions that the forest furnishes the productive riparian zone, including: (1) maintaining water quality; (2) controlling fine sediment; (3) contributing large woody debris; (4) providing shade and moderating the microclimate; (5) contributing litter fall and organic matter; (6) moderating site

hydrology and stabilizing slopes; and (7) providing fish and wildlife habitat.

This riparian zone where the aquatic environment transitions to a terrestrial environment is essential for the Oregon spotted frog--listed as endangered by Washington in 1997 and threatened federally in 2014--that relies on the wetlands and environs. The US Fish & Wildlife Service has identified critical habitat for the frog that extends from far upstream on the Samish River and includes the mine property adjacent to the river. The 2017 GBA Addendum acknowledges that these wetlands meet the definition of critical habitat for the spotted frog due to their size, saturated soils, and shallow ponds. The GBA Addendum includes a photograph showing these ideal conditions, as well as a hand-drawn line intended to reflect the edge of the saturated area.

However, neither the SEPA Checklist nor the Application's documents by Graham-Bunting evaluate the impact on the Oregon spotted frog or other wetland species of converting one-third of the riparian buffer into a gravel mine. Consistent with the proposal to mine up to 200 feet from the wetland, the GBA Addendum suggests that a 200-foot buffer is sufficient to protect aquatic life, but does not offer any justification for that assertion other than the absurd claim that clear-cutting a forest and converting it to a sand and gravel mine is a "medium" intensity use. Nor does the GBA Addendum indicate why a 200-foot buffer would protect the Oregon spotted frog when Skagit County's critical areas ordinance requires a 300-foot buffer to protect the Category II wetland from the impacts of high intensity land uses like mining operations. In fact, the GBA Addendum expressly disclaims that it is not intended to be used for the purpose of evaluating the spotted frog under the Endangered Species Act.

## 2. Lack of response to Ecology concerns.

In addition to overlooking the impacts of developing 1/3 of the buffer intended to protect species such as the Oregon spotted frog, CNW declined to address state agency concerns expressed by Doug Gresham, the Washington Department of Ecology wetland specialist responsible for Skagit County. In his initial April 7, 2016 email, Mr. Gresham stated that wetland impacts should be avoided by refraining from excavating within the buffer area associated with the Samish River and its associated riparian wetlands and that any wetlands identified on the property that would be impacted should be delineated and permits should be submitted to Ecology. In a June 1, 2016 comment letter, Gresham declared that additional wetland requirements include: (1) flagging of the ordinary high water mark along the Samish River banks by a qualified biologist, and survey of the boundaries; (2) a jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction; (3) ratings of all wetlands based on Ecology standards; (4) a critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs; and (5) a mitigation plan for unavoidable wetland and buffer impacts per Ecology standards. In addition, Mr. Gresham noted in his June 1, 2016 correspondence that the Application omitted maps showing associated wetlands or the ordinary high water mark of the Samish River.

Six months later, Mr. Gresham supplemented his earlier comments by expressing a concern with CNW's use of a 200-foot buffer rather than the required 300-foot buffer. Gresham stated that CNW needed to address the gravel mine's encroachment into the 300-foot buffer. Gresham also stated that he had "a concern with the access road that will need to be improved to accommodate 46 truckloads a day, which could impact wetlands and streams. This access road may need to be widened, the Swede Creek bridge may need to be upgraded, and storm

water drainage features may need to be reconfigured.” Gresham noted that these issues had not been addressed.

Notwithstanding these clearly-stated agency concerns, CNW continues to propose to excavate up to 200-feet from what it assumes is the ordinary high water mark of the Samish River and associated wetlands without delineating the specific location of the river’s edge, its floodplain, or the associated wetlands. CNW did not supplement the Application with a survey or flagging of the edge of Samish River, delineation of wetlands on the property (including any wetlands along the haul route), critical area reports for wetlands, a mitigation plan, or a discussion of impacts associated with the Swede Creek bridge or haul road development on the creek or wetlands. Instead, an engineering and surveying group drew a map with estimates for the location of Samish River “plotted from May 2011 aerial photo” and “wetland at toe of slope from LiDAR data and field observation,” without a delineation survey. The map is captioned “alternate 300 foot buffer,” but none of the application materials indicate that CNW has decided to apply anything other than a 200-foot buffer. The map shows what appear to be roads or mining areas extending into the estimated buffer.

### 3. Water quality and quantity impacts.

Drainage from the site currently flows to the Samish River both above and below ground. The Application indicates that the mining would occur in an area that is currently elevated about 90 feet above the river and its associated wetlands (50-75 feet above the valley floor in the eastern portion of the site), and that groundwater from the site flows in a northerly direction and discharges to the Samish River. According to the Application, CNW would construct a berm approximately 200 feet landward of the assumed wetland edge in order to direct drainage from the site to the gravel floor for infiltration into the groundwater. The Application does not evaluate whether that berm and mine infiltration would redirect surface water away from the wetlands and river complex and thus dewater these sensitive ecological features, or analyze the impacts of that dewatering.

Application materials offer conflicting information about whether the Mine would reach the water table. Although the GBA Assessment states that the mine would be excavated to a depth of 10 feet above the water table, the SEPA Checklist states that the Mine would be excavated to a depth of 154-163 feet above mean sea level while the hydrogeological assessment found the water table at 145-155 feet above mean sea level. The Application did not evaluate whether excavation to a depth of 154 feet would interfere with a water table at 155 feet.

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PermitProposal : PL16-0097 & PL16-0098 MDNS part 2

Comments : C. SEPA Requires Withdrawal of the MDNS Because the Application Does Not Supply PDS With Sufficient Information to Fully Consider the Project's Environmental Impacts.

PDS must withdraw the MDNS because it has not fully considered the environmental and ecological effects of CNW's sand and gravel mining proposal. RCW 43.21C.030; see *Boehm v. City of Vancouver*, 111 Wn. App. 711, 717, 47 P.3d 137 (2002). For example, PDS issued the MDNS without analyzing the impact of clearcutting and mining a large portion of a wetland buffer intended to protect wetland species like the federally-threatened and state-endangered Oregon spotted frog. Nor has the Application evaluated impacts associated with the private haul road that will traverse Swede Creek and travel near uncategorized and unsurveyed wetlands. The Application also omits a full analysis of the risk to human health and safety from a haul route that involves public roads where the proposed truck and trailer would not be able to stay in its lane on two-lane roads with speed limits up to 50 mph, and risks associated with the sight distance at the intersection of Grip Road and the site access road. In the absence of this information, PDS has not satisfied its duty under SEPA to fully consider the project's adverse environmental impacts.

SEPA requires agencies to "consider total environmental and ecological factors to the fullest extent when taking 'major actions significantly affecting the quality of the environment.'" *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978) (quoting *Sisley v. San Juan County*, 89 Wn.2d 822, 830, 567 P.2d 1125 (1977)). To determine whether an environmental impact statement is required for a major action, the responsible governmental body must first determine whether the action will cause significant impacts and render a threshold determination accordingly. RCW 43.21C.030(2)(c); *Boehm*, 111 Wn. App. at 717.

Agencies must first ensure that the proposal is properly defined. WAC 197-11-060(3). Every part of a proposal that combines to form a single course of action must be evaluated in the same environmental document. WAC 197-11-060(3)(b). Thus, where different parts of the same proposal could not proceed unless they are implemented simultaneously, they must be evaluated together. WAC 197-11-060(3)(b)(i). Because the Mine could not function without the use of the private haul road to transport the product off-site, environmental impacts associated with the use of that road must be evaluated as part of the project's SEPA review.

A major action significantly affects the environment when it is reasonably probable that the action will have more than a moderate effect on the quality of the environment. WAC 197-11-794; *Boehm*, 111 Wn. App. at 717 (citing *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 278, 552 P.2d 674 (1976)). Significance involves a proposal's context



and intensity; an impact may be significant if its chance of occurrence is low but the resulting impact would be severe. WAC 197-11-794.

To evaluate an action's effects, a responsible official like PDS must: (1) review the environmental checklist and independently evaluate the responses of the applicant; (2) determine if the proposal is likely to have a probable significant environmental impact; and (3) consider mitigation measures that the applicant will implement as part of the proposal. WAC 197-11-060(1); WAC 197-11-330; *Indian Trail Prop. Ass'n v. Spokane*, 76 Wn. App. 430, 442, 886 P.2d 209 (1994). In reviewing a project's impacts, an official must review both direct and indirect impacts and both short-term and long-term impacts. WAC 197-11-060(4). If the responsible official's review concludes that the proposal will not cause probable significant adverse environmental impacts, she issues a determination of nonsignificance ("DNS"). WAC 197-11-340. Conversely, a finding of probable significant adverse environmental impact leads to the issuance of a Determination of Significance ("DS"). WAC 197-11-360. A determination of significance triggers the need for an environmental impacts statement to review the project's identified impacts. WAC 197-11-360.

An agency that determines that a proposal will not result in a significant impact bears the burden of demonstrating "that environmental factors were considered in a manner sufficient to be prima facie compliance with the procedural dictates of SEPA." *Bellevue v. Boundary Rev. Bd.*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978) (quoting *Lassila*, 89 Wn.2d at 814). For example, the threshold determination must be based on information sufficient to evaluate the proposal's environmental impact. *Boehm*, 111 Wn. App. at 718. In addition, a court will not uphold a DNS unless the record demonstrates that the government gave actual consideration to the environmental impact of the proposed action or recommendation. *Boehm*, 111 Wn. App. at 718. An incorrect threshold determination will be vacated because it thwarts SEPA's policy to ensure the full disclosure of environmental information so that environmental matters can be given proper consideration during decision-making. *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).

The MDNS, SEPA Checklist, and associated application materials here demonstrate that PDS did not adequately consider the environmental factors, "in a manner sufficient to be a prima facie compliance with the procedural dictates of SEPA." *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978). The MDNS is not based on information sufficient to evaluate the proposal's environmental impact, as identified below and as exemplified by the lack of response to riparian and wetland requirements noted by Doug Gresham, Ecology's wetland specialist for Skagit County.

1. The MDNS is not based on information sufficient to evaluate the proposal's environmental impact.

The sections below summarize some of the information omitted from the Application that is necessary to fully understand and consider the Mine's environmental impacts. For more detailed descriptions and additional flaws, please see the CSVN November 2020 comment letter at Attachment A.

a. Lack of review of impacts within the Project's full footprint.

The application materials do not evaluate environmental impacts associated with the two-mile-long private haul road that transects the applicant's larger contiguous ownership and traverses

Swede Creek, even though industrial-scale use of this haul road is a crucial element of the Project. For more information about this omission, see Attachment A, CSVN Letter at 4.

b. Lack of review of climate impacts associated with hauling sand and gravel.

No application materials, including the SEPA Checklist, evaluate the climate change impact associated with carbon emissions from mining and hauling more than 4 million cubic yards tons of sand and gravel over a 25-year period. Indeed, the SEPA Checklist asserts that, “[t]here are no off-site sources of emissions that would impact the proposal.” For more information about this omission, see Attachment A, CSVN Letter at 5 (identifying off-site and cumulative impacts omitted and ignored).

c. Lack of review of impacts from converting 1/3 of a forested buffer into a gravel mine, including impacts to listed species.

Although the MDNS contemplates the mining of more than 4 million cubic yards of sand and gravel, which would occur only if PDS applies a 200-foot buffer rather than the required 300-foot buffer, neither CNW nor PDS evaluated the impacts of reducing the buffer by 100 feet over a stretch of approximately ¼ mile. Nor does the Application review the impacts of this reduction on the listed Oregon spotted frog that relies on the wetlands and environs for its habitat.

d. Lack of sufficient information about wildlife impacts.

Notwithstanding that the Project would convert at least 51 acres of forested land to a gravel pit, the Application does not identify or analyze impacts to native fauna. CSVN have communicated to PDS that bears, cougars, and bobcats have been known to frequent the area and that local residents regularly observe the use of that area as a wildlife corridor between Butler Hill to the south and the Samish River valley and Anderson Mountain to the north. Yet the SEPA Checklist asserts that the property is not an animal migration route. In addition to providing critical habitat for the Oregon spotted frog, bull trout, and Puget Sound steelhead, the Samish River and its associated wetlands provide important habitat for a wide range of species that include river otters, beavers, bald eagles, belted kingfishers, great blue herons, spotted sandpipers, and numerous species of migratory songbirds. The Application should be supplemented to identify the animal species that inhabit or necessarily transit that area and analyze the impacts of turning that land into an open gravel pit and the impacts of converting what is presumably a lightly-used forest road to heavy industrial use.

e. Potential water pollution impacts.

The Application repeatedly states that stormwater will be infiltrated at the site, and notes that the groundwater flows to the nearby Samish River, but does not evaluate whether spills of fuels or other hazardous materials will impact the river’s water quality after traveling through, ultimately, just 10 feet of ground before entering the groundwater. The Application also does not evaluate potential impacts from stormwater runoff of the private haul road, including sedimentation and petroleum products entering Swede Creek or wetlands east of that road. The Application must evaluate the potential for water pollution and the effects on Samish River and Swede Creek.

f. Lack of requisite Critical Areas review.

Skagit County has incorporated the goals, policies, and purposes of its Critical Areas Ordinance (“CAO”) into its SEPA policies. Consequently, to satisfy its duties under SEPA, the County must require compliance with CAO directives like the standard review of impacts that includes the submission of a critical area checklist and/or a site plan that shows the location of the proposed activity and associated area of disturbance in relation to all known critical areas or critical areas indicators. The County must then review these project documents, complete a critical areas staff checklist, inspect the site, and complete the critical areas field indicator form. Where the County’s review concludes that the proposed activity extends to within 200 feet of critical area indicators or a distance otherwise specified by the chapter, it must require a critical areas site assessment. Ultimately, this process should result in protected critical areas being delineated and their outer edges and buffers marked permanently.

With regard to wetlands, any proposed high impact land use within 300 feet of wetland indicators, and any other proposed land use within 225 feet of wetland indicators, requires a wetland site assessment. The site assessment must result in a wetland delineation, classification, site plan with wetland and buffer boundaries, and functions and values analysis.

CNW’s application does not satisfy these standards and thus does not meet Skagit County’s SEPA requirements. The Application does not identify wetlands adjacent to the haul road at all, much less conduct a wetlands assessment for the impacts associated with the proposed hauling. The Application does acknowledge the existence of wetlands associated with the Samish River, but does not include a delineation, site plan with delineated boundaries depicted in relation to the Mine activities, or a full functions and values assessment. Absent this information, the County does not have sufficient information to issue a threshold determination.

g. Lack of sufficient review of noise impacts.

The Application’s noise studies rely on a flawed methodology and overlook the planned removal of the forest buffer between the Mine and neighboring properties. For more information about this omission, see Attachment A, CSVN Letter at 13-14.

h. Lack of sufficient review of recreation impacts.

The Application omitted any acknowledgement or analysis of impacts to cycling along regional and federal bicycle routes. For more information about this omission, see Attachment A, CSVN Letter at 14-15.

i. Lack of sufficient information about transportation impacts.

As identified above, the Application omits significant, necessary information about potential traffic impacts, including final maximum traffic generation numbers, site distance impacts for intersections like that at Grip Rd/site access road, modeling with speeds anticipated by Skagit County’s Road standards, mitigation for site distance impacts, the impact of truck-trailers crossing the centerline between the site and Old Highway 99, travel east of the Mine, and the redistributed traffic to Cook Road. These must be addressed.

2. The MDNS issued absent consideration of applicable mitigation measures.

While the MDNS included several conditions, the vast majority of them merely require

compliance with existing standards (though the MDNS did not require observation of Skagit County's 300-foot buffer and instead embraced CNW's decision to apply only a 200-foot buffer). To the extent that the MDNS included conditions for transportation impacts, it merely directs CNW to avoid hauling with trailers or to design and construct unidentified road improvements on two turns on Prairie Road. Other mitigation measures that should have been considered include:

- Scaled-back size of mine;
- Scaled-back rates of extraction;
- Limiting hours of operation to daylight hours during the workweek. This would partially address areas where the site distance is impaired;
- Limiting the daily number of truck trips;
- Protections from sedimentation and stormwater drainage into Swede Creek;
- A drainage/runoff plan for the length of the private haul road to prevent surface water impacts from heavy traffic on the haul road;
- Requiring roadway upgrades to decrease the likelihood of collisions between Project trucks and other vehicles, bicycles, and pedestrians; and
- Identifying a prescribed haul route.

#### D. Conclusion.

Notwithstanding the five-year interval since CNW initially applied for the special use permits, it has not supplied PDS with environmental information about the proposal sufficient to warrant a threshold determination. PDS issued the MDNS without fully considering the Project's significant environmental impacts, from loss of habitat for an endangered frog to traffic impacts to impacts associated with the private haul road. CSVN therefore asks PDS to correct that mistake by withdrawing the MDNS and by coordinating with the Applicant to conduct an EIS for the significant impacts referenced above.

In addition, CSVN requests that PDS publish online the comments submitted to address the MDNS as soon as possible.

If you have any questions, please contact me at 360-622-8060 or [kyle@loringadvising.com](mailto:kyle@loringadvising.com).

Sincerely,

Kyle A. Loring  
Counsel for Central Samish Valley CSVN

Cc: Michael Cerbone  
Martha Bray  
John Day

Attachs:

- A. CSVN Letter to Hal Hart re: Proposed Grip Road Gravel Mine #PL16-0097—Comments on SEPA Review
- B. WDNR timber harvest map
- C. Skagit Valley Bike Map
- D. Grip Road Gravel Mine Peer Review Traffic Impact Analysis
- E. WDFW map showing wetlands and drainages near haul road
- F. US Fish and Wildlife Service Critical Habitat map for Oregon Spotted Frog

From Host Address: 216.160.85.174

Date and time received: 4/30/2021 2:14:35 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 2:25:02 PM

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Name : Monty W McIntyre  
Address : 585 PLEASANT BAY  
City : Bellingham  
State : WA  
Zip : 98229  
email : mont137@msn.com  
PermitProposal : PL16-0097  
Comments : Greetings

I am writing in regards to the MDNS to the proposed gravel pit by Miles Extraction Co. My personal experience is that this is an irresponsible company that will not hold itself accountable. Please let me get this off my chest to start with!

While driving on Highway 9 a couple years ago an oncoming Miles Cement truck blew out a massive tire, just as we were passing one another south of 84th street. I was going north in my red 97 F250 and the Miles truck was going south. An extremely loud explosion occurred adjacent to me, mustard colored muck and tire debris slapped my vehicle, coating and chipping my windshield / drivers side and startling me the hell out of me. I pulled over immediately on the shoulder to see what had happened. I saw that the Miles truck had also pulled over. After surveying the situation beside that busy highway, I went north to the roundabout, and returned directly to the Miles vehicle, parking in front of it on the southbound shoulder of highway 9. I saw the tire behind the driver door was destroyed. It had caused the explosion and the damage to my truck. I spoke with the driver who told me to write down my name and phone number and he would "turn it into the office that day when he got back " I wrote my name and phone number on a slip of paper and gave it to the driver. I never received a call back about the incident and have a chip, from that blown tire, in my windshield to this day. I can honestly say that Miles damaged my truck. Then the driver, or the office personnel blew me off!

Why would I believe anything they or their agents will submit?

Regarding the MDNS. I hope our county can understand that this proposal has very significant, and permanent, negative impacts. As someone who has worked outside all his life and knows something about natural systems, it is absolutely absurd to me that the county is promoting this. Hugely damaging activities are now considered nonsignificant to our environment, or can be easily "mitigated: What will be the legacy of Skagit County's permitting process?

Does DNS really mean:  
Damning Native Species?

Are Chinook Salmon of value to the declining local Orca population? WDF once had grand plans to restore native salmon runs. What are the current state of affairs? Can Samish River produce Chinook to alleviate some of the food shortage for Orca and provide for the human hunger for Kings as well??

What potential for siltation during a major pineapple express event would this disturbed acreage above portend for any restoration of Swede creek / Samish River salmonids?

What role did Skagit county play in permitting the logging that caused the muddied spawning gravels that caused the near extinction of Phinney Creek Steelhead, a run that was once spectacular?

What Role did the County play in permitting the destruction of Baker Lake Sockeye? How many return now compared with the 85,000 that was once an average run?

Historically the county has a terrible record of Native salmon conservation. From culverts to dams to gravel pits and logging. The lack of concern is cumulatively glaring!

Maybe MDNS is code for Maliciously Destructive Not (for) Salmon.

If it wasn't for the regional salmon enhancement groups our salmon may already be gone.

Now they are just mostly gone! What does the future hold for salmon that are under constant attack from activities such as are proposed?

Consider the recent findings that Coho are particularly affected by an ingredient in tires which causes high mortality. Coho can live for a couple years in freshwater before out-migrating.

What is the historical distribution of Coho in swede creek and Samish rivers? How many tires will wear away over the term of this proposal in the pit activity? How many pounds of rubber particles will run off from the road trips along all routes planned by these trucks? I'm still thinking about that tire blowing up next to me on # 9, what was in the mustard colored crap sprayed all over my truck?

Many forms of native life exist on this parcel, including hundreds of songbirds , currently singing to the brood in their nest at daybreak. What will happen to those birds when their nesting trees are excavated away so Miles can dig and then mix new cement for land developers? What will the morning sound like when diesel engines start with puffs of black smoke and no birds? I would proffer another DNS = Does Not Sing. It's a Dang Nincompoop Scheme that Dooms Nice Songbirds which is also D Nasty (&) S. Will human residents have a better day when they wake up hearing front end loaders, dump trucks, excavators and conveyors rather than birdsong and frogs - then get their windshield broken on the way to school?

I'm no biologist but did find a cute salamander with a yellow stripe on it's back last week. The frogs have been croaking for some time and so I think of all the amphibians along Swede Creek. Don't have time to make a list - should be doing taxes and going outside to work on some other stuff. I feel the need to get involved but it's most likely an aggravating waste of my time. Big business always get their way, they just pay an attorney to get it done! Ordinary citizens scramble to try and put in some feed back on short notice , THANK YOU FOR THAT!

Disavowing Natural Systems is Detrimental Not Sensible.

Our society will not be secure when some amongst us keep keep fouling our communal nest for profit, that's for sure. As I get older I see fewer functioning Natural Systems. I hope we can agree on this. Man has been wrecking things for a long time. Precious natural resources that effectively support healthy life have been in decline for decades. This dangerous trend is now exponentiating with increasing pressure from proposals such as this. Please pay attention and limit this destruction.

This gravel mining is Most Definitely Not Suitable for our community

STAY HOME STAY SAFE

Monty McIntyre

From Host Address: 75.172.124.90

Date and time received: 4/30/2021 2:23:03 PM



**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 3:20:02 PM

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Name : Shelley Allen  
Address : 22018 Grip Road  
City : Sedro Woolley  
State : WA  
Zip : 98284

email : shelly@muzylowski.com

PermitProposal : PL 16-0097 Concrete Nor'west (CNW) application mining special use permit

Comments : Three Main issues regarding the proposed Mine on Grip road are: Environmental impact, Road safety and Third Party Sales. A comprehensive study of the issues and impacts of the effects of a gravel mine in this area should absolutely be implemented.

The Samish river and basin, have been a concern for habitat loss and degradation. The State and local communities have allocated enormous funding to protect these rivers. The mine project proposed on Grip Road, needs to be subject to a full environmental review.

Concrete Nor'West/Miles have already have an impact on this critical river from their Belleville site, also adjacent to the Samish River. Thousands of heavy load-filled trucks, leaking fluids, producing dust and emissions would be added to a second site of this critical river.

A full Environmental review must be required. This mine operation needs stringent environmental protection rules that protects the wetlands and that are carefully enforced.

Grip Road is a narrow, winding and steep road. With the current conditions there is no way that the addition of thousands of gravel trucks traveling on it could be considered safe. Grip Road is a regular route for many bicycling clubs/groups, as well as antique car clubs, as it is a quiet road that has been favored for it's scenic qualities and minimal commercial traffic. Many of our neighbors walk the road for exercise and also walk to the riverside in the summer.

Our home is on a hard corner on Grip Road, just up the hill from the proposed mine access/entrance. We have had many vehicles skid on the corner and slide off the road damaging trees and signs. Last month a Skagit county road worker had to replace or repair the corner sign three times. This and many other significant corners on Grip Road would be unsafe for large vehicles passing one another, and again, for pedestrians and cyclists. We have not seen maps and details that would show how these concerns would be mitigated.

What is the maximum runs of trucks per day (including roundtrips). Please confirm there will be a noise study of the use of compression brakes.

The proposal states that gravel can be sold directly to the market from this site. What are the restrictions on these transactions and what haul roads will they be using? Third party sales would create an undetermined effect on the area and should not be allowed.

From Host Address: 172.92.201.237

Date and time received: 4/30/2021 3:17:33 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 3:25:02 PM

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Name : Frederic Allen

Address : 22018 Grip Road

City : Sedro Woolley

State : WA

Zip : 98284

email : rik@rikallen.com

PermitProposal : PL 16-0097 Concrete Nor'west (CNW) application mining special use permit

Comments : Two Main issues we have regarding the proposed Mine on Grip road are:  
Environmental impact and Road safety.

As proposed we believe that there is far too little done to study the site and mine proposal to mitigate the effects of a gravel mine in this area. A comprehensive study of the issues and impacts of this project should absolutely be implemented. The Samish river and basin, as well as many of Washington State's rivers have been a concern for habitat loss and degradation. The State and local communities have allocated enormous funding to protect these rivers, I can not understand why a project, as large as the mine proposed on Grip road, would not be subject to a full environmental review. Concrete Nor'West/ Miles have already have an impact on this critical river from their Belleville site, also adjacent to the Samish River. Thousands of trucks rumbling, leaking fluids, producing dust and emissions would be added to a second site of this critical river. A full Environmental review must be required. We all would be at a loss if this mine is permitted without stringent environmental review that protects the wetlands and all buffers are carefully enforced.

Regarding the road safety issues, this is one issue that has brought together all of our neighbors, regardless of anyone's political, social or community background. Grip Road is unsafe. The stretch of Grip road from Prairie road is has multiple blind corners on a steep hill. My wife and I frequently walk and bike on Grip road year round. It only takes a few large pick up trucks on Grip to force anyone on the road into the gravel embankment. Anytime a commercial truck has come around the corner with people on the road, they are forced to either brake hard, or cross over to the opposite lane. Two gravel trucks, passing each other, with or without trailers, will occupy all the available pavement making it an extremely dangerous situation for anyone (including animals). There is no way I can see this winding steep road being considered safe. Grip road is a regular route for many bicycling clubs/groups, as well as antique car clubs, as it is a quiet road that has been favored for it's scenic qualities and minimal commercial traffic.

Our home is on a hard corner on Grip road, just up the hill from the proposed mine access/entrance. We have had, almost monthly, vehicles leave the road and slide into the corner. Last month a Skagit county road worker had to replace or repair the corner sign three times. Grip road has many significant blind corners that would be unsafe for large vehicles passing one another, and again, for pedestrians and cyclists.

We have not seen maps and details that would show how these concerns would be mitigated. Truck traffic, as currently proposed, would have a major impact on our quality of life and safety.

Thank you.

From Host Address: 172.92.201.237

Date and time received: 4/30/2021 3:22:31 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 3:30:02 PM

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Name : Ingo Lemme  
Address : 5856 Park Ct  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : ilemme@cnw.com

PermitProposal : PL16-0097 & PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)

Comments : I would like to comment on the SEPA determination issued by Skagit County Planning and Development Services in response to the gravel mine development application submitted by Mile Sand & Gravel.

The route proposed for hauling the gravel over Grip Rd. and Prairie Rd. is inadequate for the type and volume of truck travel proposed. The MDNS does not adequately address the problems on this route including curves on the Grip Rd. hill that are not wide enough to accommodate the truck traffic without crossing the center line. There are many portions of this route that are dangerously narrow for such traffic. I am a bicyclist and long stretches of this route have virtually no shoulder, so that the road is not wide enough for a gravel truck, a vehicle travelling in the opposite direction and a bicycle. This is an extreme safety hazard. With the volume of truck traffic proposed by this project, the frequency of this hazard increases very significantly. These hazards are not adequately addressed in the MDNS and a full EIS is needed. Related hazards are the intersection of the haul road and Grip Rd. and the intersection of Grip Rd. and Prairie Rd., and these hazards are not adequately addressed in the MDNS. Another issue inadequately addressed in the MDNS is the impact of the proposed truck traffic on the physical infrastructure of the roads themselves; these roads are inadequate for this volume and type of truck traffic, which will cause accelerated wear and need for expensive repairs.

The proposed project will have significant impacts on wetlands, fish/wildlife and drainage, which are inadequately described in the MDNS. The MDNS also inadequately deals with the noise and vibration impacts and the increased diesel exhaust impact on air quality. These issues need to be considered with a full EIS.

Because of the inadequate delineation in the MDNS of both the impacts of this proposal on road safety and road degradation as well as the impacts on the environment, including wetlands, fish and wildlife, noise and air quality, I strongly disagree that a MDNS is adequate and request that a full EIS be required.

Thank you for your consideration of these issues.

From Host Address: 50.34.213.251

Date and time received: 4/30/2021 3:26:12 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 3:30:02 PM

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Name : Jennifer Aven  
Address : 6478 Lillian Lane  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : Jenjen2912@yahoo.com

PermitProposal : Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097

Comments : My husband and I are extremely concerned at the re-issuance of the permit for the gravel mine. There seems to be absolutely no concern for the safety of my family or my neighbors as we drive on the narrow and winding roads of Grip and Prairie. We demand that thorough and comprehensive studies be done to address the risks that this severe increase in large heavy trucks on our small backwoods roads be performed and then that any and all concerns be adequately addressed. My parents, my children, my husband and myself are on these roads two to four times a day each and the idea that county would ignore putting their lives at risk, especially for profit, is appalling. I find the idea of facing a large truck barreling down the "S" curved hill on Grip while in possible drifts across that center line terrifying. The option to avoid it would be down an embankment. What will happened when the school buses are passing through as well? What does it look like at those 90 degree corners on Prairie just before Old 99? Are we all just going to have to swerve and break hard to miss these trucks? I've had a close call with a large vehicle there before and the adrenaline rush doesn't dissipate until you reach Burlington. This is unacceptable. We shouldn't be forced to endure that every day.

Lets not also ignore the dramatic increase or the wear and tear of roads not built for that kind of traffic. We must study what the effects of those 30 round trips an hour means. And all the environmental effects...I'll leave it to my neighbors to cover those concerns in great detail, but we are worried about all of them as well.

We chose this beautiful area over 15 years ago because of the quietness and the serenity. We chose the intimacy and safety of tiny Samish Elementary and its back roads bus routes for our children. We expect to share the roads with an occasional tractor or horseback rider, not an industrial flow of heavy trucks. I know that things progress and change, but I implore you to please take the time to do the right thing. Study in depth all the consequences this mine will have on our community and hop in your own vehicle, go for a Sunday drive down the length of Prairie and Grip and picture what this mine and it's traffic will do to every single person who lives here and drive these roads.

Thank you for your time.

Sincerely,  
Jennifer Aven

From Host Address: 50.34.125.113

Date and time received: 4/30/2021 3:26:26 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 3:30:02 PM

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Name : Miles Sand & Gravel Company Inc.

Address : PO Box 280

City : Mount Vernon

State : US: Washington

Zip : 98273

email : dan.cox@miles.rocks

PermitProposal : File #'s PL16-0097 & PL16-0098

Comments : On behalf of Miles Sand & Gravel Company Inc. (Concrete Nor'West), I am writing to express our support of the 4-15-2021 MDNS for the above noted project. Miles has worked diligently to provide all of the requested information to allow the County to review and condition this application to address public concerns and ensure compliance with County requirements. We would encourage the County to move forward with preparation of the staff report and scheduling of the public hearing so that a decision on the application can be made.

From Host Address: 50.34.67.130

Date and time received: 4/30/2021 3:29:08 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 3:40:02 PM

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Name : Jesse  
Address : 20631 Prairie Rd  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : jfaxonmills@gmail.com  
PermitProposal : Concreted Nor'west/Miles Sand & Gravel; PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)  
Comments : April 30, 2021

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: Concreted Nor'west/Miles Sand & Gravel; PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)

Dear Mr. Cerbone,

Thank you for this opportunity to voice my concerns about Skagit County's recently re-issued MDNS regarding the mine development application of Miles Sand and Gravel.

Until recently, I wasn't fully aware of the extent to which this would impact the area where I live, and especially how it could upend the lives of my neighbors to the near south. I live about 1 mile north of the proposed gravel mine area and have recently become aware of gravely concerning details of this proposed mine. I'm extremely worried about what seems to be a lack of thorough research by the county into what this project would mean for those living on Grip road and in the surrounding community. The lack of up-to-date studies by the County on the environmental impact is deeply concerning as well.

For over 30 years, my parents have lived ten minutes away from the forested land off of Grip Road. They know many of the people who live in that area and have been allowed by kind neighbors to explore those forest lands with their family. More recently, they've been sharing the beauty of those woods with their first grandchild. They've seen tracks of cougars and bears, in addition to a wide assortment of birds and other small creatures. This would all be profoundly impacted in a very sad way if we allow these territories to be stripped for gravel, fill the air with exhaust from transport trucks, and fundamentally disrupt their habitat.

And, the Samish River, which runs behind my house and which I fished in as a kid, would also be irreversibly impacted. The river and surrounding wetlands provide habitat for the Oregon Spotted Frog, designated endangered by the state and threatened federally, and the Bull Trout, another species listed as threatened on federal lists also has critical habitat on this river. As I understand it, when issuing the MDNS, the Fish and Wildlife Assessment used was



incomplete and over five years old. There's no mention of endangered status species in the MDNS. State and federal agencies addressing endangered species must be consulted.

I also can't help but think of how this project will affect the safety and infrastructure of the roads. Grip Rd is narrow, with twists and turns. It intersects with Prairie Rd (where I live) on a tight corner of Prairie, and I've already had cars pull out in front of me who didn't see me coming around that turn. I fear that the safety impact of dozens, perhaps hundreds of trucks daily on Grip road would be disastrous. I understand that the Traffic Impact Analysis located lane encroachment on this route, including on the twisting Grip Road hill spots, but neither the TIA nor the MDNS analyzes or mitigates this problem. Head on vehicle collision are horrific. Without properly addressing this truly life or death issue, there is no answer to the community's fearful question: how will trucks and school buses negotiate safely passing on these roads? For the County to refrain from insisting on additional information and assurances on this issue would be a costly and deadly mistake, in that severe accidents involving those civilians who travel these roads would be inevitable.

Although Miles Sand and Gravel suggests an average 46 truck trips per day (already high traffic), the company says it might run up to 60 trucks per hour, which likely would be the case in peak season. The impact of anything even close to such heavy traffic would pose both a safety hazard and a negative impact on road infrastructure. Impacts on infrastructure also need to be evaluated, and provision should be made for the applicant to pay a fair share of cost for maintenance and repairs if the project is approved.

From what I can see, this project has not been thoroughly examined. In order to allow the mine to exist, the County would make an exception to allow only a 200 foot buffer. How can this be considered acceptable when Critical Areas Ordinance (CAO) requires a 300 foot buffer adjacent to high intensity land use? This project will be nothing if not high intensity: a 60 acre mine site on 700 contiguous acres, going 90 feet deep, with over 11,000 heavy truck trips per day over 25 years. Clearly, the Critical Areas Ordinance defines its terms regarding high intensity projects for crucially important reasons. Those crucial points of this Ordinance must not be disregarded without closer examination of the high intensity nature of this entire proposal.

Grip Road/Prairie Road is our home. It is rural, and home to many farmers and families. It is the type of place that Skagit County is known for, which hasn't yet been overcrowded or stripped for profits. Pushing through this gravel mine without thoroughly examining its many impacts on the people, animals, and plant life would be an outright betrayal. An application to substantially change its character, its safety, and its multi-use function for all species should be assessed with all of the tools that the County has in place, including state and federal metrics.

Please reverse the Threshold Determination under SEPA, require a full Environmental Impact Statement to evaluate environmental fallout from this project, and fully examine the public safety and quality of life impacts of this proposal.

Sincerely,

Jesse Faxon-Mills  
20631 Prairie Rd  
Sedro Woolley, WA 98233

From Host Address: 172.92.208.120

Date and time received: 4/30/2021 3:36:01 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 3:40:02 PM

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Name : Linda L Walsh  
Address : 21710 Prairie Road  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : walshl2006@hotmail.com  
PermitProposal : PL16-0097 & PL16-0098 Concrete Nor'West reissued MDNS  
Comments : April 26, 2021

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
MT Vernon WA 98273

RE: Concrete Nor'West/ Miles Sand & Gravel  
PL 16-0097 & PL16-0098,  
Notice of Withdrawn and re-issued Mitigated Determination of Non-Significance (MDNS)

Dear Mr. Cerbone,

My husband and I own land adjacent to the proposed mine parcel so this project will have a significant impact on our lives and property. We have lived on Prairie Road for nearly 30 years. I have had many concerns regarding this project from the beginning in 2016 and want to comment on the many of the same concerns on the reissued MDNS.,

The revised MDNS has changed very little from the original 2016 document despite countless hours of documentation submitted to the County from our Community group that documents multiple traffic safety and environment issues. The video, photo, written and verbal communications provided over the past few years have recognized these serious concerns from the beginning.

It has taken nearly 5 years for County and experts to acknowledge what we have known from the beginning. The trucks cannot stay in their assigned lanes. However, the mitigation offered only addresses 2 intersections and 2 corners. Documentation is clear there are many other similar corners and intersections on the possible transportation routes. These routes and safety issues remain unevaluated and still falls far short of what Skagit County Code and SEPA requires. It does not fully evaluate the potential impacts of the proposed commercial mine project. This reflects the County's lack of understanding of the size and scope of this project. To ignore these documented problems will result in unacceptable risks for the environment and public safety. A full EIS must be required in order to adequately identify and address the number of safety and environment concerns.

The applicant's TIA and the MDNS have already identified significant current traffic problems in the area without even using accurate data. The average 46 truck trips per day that

is calculated by spreading trips out over a 12 month period is a useless number for calculating traffic safety. The yearlong average of truck trips does not give an accurate number of trucks that will actually be present on the road system each day. During the high volume construction season they will exceed the average daily 46 truck trips for several months. The number is not only inaccurate it is misleading to the public by implying there will be an actual 46 truck trips per day.

It does not take traffic experts to know the MDNS mitigation of the 2 corners which will not allow trucks and trailers, will cause a significant increase in the numbers of solo dump truck trips to haul the desired amount of material. These trips will far exceed the average 46 truck trips this proposal is based on and this increase of solo trucks must be evaluated. Likewise, sales to private or 3rd parties will also result in an increase of trucks. The additional number of trucks is not included in their TIA. These increases must be added to the 46 average truck trips. If the applicant decides to use alternate routes with truck and trailers, those routes need evaluated. A Level II TIA needs to be done.

Mitigation to comply with the weight limit on the Samish bridge will also cause unevaluated routes to be used. The Cook Road/Old Highway 99 intersection, which is included in the haul route but not evaluated in the TIA for safety or level of service (LOS), is well documented by the County to already be operating at LOS D, which is below the County's minimum requirement of LOS C. Adding hundreds of trucks to this intersection will degrade the LOS even farther. I have seen trucks and trailers force a vehicle stopped at the light to back up in order to avoid being hit by the truck trailer straying into their lane. The F & S Grade/Prairie Road intersection has in recent months had 4 traffic accidents and it remains unevaluated for safety of LOS, despite the fact it could become a regular alternate route for trucks and trailers. If it had been evaluated it would be apparent that trucks cannot stay in their assigned lanes, this is unacceptable.

The final SEPA determination must evaluate the traffic safety impacts of the project based on the actual maximum number or trips per hour and set a hard limit on it. The County must also set limits on the duration and frequency of occasions when it will allow higher than average trip numbers. We already see communication between the County and the Applicant deciding how they could be allowed to exceed a maximum of allowed trucks.

There should be no direct sales to private or 3rd parties without all routes being evaluated .

1. Require safety analysis and mitigation measures for ALL locations where trucks will encroach on the opposing lane of traffic. The MDNS states that trucks with trailers will encroach two to three feet into the opposing lanes of traffic at the two sharp corners on Prairie Road near the intersection with Old Highway 99. It also requires that the applicant reconstruct the road at this location and correct this acknowledged safety issue. The applicant's TIA identifies the same issue, but also states that there are several other locations on the haul route where trucks will cross over into the other lane. It does not identify these other locations, provide analysis of the specific safety issues there, or propose any mitigation. From my personal observations and those of other area residents, other locations where this is an issue include, but are not limited to, the steep S-curves on the Grip Road hill, the eastbound approach to the Samish River bridge on Grip Road, and practically every intersection on the identified haul routes.

2. Take increased non-mine traffic over time into account in analyzing the traffic safety and road capacity impacts of the project. The TIA uses intersection vehicle counts from 2020 as the base for evaluating the impact of mine traffic and does not factor in increasing traffic over time with growth. There is no explanation of why this was not done. If the applicant and the

County are not going to take this into account, they must provide clear evidence to show that substantial increases in background traffic are not likely to occur during the proposed 25-year lifetime of the mine.

3. Provide clear, graphic analysis of ALL locations on proposed haul routes where intersection and/or stopping sight distances do not meet required minimums for all types of vehicles.

Require mitigation of all such locations. Graphic "Vision Clearance Triangle" analysis (Skagit County Road Standards, 2000, Appendix C-7) or other industry standard graphic analysis is needed for all such locations and adequate mitigation measures required for project approval.

4. Flashing speed warning beacon systems proposed for the Grip/Prairie and Grip/Mine Entrance intersections require analysis as to what they are intended to accomplish and how they will do it. The existing speed warning signs on Prairie Road at the Grip intersection clearly do not work and no analysis has been provided to show that a flashing warning light system will work better at either location. The County must require the applicant to conduct field studies to determine what the actual maximum safe speeds are for these intersections and require mitigation measures that will ensure these limits are met.

5. Fully evaluate accident records for all road segments and intersections on the haul route, including causes and contributing factors. Provide analysis of the impacts mine traffic will have on the number, type, and severity of accidents to be anticipated with both existing and future traffic volumes. Require effective mitigation measures. The existing TIA accident record analysis is limited to certain intersections on the haul route and does not look at causes and contributing factors. It excludes a number of additional intersections, including Cook Road and Old Highway 99, as well as accidents not occurring at intersections.

6. Evaluate the impacts of mine traffic on the existing roads and bridges and require the applicant pay its fair share of the costs for increased maintenance on our already sub-standard rural roads. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required significant repairs over the last few years. Roughly 12,000 truck and trailer trips per year over 25 years will necessitate a lot of additional maintenance by the county roads department. This must be paid for by the applicant, not the taxpayers.

7. School buses are not match for the large trucks and there are several times per day, 180 days per year that the will be transporting our children. These children wait in the dark on roads with little to no shoulder and no evaluations have been done to ensure the Buses can share the road safely with the massive dump trucks and trailers.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts.

- The environmental review did not consider the full footprint of the project. Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

We are disappointed the hours of transportation and operations have not been restricted more. Operating and transporting 10 hours per day and on weekends does address the negative impacts on my family and others trying to enjoy our homes and properties.

The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high

intensity land use and the MDNS needs to reflect proper mitigation to comply with CAO. The Fish and Wildlife Assessment was done in 2015 and is out-of-date and incomplete. The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted. Wetlands were not delineated, and there is no requirement for surveying and permanently marking them. A full wetland delineation was never done. Sensitive areas and buffers within the entire project footprint need to be identified so that operators and regulators know where they are.

Wildlife corridors are not identified and or protected. Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

A drainage plan needs to be required to protect water quality from runoff on the private haul road. Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.

Impacts to groundwater are not adequately evaluated and protections measures are not required. They intend to excavate the mine to within 10 feet of groundwater. The hydrogeologic report is based on 2003 data supplied by Concrete Nor'West . They hydro company based the ground water levels on that data and it is nearly 18 years old. The High Seasonal Ground Water has not been re-evaluated since 2003 and yet they must keep the mine 10 feet above that unknown level. Leaving only 10 feet of natural material does allow for much error. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.

The Noise and Vibration Study did not base information on specific size of equipment. The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. Here again they try to use an average of dBA, not maximum noise levels. They did not measure noise received at neighboring property boundaries but instead chose areas to take data at least 1800 feet away from the property boundary. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a significant change for our property and should be taken into account in a full EIS.

Emissions were not evaluated and no mitigation plan was required. Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves emissions from thousands of diesel trucks over a 25 year period. I know the County is aware of the significant adverse impacts vehicle emissions have on air quality because in their parking lot the have 'No Idle zone' signs. If there is a concern for ordinary automobile air pollution it seems thousands of diesel trucks and thousands of hours heavy equipment emitting pollutants would have been a priority to evaluate with an EIS.

Cumulative impacts were ignored. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat

and fish bearing streams. These are not reversible impacts. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

The MRO designation does not automatically give a business the 'green light' to operate, it does not even ensure extraction will be possible. It only identifies there are mineral resources present. This project would have received an automatic 'green light' to operate back in 2016 with little meaningful documentation if our Community had not spent countless hours and thousands of dollars submitting information supporting the safety issues and environmental issues, some are now recognized by the County to be present today. This industrial mine cannot be permitted based on incomplete and inaccurate data.

This project cannot be mitigated without causing undue hardship and adverse impacts on local residents and it is incompatible with current land uses.

In order to even try to fully mitigate road problems land-owners would be required to give up land on sections where the road needs to widen and there is no easement. The level of noise, dust and vibration that properties will receive cannot be mitigated. The County and the Applicant have had over a decade to invest into the infrastructure knowing they would be wanting to extract and transport the gravel, and yet their lack of investment and planning will cause an extreme burden on local residents if this project is allowed to move forward at this time.

Mitigation to lower the speed limit just because the applicant wants to introduce high volumes of trucks into our roads also adds the burden on the residents, increasing commute times which are already long.

There is no way to mitigate the decrease in property values due to the presence of undesirable truck traffic and adverse impacts of a nearby industrial gravel mine. Once again residents will bare the entire burden of this significant impact.

It is not just a "borrow pit" as one of the CNW representatives told the Hearing Examiner in a meeting. It is a high intensity, full scale industrial mine and transportation project that will remove and transport 4.2 million cubic yards of gravel and transport it via an inadequate, substandard public road system across wetlands and wildlife habitat. They will strip all topsoil, timber and vegetation and excavate 50 to 90 feet deep over 50 acres, this an open pit industrial mine with a 25 year duration. Approximately 6500 feet of Samish River front is the eastern border of the mine, this project clearly needs a comprehensive EIS to identify all its adverse and dangerous impacts.

Please take another look at all the impacts this industrial mine will have on this area and listen to the valid concerns we have regarding this project.

Sincerely,  
Linda & Robert Walsh  
21710 Prairie Road  
Sedro Woolley WA 98284

From Host Address: 172.92.225.214

Date and time received: 4/30/2021 3:37:41 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 4:00:01 PM

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Name : Larry William Hedgpeth

Address : 5809 Brookings Road

City : Sedro Woolley

State : wa

Zip : 98284

email : [ljhedgpeth@gmail.com](mailto:ljhedgpeth@gmail.com)

PermitProposal : Special Use Permit Application #PL16-0097 Grip Road Gravel Mine

Comments : April 30, 2021

Michael Cerbone, Assistant Director

Skagit County Planning and Development Services 1800 Continental Place

Mount Vernon, WA 98273

RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Dear Mr. Cerbone,

Since I commented yesterday on this site about the proposed gravel mine on Grip road, my thoughts have kept going back to other concerns about roads and traffic safety. So I decided to submit another comment before the deadline today.

A major concern is the route the trucks will use getting to and leaving the mine. The only plan I have heard about is to take the gravel to a site south of Prairie Road on old 99 for processing and sale. Is there anything to limit Miles to that route or that destination? If so, that should be spelled out clearly in the paperwork for the permit and / or the MDNS. Failing that, shouldn't the county consider the condition of all likely haul routes and include reasonable requirements for them also in the MDNS? Many of these routes have some of the same problems as the route that has been identified – sharp turns, narrow roads, lack of shoulders wide enough for bicycles or people, limited visibility, etc.

Most of these roads up here were not built to any modern standard of width or materials.

Running thousands of full gravel trucks a year over the same route could result in some pretty expensive repair bills. Will Miles be required to pay a share? Maybe using a variety of different routes would cause less of an overall impact and actually save money.

The warning lights at the mine entrance and at the Prairie/Grip intersection may work fine, or they may need some sort of an upgrade or to be replaced by a different traffic control system. How can anyone tell in advance what will be needed at those two spots to keep everyone safe? The county should examine all of this very carefully before giving Miles such a long permit. Here's an idea I haven't heard considered yet: why not give the mine a provisional permit for 3 or 4 years of operation to see how many of these problems come up and how bad they are? Then the mitigations for the balance of the 25 year permit could be negotiated on the basis of evidence instead of conjecture.

Shouldn't the county represent the interests of all of us – Miles and the general public? Miles is a pretty large, successful company with people on staff who are well experienced working with government agencies on all the issues involved in the permitting process. Who in the county is representing the general public or the public interest?

Over this long process, many issues have been raised and questions asked by concerned citizens. And many, many comments submitted. But only vary rarely in the past 5 years have any of us been able to dialogue with county staff in a substantive way about any of these issues and concerns. The process has not worked very well for those of us on the outside. If



the county doesn't listen to us, how can we be heard?  
Larry Hedgpeth. 360-855-5326

From Host Address: 172.92.218.39

Date and time received: 4/30/2021 3:55:55 PM

**From:** [website](#)  
**To:** [Planning & Development Services](#)  
**Subject:** PDS Comments  
**Date:** Friday, April 30, 2021 4:00:02 PM

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Name : MATTHEW MAHAFFIE  
Address : 22031 GRIP RD  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : mahaffim@hotmail.com  
PermitProposal : PL16-0097  
Comments : April 30, 2021

Matt Mahaffie  
22031 Grip Road  
Sedro Woolley, WA 98284

Michael Cerbone  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: PL16-0097

Dear Mr. Cerbone,

I am writing in comment to the special use permit application PL16-0097, a proposed operation of a gravel mine by Concrete Nor'West. I am supportive of the need of the company to have a reliable source of their base material going into the future, a need that also in many cases has a public benefit, but have serious concerns about the proposal as presented which will place undo burden upon the local community's quality of life, safety, and environment without any meaningful mitigating measures volunteered by Concrete Nor'West nor Skagit County, even after extensive public input for several years.

I am very familiar with this property, having spent over 20 years traversing all portions of the property when it was open for public access (previous owners) as well as reviewing it professionally as a wetland/critical areas specialist under other development proposals. I am also a nearby resident of the community who also spent many years as a CDL licensed driver of the types of trucks proposed to be utilized with this endeavor. Specific concerns are as follows:

#### Critical Areas Review

In the normal course of work I personally have the utmost respect for Graham-Bunting Associates and Skagit County Planning staff, and as previously commented, respectfully disagreed with a few key findings presented with the supplied report and/or the scope of work

that should have been specified by Skagit County. The fact that these distinct factual errors and very clear requirements of Skagit County Code were ignored after being pointed out by the Washington State Department of Ecology, two Skagit County approved Critical Area specialists, and countless community members is very disturbing.

- The singular wetland rating put forth appears accurate. However, the land use intensity (moderate) put forth in no way conforms to the land use intensity description put forth in Appendix 8C of WA DOE Publication No. 05-06-008 as required if using the alternative buffers in SCC 14.24.230(1)(b). This is not just my personal opinion; it is my opinion as a Natural Resource Planner and staff biologist for a local County government, trained by the Department of Ecology in the use of their rating system, as well as a consulting wetland professional recognized by Skagit County as such via inclusion as a recognized qualified professional included in Skagit County PDS list of approved consultant (having submitted hundreds of approved critical area assessments to Skagit County). It was also the consistent opinion every professional wetland scientist and agency reviewer that I inquired with, including the Department of Ecology (Doug Gresham, DOE, personal conversation 12/23/16) the authors of the said referenced publication who has also commented to Skagit County on this proposal with this fact. The land use intensity for a full-time gravel mining operation is unquestionably high. A high habitat score (as put forth by the supplied wetland rating) requires a 300ft wetland buffer per SCC 14.24.230, not 200ft as proposed (300 also being the standard buffer).
- The review/assessment also neglected SCC 14.24.230(2), where in general, buffers are to extend 25 feet past the top of sloping areas that are 25% or greater. The site plan as indicated shows areas where this provision is applicable. Regardless of the aforementioned land use intensity issue, the buffer likely should still extend past the line indicated in areas unless there is a rational reason put forth not to, which does not appear to have been done specific to this.
- A wetland assessment is required for this project as proposed (regardless of the land use intensity) per SCC 14.24.220. A wetland assessment has not been submitted for this project even though the Fish & Wildlife Assessment made it clear that a wetland was present. The wetland assessment should include a wetland delineation which was also requested to be completed by WA DOE during the initial SEPA comment period. It is unclear why this portion of Skagit County Code was ignored, as were all of the SEPA comments submitted by the singular state agency most relevant to the issue.
- Critical area review, and to a lesser extent SEPA, was limited to the proposed mine site only. However, Skagit County staff has consistently maintained that changing the use of forest roads to new uses was tantamount to a new impact, needing at a minimum assessment, and potentially mitigation. The haul road is most certainly a change of use by a drastic degree. Going from an access only used infrequently for forestry purposes to a road that could have hundreds of truck trips per day essentially in perpetuity will most certainly be an impact to the environment in numerous areas. This will be a distinct habitat break in what is presently one of the largest undeveloped tracts of left in lowland Skagit County, home to deer, bear, cougar, and elk as well as many avian and small mammal species. Heavily trafficked corridors are well known to affect the habits of such species. The haul road also drains to a salmon stream that has serious turbidity problems, and it seems inconceivable that the increased road traffic and maintenance/improvements without stormwater control will not affect this riparian area.

The road crosses one of the most productive tributaries in the Samish River basin as well as

being within the buffer of likely Category I wetlands. The road has already been improved, and it would be ridiculous to think that the significant improvements (grading, surfacing, and vegetation clearing) were solely for “forest management” after the special use permit is granted. It is unclear from the available documentation why Concrete Nor’West is not being held to the same standards as numerous clients of mine (professionally) building simple single-family homes have been; addressing the clear intensification of impacts when transferring the use of a logging road to another use.

- No meaningful protective measures have been assessed to the buffer of the critical area adjacent to the mine operations. While recording of a Protected Critical Area (PCA) site plan is standard and generally adequate for a single family home, a commercial operation with employees on heavy equipment, no oversight, and no vested interest in the observation of the buffer is a recipe for disregard of said buffer (not to mention a PCA is required by SCC). Glaringly as well, there is no reference on the ground for the buffer. If there is no survey or mapping, how will anyone know where the buffer is? The buffer should be required to be demarcated in the field, an absolute standard practice, and in reality, should be fenced as well (absolutely standard industry practice).
- All conversion activities (PL16-0098) were supposedly limited to the mine site. Most recent aerial photos of the site (Google Earth August 2020) clearly indicate conversion activities that have occurred onsite, including conclusively within the standard review area of a clearly apparent wetland, quite likely within the buffer. The proposal and subsequent review has in no way addressed these areas of converted forest land as defined by WAC/RCW, with the scope of the noticing of the conversion activities not held to, nor the apparent non-compliance of issued FPA conditions.

## Noise

The applicants have stated that their project will have no noise concerns to the neighborhood. This is blatantly false. A raised voice can be heard on neighboring properties to the north (known from personal past observation) from the area proposed to be mined. How would heavy equipment not be heard? An excavator bucket hitting the side of a dump truck is as loud as a small caliber rifle shot, and such hits and bucket shaking will take place many times a day with such a mining operation. All of the neighboring properties will be subject to such noise. On the upslope side (where I live), any use of the onsite road system by even a diesel pickup truck can be clearly heard outside on a clear day, heavy equipment use can be heard inside. There is absolutely no way mining operations will be fully self contained in regards to noise. Operations during standard business hours would be one thing, but evening and weekend operations would result in a seriously degraded quality of life in this regard. While it can be noted that the area is in a mineral resource overlay (zoning), the overlay was added after many of us moved into the area.

Also lacking in analysis is the road noise going east from the site, and very questionable analysis going west. Although eastern traffic is not part of the proposal, without a condition regarding such, there will very likely be traffic going that way as well. We live on a small country road, and most of the homes are close to the road. When the infrequent gravel truck and trailer passes by, the entire house shakes, both from the noise of the truck/engine, and the constantly used exhaust brake. The noise has been so loud that objects have fallen off of walls, children wake from naps, and any sense of peace and quiet country living is shattered. We knew the conditions when we bought property in the area, and were accepting, but a constant

and potentially hundredfold increase in daily gravel truck traffic would be unacceptable for any in the area, especially in light of the fact that Skagit County Planning staff required that my home be built abutting the road rather than the several hundred feet back that I desired to address such issues. These trucks will pass many homes and will cause significant duress for many residents.

### Traffic Safety

While it is nice to see that the County added conditions regarding the two 90-degree corners closest to Old 99 on Prairie Road be fixed prior to truck/trailer combos being allowed to access the site in the updated MDNS, glaring omission was made to the status of Grip Road if such happens. As an experienced driver of the types of trucks in question (still hold Class A CDL and have for many years), yes, a dump truck and pup trailer may technically traverse Grip Road from the property to Prairie Road. Reality, however, is far different. Virtually no truck driver is going to consistently traverse this road section safely. Center lines will be crossed and shoulders will be driven upon, it is a given. This creates an issue for taxpayers who will have to repair the road, for the environment that will be degraded by the continual influx of sediment from damage to the shoulder/ditch, and the public safety. There will be no place to safely walk or ride a bike on this stretch of road with trucks and trailers cutting corners. Families walk in the area, ride bikes, and commute on this road (as well as Prairie Road). Also present are hundreds of bicyclists throughout the warmer months with numerous planned rides/races using this area as one of the “safer” routes. With the development of the Tope Ryan Conservation Area (Skagit Land Trust property at Swede Creek on Grip Road) trail system, the lower end of Grip Road has also become a park like setting with many families using the area, walking the road and bridge, and swimming in the river (which can only be accessed after walking from the parking spots down the road). How will this safety issue be mitigated. While I let our older children ride their bikes down to the river now, or their friends house, I cannot allow such with such an increase in industrial truck traffic. My children’s safety and basic childhood experience will forever be altered by this proposal.

In over 30 years of living in the area, I have noted numerous very serious accidents at the intersection of Grip and Prairie Roads, one of the worst blind corners in the County. Recent work by Skagit County to extend the site distance has not significantly changed the response time for a driver, and while past lowering of the speed limit has helped some, but having trucks and trailers essentially blocking the intersection throughout the day will lead to disaster, regardless of a blinking warning light (that the drivers will assuredly become numb too).

While Grip Road can technically be argued to be traversable from the property in question to Prairie Road, it absolutely cannot the other way (east). The two 90-degree corners immediately west cannot physically be traversed by a truck and trailer within the bounds of their assigned lanes. Presently, when a truck meets another vehicle, one must stop as the truck must cross into another lane to traverse the corner. It is unclear why traffic analysis did not address this when application materials clearly left open the possibility and likelihood of routing this way (and why the County has only noticed the project with truck traffic going west) without any kind of mitigating measure put forth in the MDNS.

### Future Plans

It is the stated purpose of the applicants and the County that Concrete Nor’West that this project is to haul gravel to haul to their other facilities for processing. However, onsite sales

are also mentioned in some documentation, as is residential development. Concrete Nor'West also states their need as the existing pits in their portfolio are being depleted. That begs the question of why would they continue to haul to other pits for processing? It would seem to be much more practical to bring their processing to this site. The issuing of this special use permit with the presently recommended conditions would simply lead to further intensification of the site and all that would entail (onsite processing, retail sales, batch plant construction?). Honesty and consistency on the part of the applicant with proper conditioning of the permit is a must, with an MDNS issued that applies concrete terms, not generalities; to be applied to any issued permits as well. Concrete Nor'West has not been a good neighbor here, or on other properties, and there is no reason to think that would change.

The County has consistently put forth an average number of truck trips per day. The applicants have clearly indicated not wishing to be bound by this number on a daily basis. Using it without any actual limitation or conditions is quite arbitrary and by not putting

### Conclusions

Whether I am sure that it was not intentional, the permitting review of this project quite preferential to the applicants and has created a high level of distrust with Skagit County in the local community, and I find that quite unfortunate. It is understood that as a company that supplies materials derived from mining operations that a reliable supply going forward would be a business necessity. However, unlike the other gravel pits in the Concrete Nor'West portfolio, they are not acquiring an existing pit in a neighborhood, but creating a new one in an existing, long established neighborhood. There will be notable environmental, quality of life, and safety impacts with no notable or worthwhile mitigating conditions placed upon the applicants, and in many regards is a slap in the face to the citizens of Skagit County I work with on a daily basis that must comply with Skagit County Code to get their permits. Regardless of the complete lack of understanding of the SEPA process to put a mitigating condition as following County code, in the instance of following the CAO while blatantly ignoring factual errors as pointed out by professionals as well as representative of the Agency which wrote and manages the documentation the County is to follow is appalling.

A cursory exercise in the finances of the project shows that there will be in excess of \$100,000,000 of material sold, this is of course before costs and using an average sale price (~\$25/cy as typical for 5/8 minus), but reflects the sheer volume of money involved and the resources Concrete Nor'West should be willing and able to mitigate the impacts that they will create. We, the neighbors of this site, and the citizens of the County as a whole, should not have to bear the costs for a private companies profit whether it be lost property values, health and safety, or via sacrifice of local habitat and sensitive environments. While at this time I do not support the project as proposed, the appropriate conditions following review (that is required by Skagit County Code) would make it much more palatable and supportable. This should be via a holistic review of the proposal followed most likely by an EIS.

Thank you for your time and consideration on this matter.

Respectfully,

Matt Mahaffie

From Host Address: 172.92.224.146

Date and time received: 4/30/2021 3:56:38 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Friday, April 30, 2021 4:25:43 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Friday, April 30, 2021 4:20 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Dennis Whitcomb  
Address : 19117 Prairie Rd  
City : Burlington  
State : Washington  
Zip : 98233

email : [dennis.whitcomb@gmail.com](mailto:dennis.whitcomb@gmail.com)

PermitProposal : PL16-0097 & PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)

Comments : Michael Cerbone

Assistant Director

Skagit County Planning and Development Services

1800 Continental Place

Mount Vernon, WA 98273

Re: Concrete Nor'west/Miles Sand & Gravel; PL16-0097 & PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)

Dear Mr. Cerbone,

As a community member and the owner of a working farm on the proposed route for trucks from this mine, I have serious concerns about the SEPA determination issued in response to the development application.

First, several environmental concerns are unaddressed in the MDNS and call for an Environmental Impact Statement under SEPA. The environmental review did not consider the full footprint of the project (in particular, it did not consider the two-mile-long private road along which gravel will be hauled). The Fish and Wildlife Assessment, now more than five years old and thus expired, is incomplete even as it stands (Bull Trout and the Oregon Spotted Frog have been located very near the proposed mine; both of these are classified federally as "Threatened" species; the Assessment must be updated to consider them). Perhaps most importantly from the standpoint of effected community members such as myself, cumulative emission impacts were ignored. Every day I drive my tractor and tend to my animals, right next to the road the gravel trucks will traverse. Cumulative impacts on air quality, for those of us who work and breathe here, should be addressed in an EIS under SEPA.

Second, several road, traffic, and public safety issues are unaddressed in the MDNS (and woefully under-addressed in the Traffic Impact Analysis proposed by Miles Sand and Gravel in October 2020). These too call for further review in an EIS. The MDNS takes a symbolic



step in the right direction by requiring warning beacon systems at the Grip/Prairie and Grip/Mine intersections. But, even given these systems, serious accidents would remain likely. My daughter rode the school bus where those systems would be in place; she did so from 2015-2019. She reported \*several\* cases in which school buses came dangerously close to gravel trucks. It was not because they were going too fast that these school buses nearly collided with gravel trucks (school buses studiously avoid speeding). It was, instead, because gravel trucks and school buses are both wide vehicles. When these vehicles pass one another, the narrow lanes, tight curves, and tiny shoulders near the Grip/Prairie intersection leave the tiniest of margins for error. Warning beacons will not solve this underlying problem. Even if they are in place, there will remain a significant chance of tragic accidents involving school buses and gravel trucks. The community deserves a full study of this possibility and a solution we can be sure is safe. The cursory analysis by Miles Sand and Gravel, and the symbolic help it has offered via warning beacons, do not give us those things.

These issues should be studied and addressed, at the very least with a complete EIS. I hope that you and your staff think carefully about these points and choose to require one.

Very respectfully,  
Dennis Whitcomb

From Host Address: 172.92.233.233

Date and time received: 4/30/2021 4:16:27 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Friday, April 30, 2021 4:34:13 PM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Friday, April 30, 2021 4:30 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Maria Whitcomb  
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City : Burlington  
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Zip : 98233

email : [riarae1@gmail.com](mailto:riarae1@gmail.com)

PermitProposal : Special Use Permit Application PL16-0097 and PL16-0098  
Comments : Dear Mr. Cerbone,

I am a farmer who lives and works on Prairie Road near the intersection of Old Hwy 99 N. I am writing to request that you do not approve the above mentioned project. My primary objections include safety concerns, environmental concerns and the lack of information provided by the applicant. As a community member, I find it impossible to adequately comment on something that is incomplete, so am submitting a non-exhaustive list of my current objections and concerns.

I respectfully request that you withdraw the MDNS and address the following issues:

>Assess groundwater: How will the well water in our community be affected? How will runoff affect streams and protected animals?

>Property Values: How will this project affect the value of homes and property in our community?

>Air quality: I request that the potential for air quality impacts near the mining site, and also along the haul route be adequately assessed and that the county orders mitigation measures to ensure the community is protected.

>Crime: There have been significant issues with crime occurring at the quarry owned by CNW in Acme, WA. How will CNW ensure those same problems do not occur in our community? I request that Skagit County review the history of criminal activity at other nearby CNW quarries, and that the County puts measures in place to keep our community from suffering from the same issues.

>Road Safety: How will CNW and The County ensure the safety of myself, other road users, children waiting at bus stops and the community at large. Vulnerable road users are protected under SB 5723, a recently enacted WA State Law. Due to the design of the roads, it will be impractical or even impossible for a rock truck to pass a vulnerable road user lawfully, forcing them to either hold up traffic (which, according to RCW 46.61.42 is also against the law if they are holding up 5 or more vehicles).

How will CNW and The County address the increase in traffic congestion along the entire proposed haul route, but especially at the overpass on Cook Road over I-5? That area already regularly backs up onto the freeway and trucks with trailers will only exacerbate the problem.

The danger posed by rock trucks crossing traffic at each intersection along the proposed haul route must be addressed; especially those without designated turn lanes and those that cross oncoming traffic that does not stop, such as the intersection at Prairie Rd, Old Hwy 99 N and Bow Hill Rd. If this project is to proceed, we need adequate shoulders, room to pull safely off the road to let vehicles pass adequate turn lanes and significant upgrades to control the existing intersections.

>Environmental issues need proper assessment. As outlined in the letter sent to your office and posted on the project website (Nov 2020, Jim Wiggins), the July 2015 Graham Bunting Associates (GBA) Fish and Wildlife Habitat Site Assessment report is more than 5 years old which renders it no longer valid. Even before it expired, it did not address a number of critical environmental issues. Again, it is impossible for me to adequately comment on data that has not yet been provided.

As a farmer and resident in the area which would be most highly impacted by the proposed truck route, I have personally witnessed significant problems with the safety of the roads near me already. Adding rock trucks with trailers carrying over 100k pounds will lead to more injury and deaths; there is no other way to say it.

I have personally witnessed so many serious wrecks at the intersection of Old Hwy 99 N and Prairie Rd that I have lost count. The intersection is already woefully inadequate to handle the current traffic volume and prevent serious wrecks. I've had to assist so many people who have wrecked that I actually bought an orange safety vest to help ensure the safety of myself and others while we wait for emergency vehicles to arrive. In 2020 alone, three vehicles went through our fence as a result of wrecks at the corner of Old Hwy 99 and Prairie Rd, and at least that many went through our neighbors fence across the street. In one instance, our neighbors bull actually did get out of the fenced area, and nearly made it to the road.

When Old Hwy 99 N was closed to replace the bridge near Cook Rd, the trucks from Miles Sand and Gravel had to use Bow Hill Rd to haul loads. I ended up behind those trucks a number of times as they crawled up the hill at 15-20 mph in a 35 mph zone. On multiple occasions, impatient drivers passed me and the truck & trailer in front of me, going up Bow Hill Rd in a no passing zone with blind corners. Without a slow lane going up Bow Hill between Old Hwy 99 N and the Skagit Casino, there will be serious wrecks on that stretch of road.

It would be irresponsible for Skagit County to approve such a project until the roads are adequately improved to ensure the safety of both vulnerable road users and drivers. The potential for loss of property value, dust pollution of our air, contamination of our well water, and environmental damage also cannot be ignored. I ask that you withdraw the MDNS and order a proper and complete EIS for the project.

Thank you for your time.

Very best regards,  
Maria Whitcomb

From Host Address: 172.92.233.233

Date and time received: 4/30/2021 4:26:17 PM

**From:** [Planning & Development Services](#)  
**To:** [Michael Cerbone](#)  
**Subject:** FW: PDS Comments  
**Date:** Monday, May 3, 2021 6:31:55 AM

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From dept email

**From:** website@co.skagit.wa.us <website@co.skagit.wa.us>  
**Sent:** Sunday, May 2, 2021 2:25 PM  
**To:** Planning & Development Services <planning@co.skagit.wa.us>  
**Subject:** PDS Comments

Name : Monique Brigham  
Address : 22755 Prairie Rd  
City : Sedro-Woolley  
State : Wa  
Zip : 98284  
email : [Monique@PlumeriaBreezesTravel.com](mailto:Monique@PlumeriaBreezesTravel.com)

PermitProposal : Gravel Mine MDMA

Comments : I have many concerns, 1. How can they put this in so close to the river when I am a mile away from it and just to build our small home owner shop we had to have it engineered and sign affidavits stating we would dispose of chemicals properly? This is a lot grander scale of our small homeowner outbuilding. Not to mention the required routine septic system inspections for preservation and concern of the river and water-table....

2. Farmers have to jump through hoops and get hassled for farms that have been there for years but now its ok to put in a huge industrial operation?

3. Traffic? Have the people on the planning committee driven Prairie Rd on a regular basis? It is dangerous enough without adding hundreds more trucks on the road. The road is terrible with the traffic we already have, I live 2 miles from HWY 9 and tend to take Prairie more because there are so many truckers in a hurry on the highway, cutting corners and passing in no passing zones. Samish Island is closed to shellfish harvest due to environmental concerns quite often, I thought we were trying to clean up our rivers, lakes, and oceans.

4. Noise, we all live out here for peace and quiet not constant noise and a convoy of trucks. I really hope they do not let this project pass.

From Host Address: 50.34.150.136

Date and time received: 5/2/2021 2:24:53 PM

**From:** [Lori Anderson](#)  
**To:** [Michael Cerbone](#)  
**Subject:** Comment Letters  
**Date:** Friday, April 30, 2021 11:48:38 AM  
**Attachments:** [PDS Comments.msg](#)  
[PDS Comments.msg](#)

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From dept email

**From:** [Lori Anderson](#)  
**To:** [Michael Cerbone](#)  
**Subject:** Comment Letters  
**Date:** Friday, April 30, 2021 11:48:38 AM  
**Attachments:** [PDS Comments.msg](#)  
[PDS Comments.msg](#)

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From dept email

**From:** Planning & Development Services  
**Sent:** Monday, April 26, 2021 12:08 PM  
**To:** Michael Cerbone <[mcerbone@co.skagit.wa.us](mailto:mcerbone@co.skagit.wa.us)>  
**Subject:** FW: PDS Comments

From dept email

**From:** [website@co.skagit.wa.us](mailto:website@co.skagit.wa.us) <[website@co.skagit.wa.us](mailto:website@co.skagit.wa.us)>  
**Sent:** Monday, April 26, 2021 10:30 AM  
**To:** Planning & Development Services <[planning@co.skagit.wa.us](mailto:planning@co.skagit.wa.us)>  
**Subject:** PDS Comments

Name : Wallace Walter Groda  
Address : 6386 Lillian Lane  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [wallacegroda@msn.com](mailto:wallacegroda@msn.com)  
PermitProposal : Special Use Permit Application #PL16-0097  
Comments : April 26, 2021  
Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Dear Mr. Cerbone,

I am writing to express my concerns on your April 15, 2021 revised SEPA threshold determination for Concrete Nor'West proposed Grip Road Gravel Mine. The revised MDNS falls woefully short of what is needed to identify serious traffic problems and the mitigation required to protect public safety. Your leadership for further progress will be key for the appropriate outcome.

Additional action needed:

1. Further analysis, i.e. a comprehensive TIA, should be required to identify all hazards on the haul route and appropriate mitigation. The limited evaluations of Prairie Road have already identified two curves where the truck and trailer will cross over the center line by two to three feet into the oncoming traffic and your newly re-issued MDNS require road modifications . Grip Road and associated intersections have equally problematic turns and curves that need identical attention. Not addressing that public safety risk is a clear case of willful negligence for both Mile's Sand and Gravel as well as the County.

2. Both Prairie Road and Grip Road are exceptionally narrow and do not meet code which poses



concerns for the gravel rig staying in their lanes to avoid potential collisions. This issue needs evaluation to avoid public safety risks. Again, another issue supporting a comprehensive TIA.

3. Clear haul route definition is needed to restrict gravel truck and trailer travel to qualified roads. No trailers should be allowed until all safety issues are resolved on the entire route. No third party sales should be allowed at the mine site so that route compliance is assured.

4. Turn and merge lanes should be required for both the mine entrance/exit and the Grip Road/Prairie Road intersections. As these narrow road intersections are currently constructed, a truck and trailer combination cannot turn at these intersections without crossing over the center line and risk collision.

5. The maximum number of round trips needs to be clearly defined for both a daily and weekly basis.

6. The Grip Road and Prairie Road intersection sight distance needs additional work. Recent regrading has helped but is still not adequate for the proposed level of traffic, particularly the intended truck and trailer combinations.

7. The proposed haul route has not been constructed for the heavy loads and damage that will result from the mine operation. The associated traffic analysis, road modifications, and increased maintenance costs should be paid by the applicant, not the taxpayers.

Thank you for your consideration of these comments.

Sincerely,

Wallace Groda

6386 Lillian Lane  
Sedro Woolley, WA 98284  
(360)420-5375  
[wallacegroda@msn.com](mailto:wallacegroda@msn.com)

From Host Address: 50.34.116.4

Date and time received: 4/26/2021 10:25:14 AM

**From:** [website@co.skagit.wa.us](mailto:website@co.skagit.wa.us) <[website@co.skagit.wa.us](mailto:website@co.skagit.wa.us)>  
**Sent:** Tuesday, April 20, 2021 2:20 PM  
**To:** Planning & Development Services <[planning@co.skagit.wa.us](mailto:planning@co.skagit.wa.us)>  
**Subject:** PDS Comments

Name : Abbe Rolnick  
Address : 21993 Grip Road  
City : Sedro Woolley  
State : WA  
Zip : 98284  
email : [abbe@abberolnick.com](mailto:abbe@abberolnick.com)  
PermitProposal : File # PL160098

Comments : Please clarify if there will be a max of 46 individual trips daily or 46 round trips –

You state an average amount of trips over a year. But usually gravel peak runs are during a five-month period during the construction season. How does this affect the daily runs? I don't think the term average fits the situation. Please spell out the maximum runs per day (roundtrips), that can't be exceeded.

The Grip Road should have a turnout or merge lane to get to the Access Road to the mine. There isn't enough room on that spot for trucks to turn, and for other cars to go around them.

The proposal states that gravel can be sold directly to the market from this site. What are the restrictions on these haulers—truck and trailer, or just trucks. What haul roads will they be using? Without clarification—third party sales would create an undetermined effect on the area. This should be disallowed.

Using flashing beacons at the Prairie Road and Grip Road intersection is only a warning to the public that there is a safety issue. It doesn't take care of the issue and now places responsibility on the individual who can't completely see around the corner. Note: the removal of part of the hillside helps but doesn't resolve the sight issue. I travel this spot daily, and within seconds a car is behind me after I've made the turn from Grip Road onto Prairie Road heading West.

The curves on Grip Road, one at our driveway entrance 21993 Grip Road, and one approximately one-half mile west, and two on the steep slope west of the mine entrance. These are severe and should be redesigned and improved as the trucks and trailers can't remain in their own lanes, crossing over into the other cars.

There has been no mention in the noise study of the use of compression brakes. This must be included.

From Host Address: 50.35.55.32

Date and time received: 4/20/2021 2:19:00 PM

**From:** [lbjaye1@gmail.com](mailto:lbjaye1@gmail.com)  
**To:** [PDS comments](#)  
**Subject:** Grip Road Gravel Mine  
**Date:** Saturday, April 24, 2021 2:35:10 PM

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April 22, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine  
File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into consideration new public comment even though previous comments seem to have been ignored.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts, including:

- **The environmental review did not consider the full footprint of the project.** Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.
- **The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.
- **The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for

protecting endangered species need to be consulted.

- **Wetlands were not delineated, and there is no requirement for surveying and permanently marking them.** A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.
- **Wildlife corridors are not identified and protected.** Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.
- **A drainage plan was not required to protect water quality from runoff on the private haul road.** Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.
- **Impacts to groundwater are not adequately evaluated and protections measures are not required.** They intend to excavate the mine to within 10 feet of groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.
- **The Noise and Vibration Study did not use realistic scenarios to model noise impacts.** The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.
- **Emissions were not evaluated and no mitigation plan was required.** Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.
- **Cumulative impacts were ignored.** This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Lauren Jaye

**From:** [lbjaye@gmail.com](mailto:lbjaye@gmail.com)  
**To:** [PDS comments](#)  
**Subject:** Grip Road Gravel Mine  
**Date:** Saturday, April 24, 2021 2:38:38 PM

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April 22, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine  
File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into consideration new public comment even though previous comments seem to have been ignored.

I taught seventh grade science at Cascade Middle School for 25 years and as a teacher I am alarmed by the effect that the proposed increase in traffic will have on the schools. There is significant risk to students and families in dropping off and picking up students and this proposal would significantly exacerbate the problem.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts, including:

- **The environmental review did not consider the full footprint of the project.** Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.
- **The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land

use.

- **The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
- **Wetlands were not delineated, and there is no requirement for surveying and permanently marking them.** A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.
- **Wildlife corridors are not identified and protected.** Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.
- **A drainage plan was not required to protect water quality from runoff on the private haul road.** Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.
- **Impacts to groundwater are not adequately evaluated and protections measures are not required.** They intend to excavate the mine to within 10 feet of groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.
- **The Noise and Vibration Study did not use realistic scenarios to model noise impacts.** The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.
- **Emissions were not evaluated and no mitigation plan was required.** Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.
- **Cumulative impacts were ignored.** This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Lauren Jaye



**From:** [Lauren Jaye](#)  
**To:** [PDS comments](#)  
**Subject:** Grip Road Gravel Mine  
**Date:** Sunday, April 25, 2021 3:36:58 PM

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April 22, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine  
File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into consideration new public comment even though previous comments seem to have been ignored.

As a seventh grade science teacher of 25 years at Cascade Middle school in Sedro Woolley I am worried about the increase in traffic that this project would cause. Transporting students in this rural area is dangerous enough without increased volume.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts, including:

- **The environmental review did not consider the full footprint of the project.** Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.
- **The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.



- **The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
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Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Bill Robinson

941 South Fourth St

La Conner WA 98257

**From:** [jsteinwa](#)  
**To:** [PDS comments](#)  
**Subject:** Public comment: Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098  
**Date:** Sunday, April 25, 2021 1:21:28 PM

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Dear Mr Cerbone,

I wish to express the concerns of our family regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts just as it did in 2016 because none of the concerns expressed by the community then have been addressed.

The list of flaws in the proposal and the MDNS is long, encompassing everything from lack of critical areas protection, traffic safety concerns, drainage, and the potential for groundwater contamination. It appears the County is not following its own requirements in some of these areas.

Our family is particularly concerned about the obvious environmental risks, and the safety of community residents. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. The traffic studies state that the operation may run as many as 30 truck trips per hour. These are gravel trucks with pup trailers that cannot stay within their lane on these roads, clearly placing community residents at risk.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and public safety, identifying alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Christie Stewart Stein

16384 Donnelly Road  
Mount Vernon, WA 98273

**From:** [lbjaye1@gmail.com](mailto:lbjaye1@gmail.com)  
**To:** [PDS comments](#)  
**Subject:** Grip Road Gravel Mine  
**Date:** Sunday, April 25, 2021 3:36:59 PM

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April 22, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine  
File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into consideration new public comment even though previous comments seem to have been ignored.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts, including:

- **The environmental review did not consider the full footprint of the project.** Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.
- **The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.
- **The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for

protecting endangered species need to be consulted.

- **Wetlands were not delineated, and there is no requirement for surveying and permanently marking them.** A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.
- **Wildlife corridors are not identified and protected.** Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.
- **A drainage plan was not required to protect water quality from runoff on the private haul road.** Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.
- **Impacts to groundwater are not adequately evaluated and protections measures are not required.** They intend to excavate the mine to within 10 feet of groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.
- **The Noise and Vibration Study did not use realistic scenarios to model noise impacts.** The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.
- **Emissions were not evaluated and no mitigation plan was required.** Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.
- **Cumulative impacts were ignored.** This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Lauren Jaye

941 South Fourth St

La Conner WA 98257

**From:** [Wallace Groda](#)  
**To:** [PDS comments](#)  
**Subject:** RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads  
**Date:** Monday, April 26, 2021 10:21:33 AM

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April 26, 2021  
Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Dear Mr. Cerbone,

I am writing to express my concerns on your April 15, 2021 revised SEPA threshold determination for Concrete Nor'West proposed Grip Road Gravel Mine. The revised MDNS falls woefully short of what is needed to identify serious traffic problems and the mitigation required to protect public safety. Your leadership for further progress will be key for the appropriate outcome.

Additional action needed:

1. Further analysis, i.e. a comprehensive TIA, should be required to identify all hazards on the haul route and appropriate mitigation. The limited evaluations of Prairie Road have already identified two curves where the truck and trailer will cross over the center line by two to three feet into the oncoming traffic and your newly re-issued MDNS require road modifications . Grip Road and associated intersections have equally problematic turns and curves that need identical attention. Not addressing that public safety risk is a clear case of willful negligence for both Mile's Sand and Gravel as well as the County.
2. Both Prairie Road and Grip Road are exceptionally narrow and do not meet code which poses concerns for the gravel rig staying in their lanes to avoid potential collisions. This issue needs evaluation to avoid public safety risks. Again, another issue supporting a comprehensive TIA.
3. Clear haul route definition is needed to restrict gravel truck and trailer travel to qualified roads. No trailers should be allowed until all safety issues are resolved on the entire route. No third party sales should be allowed at the mine site so that route compliance is assured.
4. Turn and merge lanes should be required for both the mine entrance/exit and the Grip Road/Prairie Road intersections. As these narrow road intersections are currently constructed, a truck and trailer combination cannot turn at these intersections without crossing over the center line and risk collision.
5. The maximum number of round trips needs to be clearly defined for both a daily and

weekly basis.

6. The Grip Road and Prairie Road intersection sight distance needs additional work. Recent regrading has helped but is still not adequate for the proposed level of traffic, particularly the intended truck and trailer combinations.
7. The proposed haul route has not been constructed for the heavy loads and damage that will result from the mine operation. The associated traffic analysis, road modifications, and increased maintenance costs should be paid by the applicant, not the taxpayers.

Thank you for your consideration of these comments.

Sincerely,

Wallace Groda

6386 Lillian Lane  
Sedro Woolley, WA 98284  
(360)420-5375  
wallacegroda@msn.com

**From:** [Rachel Reim-Ledbetter](#)  
**To:** [PDS comments](#)  
**Cc:** [Rachel Reim-Ledbetter](#); [Kathy Reim](#)  
**Subject:** Please take us into consideration!!  
**Date:** Tuesday, April 27, 2021 1:20:27 PM

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April 22, 2021

Michael Cerbone, Assistant Director

Skagit County Planning and Development Services 1800 Continental Place

Mount Vernon, WA 98273

RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Dear Mr. Cerbone,

I am writing to comment on your April 15, 2021 revised SEPA threshold determination for the proposed Grip Road Gravel Mine. The revised MDNS has changed very little from the original 2016 document, and still falls far short of what Skagit County Code and SEPA requires. It does not fully evaluate the potential impacts of the proposed mine project and does not set out adequate requirements for mitigating those impacts. In its current form, the project would result in unavoidable and unacceptable risks for the environment and public safety. In order to address those risks, the County must require the applicant to prepare a full Environmental Impact Statement (EIS).

I am very concerned about the traffic safety and road impacts of this project. The following are some of the issues the applicant and the County have not addressed or have not addressed adequately under SEPA or the permit application process:

1. A Level II Traffic Impact Analysis (TIA) is required for this project per Skagit County Code and Skagit County Road Standards, 2000 (SCRS), but this has not been done. The applicant's TIA states that only a Level I analysis is required because the 50 trip per hour threshold in SCRS 4.02.B. is not met. SCRS 4.02.A., however, states "A level I TIA shall be expanded to a Level II TIA if any [emphasis mine] of the Level II warrants are met." SCRS 4.02.B. includes two warrants that apply, numbers 6 and 7. Number 6 reads, "If there exists (sic) any current traffic problems in the local area as identified by the County or a previous traffic study has identified high accident locations, poor roadway alignment or capacity deficiencies. The applicant's TIA and the MDNS have already identified significant current traffic problems in the area. Number 7 reads, "The current or projected level of service of the roadway system in the vicinity of the development will exceed County adopted level of service standards." The Cook Road/Old Highway 99 intersection, which is included in the haul route but not evaluated in the TIA for safety or level of service (LOS), is well documented by the County to be operating at LOS D, which is below the County's minimum requirement of LOS C.

2. Clearly define and limit the maximum number of truck trips: The MDNS states the mine will generate an average of approximately 46 truck and trailer trips per day (4.6 trips per hour). This figure is virtually meaningless, because the demand for sand and

Page 1 of 3

John Day Comments Re: Grip Road Gravel Mine MDNS, File #PL16-0097 – Traffic Safety and Roads

gravel is seasonal. The applicant's October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 29.4 (rounded up to 30) trips per hour. The final SEPA determination must evaluate the traffic safety impacts of the project based on the maximum number or trips per hour and set a hard limit on it. The County must also set limits on the duration and frequency of occasions when it will allow higher than average trip numbers.

3. A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.

4. Disallow direct, third-party sales from the mine site.

5. Require safety analysis and mitigation measures for ALL locations where trucks will encroach on the opposing lane of traffic. The MDNS states that trucks with trailers will encroach two to three feet into the opposing lanes of traffic at the two sharp corners on Prairie Road near the intersection with Old Highway 99. It also requires that the applicant reconstruct the road at this location and correct this acknowledged safety issue. The applicant's TIA identifies the same issue, but also states that there are several other locations on the haul route where trucks will cross over into the other lane. It does not identify these other locations, provide analysis of the specific safety issues there, or propose any mitigation. From my personal observations and those of other area residents, other locations where this is an issue include, but are not limited to, the steep S-curves on the Grip Road hill, the eastbound approach to the Samish River bridge on Grip Road, and practically every intersection on the identified haul routes.



6. Take increased non-mine traffic over time into account in analyzing the traffic safety and road capacity impacts of the project. The TIA uses intersection vehicle counts from 2020 as the base for evaluating the impact of mine traffic and does not factor in increasing traffic over time with growth. There is no explanation of why this was not done. If the applicant and the County are not going to take this into account, they must provide clear evidence to show that substantial increases in background traffic are not likely to occur during the proposed 25-year lifetime of the mine.
  7. Provide clear, graphic analysis of ALL locations on proposed haul routes where intersection and/or stopping sight distances do not meet required minimums for all types of vehicles. Require mitigation of all such locations. Graphic "Vision Clearance Triangle" analysis (Skagit County Road Standards, 2000, Appendix C-7) or other industry standard graphic analysis is needed for all such locations and adequate mitigation measures required for project approval.
  8. Flashing speed warning beacon systems proposed for the Grip/Prairie and Grip/Mine Entrance intersections require analysis as to what they are intended to accomplish and how they will do it. The existing speed warning signs on Prairie Road at the Grip intersection clearly do not work and no analysis has been provided to show that a flashing warning light system will work better at either location. The County must
- Page 2 of 3

John Day Comments Re: Grip Road Gravel Mine MDNS, File #PL16-0097 – Traffic Safety and Roads  
require the applicant to conduct field studies to determine what the actual maximum safe speeds are for these intersections and require mitigation measures that will ensure these limits are met.

9. Fully evaluate accident records for all road segments and intersections on the haul route, including causes and contributing factors. Provide analysis of the impacts mine traffic will have on the number, type, and severity of accidents to be anticipated with both existing and future traffic volumes. Require effective mitigation measures. The existing TIA accident record analysis is limited to certain intersections on the haul route and does not look at causes and contributing factors. It excludes a number of additional intersections, including Cook Road and Old Highway 99, as well as accidents not occurring at intersections.

10. Evaluate the impacts of mine traffic on the existing roads and bridges and require the applicant pay its fair share of the costs for increased maintenance on our already sub- standard rural roads. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required significant repairs over the last few years. Roughly 12,000 truck and trailer trips per year over 25 years will necessitate a lot of additional maintenance by the county roads department. This must be paid for by the applicant not the taxpayers!!!

Thank you for your consideration.

Sincerely The Reim - Ledbetter's

Rachel Reim-Ledbetter

Tammy Reim-Ledbetter

Kathy Reim

Robert Reim

23262 Meadow View Lane

Sedro Woolley WA 98284

253-230-1692

Rachelreimledbetter@gmail.com

Sent from my iPhone

**From:** [normfranwasson@gmail.com](mailto:normfranwasson@gmail.com)  
**To:** [PDS comments](#)  
**Subject:** Samish River / Grip Rd. Gravel Mine  
**Date:** Wednesday, April 28, 2021 1:19:53 PM

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April 28, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine

File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into consideration new public comment even though previous comments seem to have been ignored.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat. The MDNS falls far short of identifying and mitigating impacts, including:

- **The environmental review did not consider the full footprint of the project.** Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.
- **The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.
- **The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
- **Wetlands were not delineated, and there is no requirement for surveying and permanently marking them.** A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.
- **Wildlife corridors are not identified and protected.** Cougar, bear and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south, the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.
- **A drainage plan was not required to protect water quality from runoff on the private haul road.** Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, a fish bearing stream.
- **Impacts to groundwater are not adequately evaluated and protections measures are not required.** They intend to excavate the mine to within 10 feet of groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river.
- **The Noise and Vibration Study did not use realistic scenarios to model noise impacts.** The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.
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- **Cumulative impacts were ignored.** This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were

evaluated. Twenty-five years of mine operation is not a “temporary” activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Norman Wasson  
20836 Prairie Rd.  
Sedro Woolley, Wa 98284  
(360)724-5054  
normfranwasson@gmail.com

Sent from [Mail](#) for Windows 10

**From:** [normfranwasson@gmail.com](mailto:normfranwasson@gmail.com)  
**To:** [PDS comments](#)  
**Date:** Wednesday, April 28, 2021 12:58:49 PM

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April 28, 2021

Michael Cerbone, Assistant Director

Skagit County Planning and Development Services

1800 Continental Place

Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine

File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has supposedly been under review by Skagit County Planning and Development Services (PDS) for more than five years. It appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years. To make things worse, all of those original documents and assessments are now completely outdated. Unfortunately, there now seems to be a rush to push through a new Threshold Determination without taking into consideration new public comment even though previous comments seem to have been ignored.

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- **The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.
- **The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five years old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.
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- **The Noise and Vibration Study did not use realistic scenarios to model noise impacts.** The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from “typical” and “average” mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.
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degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your time and consideration.

Sincerely,

Norman Wasson

20836 Prairie Rd.

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(360)724-5054

normfranwasson@gmail.com

Sent from [Mail](#) for Windows 10

**From:** [normfranwasson@gmail.com](mailto:normfranwasson@gmail.com)  
**To:** [PDS comments](#)  
**Subject:** Gravel Mine - Grip Rd & Samish River  
**Date:** Wednesday, April 28, 2021 12:54:58 PM

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April 28, 2021

Michael Cerbone, Assistant Director

Skagit County Planning and Development Services

1800 Continental Place

Mount Vernon, WA 98273

RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097 – Traffic Safety and Roads

Dear Mr. Cerbone,

I am writing to comment on your April 15, 2021 revised SEPA threshold determination for the proposed Grip Road Gravel Mine. The revised MDNS has changed very little from the original 2016 document, and still falls far short of what Skagit County Code and SEPA requires. It does not fully evaluate the potential impacts of the proposed mine project and does not set out adequate requirements for mitigating those impacts. In its current form, the project would result in unavoidable and unacceptable risks for the environment and public safety. **In order to address those risks, the County must require the applicant to prepare a full Environmental Impact Statement (EIS).**

I am very concerned about the traffic safety and road impacts of this project. The following are some of the issues the applicant and the County have not addressed or have not addressed adequately under SEPA or the permit application process:

1. **A Level II Traffic Impact Analysis (TIA) is required for this project per Skagit County Code and Skagit County Road Standards, 2000 (SCRS), but this has not been done.** The applicant's TIA states that only a Level I analysis is required because the 50 trip per hour threshold in SCRS 4.02.B. is not met. SCRS 4.02.A., however, states "A level I TIA shall be expanded to a Level II TIA if **any** [emphasis mine] of the Level II warrants are met." SCRS 4.02.B. includes two warrants that apply, numbers 6



and 7. Number 6 reads, “If there exists (sic) any current traffic problems in the local area as identified by the County or a previous traffic study has identified high accident locations, poor roadway alignment or capacity deficiencies. The applicant’s TIA and the MDNS have already identified significant current traffic problems in the area. Number 7 reads, “The current or projected level of service of the roadway system in the vicinity of the development will exceed County adopted level of service standards.” The Cook Road/Old Highway 99 intersection, which is included in the haul route but not evaluated in the TIA for safety or level of service (LOS), is well documented by the County to be operating at LOS D, which is below the County’s minimum requirement of LOS C.

2. **Clearly define and limit the maximum number of truck trips:** The MDNS states the mine will generate an average of approximately 46 truck and trailer trips per day (4.6 trips per hour). This figure is virtually meaningless, because the demand for sand and gravel is seasonal. The applicant’s October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 29.4 (rounded up to 30) trips per hour. The final SEPA determination must evaluate the traffic safety impacts of the project based on the maximum number of trips per hour and set a hard limit on it. The County must also set limits on the duration and frequency of occasions when it will allow higher than average trip numbers.
3. **A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.**
4. **Disallow direct, third-party sales from the mine site.**
5. **Require safety analysis and mitigation measures for ALL locations where trucks will encroach on the opposing lane of traffic.** The MDNS states that trucks with trailers will encroach two to three feet into the opposing lanes of traffic at the two sharp corners on Prairie Road near the intersection with Old Highway 99. It also requires that the applicant reconstruct the road at this location and correct this acknowledged safety issue. The applicant’s TIA identifies the same issue, but also states that there are several other locations on the haul route where trucks will cross over into the other lane. It does not identify these other locations, provide analysis of the specific safety issues there, or propose any mitigation. From my personal observations and those of other area residents, other locations where this is an issue include, but are not limited to, the steep S-curves on the Grip Road hill, the eastbound approach to the Samish River bridge on Grip Road, and practically every intersection on the identified haul routes.
6. **Take increased non-mine traffic over time into account in analyzing the traffic safety and road capacity impacts of the project.** The TIA uses intersection vehicle counts from 2020 as the base for evaluating the impact of mine traffic and does not factor in increasing traffic over time with growth. There is no explanation of why this was not done. If the applicant and the County are not going to take this into account, they must provide clear evidence to show that substantial increases in background traffic are not likely to occur during the proposed 25-year lifetime of the mine.
7. **Provide clear, graphic analysis of ALL locations on proposed haul routes where intersection and/or stopping sight distances do not meet required minimums for all types of vehicles. Require mitigation of all such locations.** Graphic “Vision Clearance Triangle” analysis (Skagit County Road Standards, 2000, Appendix C-7) or other industry standard graphic analysis is needed for all such locations and adequate

mitigation measures required for project approval.

8. **Flashing speed warning beacon systems proposed for the Grip/Prairie and Grip/Mine Entrance intersections require analysis as to what they are intended to accomplish and how they will do it.** The existing speed warning signs on Prairie Road at the Grip intersection clearly do not work and no analysis has been provided to show that a flashing warning light system will work better at either location. The County must require the applicant to conduct field studies to determine what the actual maximum safe speeds are for these intersections and require mitigation measures that will ensure these limits are met.
9. **Fully evaluate accident records for all road segments and intersections on the haul route, including causes and contributing factors. Provide analysis of the impacts mine traffic will have on the number, type, and severity of accidents to be anticipated with both existing and future traffic volumes. Require effective mitigation measures.** The existing TIA accident record analysis is limited to certain intersections on the haul route and does not look at causes and contributing factors. It excludes a number of additional intersections, including Cook Road and Old Highway 99, as well as accidents not occurring at intersections.
10. **Evaluate the impacts of mine traffic on the existing roads and bridges and require the applicant pay its fair share of the costs for increased maintenance on our already sub-standard rural roads.** An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required significant repairs over the last few years. Roughly 12,000 truck and trailer trips per year over 25 years will necessitate a lot of additional maintenance by the county roads department. This must be paid for by the applicant, not the taxpayers.

Thank you for your consideration of these comments.

Sincerely,

Norman Wasson

20836 Prairie Rd.

Sedro Woolley, Wa 98284

(360)724-5054

normfranwasson@gmail.com

Sent from [Mail](#) for Windows 10



**From:** [Jaye Stover](#)  
**To:** [PDS comments](#)  
**Subject:** Mitigated Determination of Non-Significance for proposed Grip Road Gravel Mine  
**Date:** Tuesday, April 27, 2021 9:37:18 PM

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File #s PL16-0097 & PL16-0098 Impacts to the Ecosystem

Having worked as a volunteer in riparian habitat restoration this year on Grip Road along the Samish River and creeks intersecting with the Samish, I am extremely concerned about the destructive potential of the proposal to mine there and the inadequate planning and documentation of this ill-conceived project.

The property, including a 60-acre mine and intensive two-mile haul lane, is contiguous to Swede Creek and wetlands where I have planted trees and witnessed efforts by many agencies to restore and protect a fish-bearing stream. At this time of extreme environmental jeopardy and growing recognition of the urgency of keeping streams alive, not even “mitigation” – although NONE is proposed – it is essential that analysis be made of the repercussions on wildlife at this site. *A complete and current 2021 Fish and Wildlife Assessment is essential to evaluate how the ecosystem is being protected on behalf of all citizens of this county and of this state.*

Skagit County’s Critical Area Ordinance requires a three hundred feet buffer in this environment for high intensity land use, however, this proposal does not include that buffer. Furthermore, wetlands which are critical to survival of fish and wildlife are not identified in these plans! Riparian habitat, wetlands, buffers and areas essential for natural water reservoirs (storage) are missing from the documents, as if they don’t exist. They must be identified and labeled on the entire property so all “stakeholders” in this county know where they are and can plan accordingly for our future.

Now that there are more people than wildlife – a dramatic change since our youth – destruction of the last undeveloped land between Butler Hill, the Samish River and Anderson Mountain is unacceptable for the trade-off of 25 years of mining. Wildlife must have places to live. With 70% reduction of wildlife in the past two decades, projects such as this must be studied in depth and the costs to all calculated. There are no wildlife corridors or habitat areas provided.

The effects on groundwater – it’s contamination by mining and trucking activities – have not been clearly described nor have thorough and adequate protections been offered to prevent pollution of the waterways into which drainage from mining would overflow. The groundwater is approximately the same level as the Samish River here!

With so many private sector, county, state, federal and mixed agencies working to protect and restore Skagit’s delicate and endangered waterways and wetlands, this project definitively needs a Full Environmental Impact Statement and the County, as responsible caretakers and leaders needs to reverse its Threshold Determination.

Sincerely,

Jaye Stover

12213 Pulver Road  
Burlington, WA 98233  
360-770-5608

Sent from [Mail](#) for Windows 10

**From:** [Julie Johnson](#)  
**To:** [PDS comments](#)  
**Subject:** RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine File #'s PL16-0097 & PL16-0098 – Impacts to the Natural Environment & ESA species  
**Date:** Tuesday, April 27, 2021 12:32:52 PM

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April 27, 2021

Michael Cerbone, Assistant Director Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Dear Mr. Cerbone,

I wish to express my concern regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. Even though this proposal has been under review by Skagit County Planning and Development Services (PDS) for more than five years, it appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, water and air quality have been updated. They were incomplete and inaccurate in 2016 and they still are, nor do they reflect any of the concerns expressed by the community on these matters over the past years.

This is an industrial scale development located in sensitive rural environment where no commercial mining has ever occurred. It will cause irreparable and significant harm to the natural environment including habitats along the Samish River and Swede Creek, as well as upland wildlife habitat.

The MDNS falls far short of identifying and mitigating impacts. The environmental review did not consider the full footprint of the project. Only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the twomile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

The County is not following its own Critical Areas Ordinance (CAO). Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-feet adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted. This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a "temporary" activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams.

Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full

Environmental Impact Statement that evaluates these and other impacts to the natural environment and identifies alternatives such as reducing the size of the mine.

Thank you for your consideration.

Julie Anne Johnson  
(360) 927-4365  
[juliannejohnson@lycos.com](mailto:juliannejohnson@lycos.com)

Name : Nora Kammer, Skagit River System Cooperative  
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PermitProposal : PL16-0097, PL16-0098  
Comments : April 30, 2021

Michael Cerbone  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Reference: Concrete Nor'West gravel pit (submitted via: County Comment Portal)

Dear Michael,

The Skagit River System Cooperative (SRSC) has reviewed the resubmittal of the proposal by Concrete Nor'West for a gravel pit near the Samish River (PL16-0097 and PL16-0098). The steelhead and coho salmon that spawn and rear in the Samish River and its tributaries are important tribal resources, so we are submitting comments on behalf of the Swinomish Indian Tribal Community and Sauk-Suiattle Indian Tribe.

#### Depth of Quarry Excavation

We would like to reiterate our previously stated concerns about the bottom depth of excavation for the pit. It is important to prevent any interaction of surface water and ground water in order to prevent pollution and protect water quality. We understand from the project documents that the extent of gravel mining will not go deeper than 10-feet higher than the groundwater levels surrounding the Samish River in order to prevent this interaction between groundwater and surface water. Limiting the depth of excavation should prevent the gravel pit from becoming a pond, and from river water being affected by groundwater interaction. However, it is important to consider the practicality of conveying this provision to the on-the-ground employees operating the pit decades from now, when that maximum depth of excavation will be approached.

For clarity and certainty, we would like the specific elevation of final excavation to be established as part of the permitting process, and that elevation should be based on Samish River water surface elevations at normal winter flow, not during summer low flow. On-the-ground monumentation should be available onsite with clear signage, located where it won't be disturbed by decades of mining, but close enough to be useful when the pit begins to exhaust its capacity.

Additionally, we would like to see periodic site evaluations every five years with reporting to the Department of Ecology. The evaluations should include a rod-and-level survey to determine the current depth of excavation using onsite monumentation, and an evaluation of the depth of



excavation remaining. This evaluation will serve to continue to convey the provisions and on-the-ground expectations to the employees operating this mine.

We expect there to be no surface runoff from the gravel mine, as pits create a topographically closed depression. Finally, we expect there to be no on-site processing of gravel, as stated in the plans.

### Haul Route

The project proponent must expand their environmental assessment to include the haul route from the gate at Grip Road to the mine site itself. The existing onsite haul route is about 2 miles long and was developed for forestry activities. The quantity, seasonality, and duration of traffic; types and weights of vehicles; agency with jurisdiction; and maintenance responsibility will all change with this proposal, and as such, impacts must be considered. The route crosses numerous wetlands, a couple of typed streams, and the gorge and large stream Swede Creek, a known salmon-bearing stream. We have concerns on how the proposal will affect these sensitive areas. The haul route was apparently widened recently. The as-built drawings recently provided by Semrau Engineering indicate the road is approximately 22 feet wide as-built. Archived airphotos and Google Earth indicate that this road was previously much narrower, approximately 15 feet as measured from airphotos.

I am unclear what permits were acquired to do the road widening, or if the work was under DNR jurisdiction (under FPA # 2816283 or FPA # 2814718) or Skagit County as improvements to a private road at the time. The two FPA's referenced do not indicate any road work or culvert replacements at typed streams would occur, but the roadwork did in fact replace culverts at approximate STA 12+27, STA 64+00, and STA 64+95 which with a cursory assessment and details in the FPA indicate would be Type N or Type F streams.

When this work occurred happens to be easy to ascertain. A 7/15/2018 Google Earth airphoto shows the work underway, with the northern portion of the haul route widened to more than 20 feet, and the southern part of the haul route remains narrow at about 10-12 feet and as in an apparent 2-track condition. An excavator is working at 48.563041, -122.280407. A roller is parked at 48.569462, -122.276716. The widening of the road adds up to more than 2 acres of new compacted gravel (2 miles x 10 feet). We would like to hear details of the design and regulatory approvals for this substantial road widening and project to replace all culverts. Moving forward, we expect an environmental assessment to survey the road for stream crossings, wetlands, and seeps (of which there are many) to support a design that meets the Skagit County Drainage Ordinance and allows free flow of all surface waters across the road through appropriately sized culverts and ditches for streams and cross drains. We expect all culverts to be appropriately spaced and located, in particular those at approximate road stations STA 12+27, STA 64+00, and STA 64+95 where we believe typed streams to be present. All culverts must be appropriately sized to meet Skagit County Code or Washington State Forest Practices, whichever is more restrictive.

We feel that over the long term that the gravel operations use of this road presents an impact to surface waters and aquatic habitat due to sedimentation and runoff, and presents a greatly

increased risk of slope failures that threaten to directly impact Swede Creek. We presume that the BMPs in the ditchline along the road were implemented concurrently with the above-described road work and the 2018 FPA. While remnants of the BMPs were evident in the ditchline (decayed straw wattles) recently, these BMPs are clearly short-term treatments for forest practices, which typically represent a short duration of heavy use along a forestry road, as in during the harvesting and subsequent replanting activities. However, the proposed mine will have a very long duration (25 years) of a very heavy use (documents indicate 4.6 up to 30 trucks per hour). Typical forest practices short-term BMPs and management of stormwater are likely insufficient, unless scrupulously maintained, to effectively prevent runoff into surface waters.

The type of vehicle that will be utilizing this haul route is also notably different than a typical log truck, which can typically weigh around 88,000 pounds. The application materials indicate that the typical loaded gravel truck and pup will weigh 105,500 pounds, or 20% heavier. This, combined with the vastly greater number of vehicles and duration of the action, must be considered in an adequate drainage and stormwater management plan.

The road and all crossing structures must be assessed to ensure that they are capable of handling the types of traffic expected on the mine service road. We would like to see information specific to the age of the bridge and an onsite assessment by a bridge engineer that the bridge is capable of handling long-term usage by 105,500 pound vehicles; the provided memo is based on a typical engineering drawing dated 1999 and “from the original bridge installation and “photos and descriptions” sent to the engineer by the project proponent. This seems like an insufficient assessment of a bridge that serves as the key haul route for this mining project and is central to our concerns about the risk to aquatic habitat.

From our perspective, the risk of failure at this bridge would bring substantial harm to downstream aquatic habitat and we would like to be assured that this timber bridge is capable of handling the mine traffic. Traffic along the haul route must be adequately planned for, maintained, and mitigated. We request an onsite bridge inspection be completed prior to permitting, and repeated periodically at no less than every 5 years for the duration of the mine. We request this bridge inspection schedule and submittal of inspection reports to Skagit County Public Works be a provision of the permitting of this mine.

We would like to see the applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out as a provision to the permit, to prevent impacts to surface waters and wetlands in the vicinity of the haul route throughout the duration of this mine.

We also feel that the 2-mile haul route, which has been essentially doubled in width ahead of this mining activity, should be fully assessed by a qualified consultant who can identify sensitive areas, priority habitat areas, wetlands, and streams; quantify the impact; and suggest appropriate and mitigation measures to reduce impacts resulting from this project.

When identifying mitigation measures, we would like to draw attention to an undersized and impassable culvert on a Type F stream located along a spur road on the subject property that we

have recorded in a inventory of barrier culverts (48.563983, -122.275181). We suggest as a potential mitigation measure to compensate for road expansion and impacts to remove this culvert and naturalize the stream, or replace this culvert with an appropriately sized culvert based on an assessment of channel dimensions and fish use.

### Swede Creek gorge

We have specific concerns about the haul route through the steep valley at Swede Creek. The route crosses a bridge at Swede Creek, which the proponent has designated will be a one-lane bridge with signage. The engineer, Semrau, has provided an as-built drawing set, dated 2018, for the haul route, which supported this review.

Firstly, we would like to see no additional road widening within the Swede Creek gorge. Should any widening be absolutely necessary, the road should be cut into the hillslope and not be built further onto the fillslope.

The slopes in this gorge are very steep, well over 70% at some locations, with delivery possible since Swede Creek is at the toe of steep slopes.

There are a couple of existing road failure issues within the gorge that must be corrected as soon as possible to prevent any further road failures or degradation to water bodies. These existing road failures serve as an example of the types of road issues we are very concerned about. There is presently a 60-80 foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek.

Any further failure risks sediment delivery directly into Swede Creek. The sidecast failure occurred recently, at a time with relatively little road traffic. With the constant impact of loaded 105,500-pound gravel trucks passing by at a rate of 4.6 to 30 trucks per hour, the compaction, vibration, and degradation of appropriate ditches and drainage features will be constant, greatly increasing the risks that use of this road presents to Swede Creek.

In addition to the sidecast cracking, there are two cutslope failures that have slumped and filled the ditchline. All three of these failures must be immediately addressed to ensure that no further damage to the drainage infrastructure or Swede Creek occur.

In an environment like the Swede Creek gorge, water management is of the utmost importance. This fact cannot be understated. Cross drains and backup cross drains must efficiently transport surface runoff across the road surface and not be allowed to run haphazardly down the ditchline. The outlet of cross drains must be carefully selected by an experienced road designer to ensure that erosion or failure of the fill slope will not be aggravated.

Slope failures and debris slides are disastrous for fish habitat. Debris slides can decimate instream biota and adjacent riparian areas, bury redds and appropriate spawning substrates, and contribute to downstream water quality problems. Road management and reducing the risk of debris torrents originating at forest roads is something that our organization has invested a great deal of time, effort, and money to address and correct, and remains a significant concern of ours at this location.

We understand that the road is proposed for paving at STA 21+00 to 26+00, located within the Swede Creek gorge and within the riparian buffer of Swede Creek. While there are some negative impacts and risks associated with paving due to increased impervious area and increased runoff quantity and speed, we recognize that paving can greatly reduce sediment delivery to streams. We recognize that sediment delivery is one of the greater threats to the aquatic habitat adjacent to this proposal. For that reason, we would like to see consideration of paving both the north and south approaches to the Swede Creek bridge, from hillcrest down to the bridge.

Washington State Forest Practices Board Manual suggests paving within 200 feet of a stream as a BMP for sediment control. "In situations where sediment control devices need to be used long-term consider surfacing that requires little to no maintenance such as chip sealing or paving portions of roads." We feel that would be a prudent BMP in this situation, where permanent management of sediment must be required. However, as will all surface water management in a steep gorge, paving must be designed with care by an experienced road engineer with experience working with these building materials in steep terrain, to ensure that runoff is carefully managed to avoid erosion or slope failure, and disconnect from streams and wetlands.

We would like to see some improvements to drainage management within the gorge, with additional cross drains installed to ensure capacity and redundancy in the case of slumping into the ditchline, as is presently occurring. This ensures that water can get off the road if a culvert is clogged, rather than run down the road and trigger further slope failures and damage to the aquatic environment. In risky terrain for forest roads, redundancy and maintenance are key. The outlet of any cross drains in the gorge should be disconnected from directly contributing to Swede Creek; this may be in the form of swales, settling basins, sediment curtains, or straw wattles that can prevent pollution from reaching a surface water body. Permanent treatment BMPs should be considered and utilized. Substantial rock aprons should be built at the outlet of all culverts, with particular attention and size emphasized at culverts within the Swede Creek gorge. We feel strongly that to reduce sediment runoff in the gorge, paving, permanent BMPs, and ample cross drainage opportunities can help to reduce impacts.

### Road Maintenance

We understand the access road from Grip Road to the quarry (nearly 2 miles) will be designated a Private Road by Skagit County, and the landowner(s) of the road will be responsible for its maintenance. We are concerned about impacts of this road should it go unmaintained over the 25-year duration of this project. Ditches and culvert inlets that become clogged with debris and sediment, potholes, washboards, winter snowplowing that forms windrows along road edges, damaged culverts and aprons, or damage to the Swede Creek bridge all present situations where there are increased and avoidable impacts to surface water bodies.

We would like to see an adequate drainage and stormwater management plan assessing and prescribing improvements to the private haul route. We would like to see applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. We would like to see a schedule of periodic on-site bridge inspection to assess the Swede Creek bridge and the anticipated traffic level and loads.

The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out, to prevent impacts to surface waters and wetlands in the vicinity of the haul route.

## Reclamation

We would like to see the proponent submit a reclamation plan for their proposal, and this plan should be provided for ours and public review. The mine reclamation plan for this site should specify access controls that are adequate to assure that no dumping will occur, either by Concrete Nor'West or any authorized or unauthorized parties. Obsolete gravel pits have a tendency to become dumping grounds for all kinds of waste and trash. If some of that trash were to leach toxic materials into the permeable gravel at the pit, the result could be devastating for Samish River fish. A robust plan to prevent dumping at the pit would be a prudent step at this stage of permitting the mine.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 391-8472 or email at [nkammer@skagitcoop.org](mailto:nkammer@skagitcoop.org).  
Sincerely,

Nora Kammer  
Environmental Protection Ecologist  
Skagit River System Cooperative

From Host Address: 24.113.8.118

Date and time received: 4/30/2021 11:18:03 AM

Name : Mary S. Neff  
Address : 12123 Hilynn Drive  
City : Burlington  
State : WA  
Zip : 98233

email : [mandmneff67@gmail.com](mailto:mandmneff67@gmail.com)

PermitProposal : 16-0097 and 16-0098

Comments : As a concerned citizen, I believe it is absolutely essential that a Full EIS be required on this proposed mine project on Grip Rd. There are multiple concerns about this project, including huge traffic and public safety issues, and the effects on the natural environment. Adjacent to the Samish River, this project threatens fish and wildlife habitat, water quality, and the endangered Oregon Spotted Frog habitat. Please take your responsibilities seriously, on behalf of the citizens of Skagit County and require a Full EIS. It is unfathomable that this would be allowed to proceed without the proper channels being followed and protections enforced. Thank you for your consideration. Mary S. Neff

From Host Address: 73.42.202.5

Date and time received: 4/30/2021 11:11:10 AM

April 28, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigation Determination of Non Significance for proposed Grip Road Mine  
File# PLL16-0097 & PL16-0098 - Impacts to the Natural Environment and ESA  
species.

"Daddy Listen! All you can hear is birds!" This was a profound observation from my 9 year old daughter two days ago as we were out walking in our neighborhood mid-morning. This is why we moved to the Central Samish Valley. This, if Concrete 'NorWest has its own way, will all change - forever.

The initial proposal is for a 60+ acre open pit gravel mine for a foreseeable lifespan of 25 years. That is a long time - what has not been noted is that this "small" gravel pit is part of a 700+ acre (37+ Parcels) owed by Concrete 'NorWest/Miles Sand and Gravel cover company Lisa Inc., forested region bounding the Samish River that will inevitably be developed in the same way over time as each area is exhausted of its natural resource. A never ending source of noise, dust, water table disruption, habitat destruction, and river disruption (you can say it won't, but this can't be known ahead of time.)

Perhaps you don't know the sounds of silence, the un-interrupted sounds of the natural world surrounding you, un-marred by the sounds of chainsaws, heavy machinery, trucks, conveyers, and associated mining equipment. Perhaps your life is surrounded by the noise of urban existence. Where we live, the Central Samish Valley, silence is the norm, and that is why we, and our neighbors, have chosen to live in this peaceful valley. You may have no context except for the incessant sounds of humanity on the move (I-5, Emergency Vehicles, Large Truck Traffic, Heavy Machinery, the constant background of Television and newscasts, ever present music). Silence of humanity and the sounds and presence of the natural world are a precious commodity, one which is a most valuable resource, and treasured aspect of our community. Our citizens live here for this reason, a place to escape the din of society. Many work in urban settings and find their homes their safe place and retreat. This is being threatened.

In conversations with neighbors there is evidence of early Tribal presence in this region (a clovis point being noted as being found in the river bed of the Samish River in the region of the proposed mining operation). This operation is also not congruent with the Clean Samish Initiative (CSI) that the county has promoted for years in efforts to improve river water quality for fish and shellfish at the mouth of the Samish River. Wildlife need extensive tracts of space to thrive, while walking with friends in the vicinity, a coyote and bobcat were both seen in the space of 30

min. Reports of other significant wildlife making this area home abound (Cougar, Bear).

**Specific Points to Consider:**

- **9-5 Safety Corridor Project:** Prairie Rd from I-5 to HWY 9 is a main traffic corridor from East county and has a long history of traffic incidents. Added tandem truck traffic will not improve this.
- **Environmental Review Lacking Scope of Impact:** Ignores larger plans for future development of mining operations of adjacent 700 acres owned by same entity (LISA Inc aka Concrete 'Norwest). Fish bearing Swede Creek not included and approx 11,000 tandem truck trips annually along the haul road corridor.
- **Labeled as Grip Rd. Mine - Ignores other regional affected Parties** Prairie Lane, Prairie Rd, Wildlife Acres, Hoogdal, Cedar Ridge Place, F&S Grade, and adjacent communities from Hwy 9 - I-5.
- **Critical Area Ordinance misalignment:** 300' buffer required in high intensity land use areas. Only 200' buffer noted in Fish and Wildlife Assessment
- **Oregon Spotted Frog Habitat Infringement (*Rana pretiosa*):** Listed as Threatened species under the Endangered Species Act. And Endangered in Washington. Local populations have been noted in adjacent sites to proposed mine activity.
- **No Wetland delineation:** There are significant wetlands in the proposed area that have not been noted or buffered. Beaver activity has been noted.
- **Groundwater Impacts not adequately evaluated:** A common outfall of mining is groundwater disturbance. Conversations with landowners adjacent to other county mines (old 99) reflect noticeable water changes accompanied by mining operations. Well integrity must be preserved. Additionally mine contaminants must not enter the Samish River.
- **Noise and Vibration Study lacking real life impacts.** Not only truck traffic on the exit roads but also the ambient noise of operation to the whole Central Samish Valley and Warner Prairie communities was not considered although of substantial impact to residents.
- **Emissions of operation:** Diesel fumes, dust from traffic and operation from 240,000 miles of annual truck traffic - not to mention additional air pollution from heavy equipment involved in direct extraction.
- **No Assessment of regional cumulative long term impacts:** Twenty-five (25) years is not a "temporary" activity. Especially given the potential continual development of the remaining 700 acres for similar use (100's of years of use).
- **Poor planning on location of proposed facility:** In a land tract of 700 acres the proposed mine is in the highest impact space adjacent to homes, sensitive wetland, forest, and riparian habitats. With transit of material through a major portion of the land tract.



In short, please reverse the current Threshold Determination under SEPA, and require a full Environmental Impact Statement that addresses the above and other areas of concern noted in others comments. Including a Level II Traffic Impact Analysis (TIA). Having the company pay for road improvements may amount to a simple bribe to move forward. There is much more at stake than the simple financial interests of Concrete 'Norwest, Miles Sand and Gravel and Skagit County. Our quality of life and the desirability of our valley and neighborhood, where we raise our families, is at stake.

Thank you for your heartfelt consideration.

Sincerely,

  
Andrew J. Rice

22356 Prairie Rd

Sedro Woolley, WA 98284



April 30, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine  
File #'s PL16-0097 & PL16-0098

(Submitted via [www.skagitcounty.net/pdscomments](http://www.skagitcounty.net/pdscomments))

Dear Mr. Cerbone,

Thank you for the opportunity to comment on the Mitigated Determination of NonSignificance (MDNS) for the proposed gravel mine on the Samish River near Grip Road. Since 1995 Skagit Land Trust has owned and cared for Tope Ryan Conservation Area, an important natural site along Grip Road approximately 2 miles downstream of the proposed mine. This preserve has long included 900 feet along the Samish River. The Trust also protects two other Samish River properties upstream of the project site and is continually seeking to protect more land along this important watercourse. All of Skagit Land Trust's properties along the Samish have been donated by landowners who wanted to protect the natural habitat of the river and its shoreline. We have partnered with federal, Tribal, state, and local agencies on numerous projects to protect and restore habitat in the Samish watershed. These partnerships include excellent work conducted by Skagit County Public Works Clean Samish Initiative, Skagit Fisheries Enhancement Group, and others.

Last year, Skagit Land Trust received a donation of land significantly expanding Tope Ryan Conservation Area on the other side of Grip Road protecting an additional 900 feet of shoreline along the Samish River and Swede Creek including their confluence. The river and creek in the vicinity of the conservation area are of particular importance for juvenile salmon due to the habitat complexity of the site. The river's wide gravel bars are critical spawning grounds for Coho and Chum Salmon as well as Steelhead and Cutthroat Trout. Last year, the latest restoration planting project at Tope Ryan added over 5,000 trees and shrubs. The costs of this effort were covered by the National Estuary Program, administered by the Washington State Department of Ecology with assistance from the U.S. Environmental Protection Agency. The Skagit Conservation District prepared the planting plan and helped secure a federal partnership grant to maintain the plantings. I mention these details to make the point that this is a preserve made possible and continually improved by the generosity of private landowners supplemented by public funds and the dedication of many staff and volunteer hours over a long span of years. The potential for adverse impacts from a nearby mine and associated heavy truck traffic greatly concerns us and could directly affect our ability to meet our responsibility to protect this significant area of habitat.

Each year the Trust organizes community volunteers to conduct amphibian monitoring at the Tope Ryan site, gathering significant data about the wetlands which we convey to Washington Department of Fish and Wildlife. We hope to someday discover that the endangered Oregon Spotted Frog has returned to this site, given its appropriate habitat for this now rare species present elsewhere in the Samish Watershed. Tope Ryan is a rich area laced with beaver ponds, important not only for native amphibians but also for a rich assemblage of riparian dependent songbirds and waterfowl. It also supports commercially important fish stocks. In addition, restoring and protecting this large riparian area helps protect water quality in the river that is so important for commercial shellfish grown in Samish Bay. Potential river degradation due to the proposed mine and haul road puts a long list of values at risk.



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Miles Sand & Gravel v. Skagit County, PL21-0348  
Exhibit 9: Comments on Second MDNS  
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One of the lessons we have learned from years of restoration work is that protecting habitat is far more cost effective than restoring it after the fact. In addition, there are factors contributing to habitat degradation that are more subtle than direct impacts, but perhaps even more concerning. For instance, Swede Creek routinely spills over its banks into the ditch along Grip Road by the Tope Ryan property. This has created a cascade of effects including accelerated erosion of the roadbed, routine flooding of the road and increased sediment loading in the creek and river. Skagit Land Trust staff and volunteers have on several occasions discussed with staff at Public Works various ideas for "fixing" the creek; but have yet to arrive at a cost effective and feasible plan to solve this problem. The volume and type of truck traffic that would be using the haul road crossing Swede Creek could well add to the present problem.

The Trust is concerned that the impacts of the proposed mine have not been adequately evaluated, nor we will look back and wish we had considered taking stronger measures to prevent the ongoing unraveling of important habitats in the Samish Watershed. Further review of the impacts to the riparian habitat and associated wetlands along the river should be conducted with special attention to Oregon Spotted Frog and Bull Trout habitat, both listed species.

Under Skagit County's Critical Areas Ordinance it would be appropriate to require a 300' buffer, rather than 200', between the Samish River and the mine, clearly an industrial activity calling for this larger buffer. A larger buffer would provide greater assurance that the mining will not in fact degrade the river through sedimentation, erosion, and leaching of spilled fuel oil (noting the statement in the application materials that fueling of equipment will take place on site). We are also concerned that the plan to maintain the floor of the mine at least 10' above the water table, while well-intended, lacks certainty. There should be a more thorough analysis of the site hydrology through the seasons and of how it will be affected by the mining plan.

In addition, as mentioned, there are issues with Swede Creek just downstream on Trust property, and yet it appears that the impacts to the creek from heavy truck traffic on the private haul road have not been evaluated. The haul road crosses Swede Creek approximately 0.6 stream miles above Land Trust property. Sedimentation from this unpaved road would likely degrade the salmonid habitat downstream which we have been working for years to protect. We are also aware that there are beaver ponds and wetlands near the haul road and that the environmental review did not take these sensitive habitat areas into account.

The projected numbers of heavy trucks on this haul road are significant and will permanently change the nature of the forested upland habitat on the site. Local residents report that the uplands on the property are used by bear, cougar, and bobcat. Signs of these animals have also been observed on the Trust's nearby property. These animals require large territories, and the applicant's property is the last large undeveloped tract of land so close to the Samish River in this part of the watershed. The impacts from this disturbance to these important upland wildlife species should be evaluated.

We also have concerns related to the safety of staff, volunteers, and visitors to Tope Ryan Conservation Area in light of the heavy and frequent truck traffic which would be associated with the mine. Trucks entering Grip Road would pass the conservation area as they approach the turn onto Prairie Road. Vehicles using the preserve's small parking area will be at very significantly increased risk of collision as they pull into or out of the limited space. The conservation area lies on both sides of Grip Road. Pedestrians crossing from one part to the other will also be in the path of trucks approaching or leaving the mine.

Skagit Land Trust is not opposed to resource extraction; however, these uses must be balanced with effective measures to protect public resources, such as the Samish River, private ones such as Tope Ryan

Conservation Area, and public safety. In addition, the Trust staff would be happy to discuss conservation options with the landowner to address some of these concerns.

Before recommending approval of the Grip Road Gravel Mine application, please conduct further evaluation to ensure measures are taken to adequately protect the natural habitats of the Samish watershed that all of us are working so hard to restore. We ask that you do this by withdrawing the MDNS and requiring a full Environmental Impact Statement with thorough consideration of project alternatives and a more complete scope of mitigations than in the MDNS. It is essential that this analysis include not only the mine site itself but also the area traversed by the haul road, the downstream reaches of the Samish River and Swede Creek, and areas adjacent to the public roadways the trucks would use.

Again, thank you for the opportunity to comment, and for your time and consideration.

Sincerely,



Mark Hitchcock  
President  
Skagit Land Trust

April 24, 2021

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: Concrete Nor'west/Miles Sand & Gravel; PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)

Dear Mr. Cerbone,

Thank you for this opportunity to comment on Skagit County's recently reissued MDNS regarding the mine development application of Miles Sand and Gravel.

I have recently become aware of the extent of this project, and of the many concerns regarding a lack of complete and up-to-date study on the environmental and public impact it would have.

We live within ten minutes of this land, and my son lives in the neighborhood. For over twenty years, with the kind permission of landowners in the area, we have walked at least weekly on acres of forested land off of Grip Road. We know the roads well, and we have come to know the diverse wildlife of that area. Cougar, bobcat, bear, porcupine, even otter—we have seen their signs, their tracks and sometimes the animals themselves. The area is rich with wildlife that requires large territories, accessible corridors and minimal disturbance.

The adjacent Samish river and wetlands are also rich with life, including the Oregon Spotted Frog, designated endangered by the state and threatened federally. The Bull Trout, another species listed as threatened on federal lists also has critical habitat on this river. It is my understanding that the Fish and Wildlife Assessment used in issuing the MDNS was limited, and over five years old. Additionally, the MDNS does not mention endangered status species. State and federal agencies addressing endangered species need to be consulted.

I am additionally disturbed that, in order to sanction this project, which has not been thoroughly examined, the County would make an exception to allow only a 200 foot buffer, even though its own Critical Areas Ordinance (CAO) requires a 300 foot buffer adjacent to high intensity land use. Everything I have learned about this project argues that it will be high intensity: a 60 acre mine site on 700 contiguous acres, going 90 feet deep, with over 11,000 heavy truck trips per day for 25 years. I would hope that an exception to the CAO for such a high impact proposal would only be made in extreme circumstances, after extremely careful study.

In addition to the environmental impacts (of which I've only listed a few), I have deep concerns about how this project will detrimentally affect the safety and infrastructure of the roads. I have pulled out onto Grip Road thousands of times—in places, it is twisting, steep and narrow, with limited visibility. The safety impact of dozens, perhaps hundreds, of trucks daily on this road is alarming. I understand that the Traffic Impact Analysis located lane encroachment on this route, including on the twisting Grip Road hill spots, but neither the TIA nor the MDNS analyzes or mitigates this problem. This is a (fatal) accident waiting to happen. I can't visualize how these trucks and school buses will negotiate passing on these roads. It is imperative that the County insists on additional information and assurances on this issue.

It is important to note, that although Miles Sand and Gravel suggests an average 46 truck trips per day (already substantial), the company says it might run up to 30 trucks per hour. This is not an unlikely scenario given the seasonal nature of the business. The impact of such heavy traffic, or even anything approaching it, would be substantial on road safety, but also on road infrastructure. Impacts on infrastructure also need to be evaluated, and provision should be made for the applicant to pay a fair share of cost for maintenance and repairs if the project is approved.

In closing, the Grip Road/Prairie Road area is currently a beautiful example of rural neighborhood in the County, dotted with small farms and residences, a place where wildlife, forests, pastures, river and people coexist. This is the kind of land and land use that the County often promotes with great pride. An application to substantially change its character, its safety, and its multi-use function for all species should be assessed with all of the tools that the County has in place, including state and federal metrics.

Please reverse the Threshold Determination under SEPA, require a full Environmental Impact Statement to evaluate environmental fallout from this project, and fully examine the public safety and quality of life impacts of this proposal.

Sincerely,



Beverly Faxon

20757 Anderson Road  
Burlington WA 98233

April 27, 2021

**Comments Re Grip Road Mine Proposal, reference PL 16-0097 and PL 16-0098****Traffic, Road and Public Safety Issues Not addressed in the MDNS:**

County government and the concerned public cannot evaluate the traffic safety impacts of the project and the adequacy of the MDNS without the following information:

- **The maximum number of truck trips per hour, how often the number of trips may exceed the average trips per hour, and how long the number of trips may exceed that average.** The average of 46 trips per day or 4.6 trips per hour given in the MDNS is meaningless due to the seasonal nature of product demand. The applicant's October 8, 2020 Traffic Impact Analysis (TIA) proposes a maximum of 60 trips per hour (30 trucks in each direction). The SEPA determination must evaluate the traffic safety impacts of the project based on this maximum and set hard limits on this number, frequency, and duration
- **A clear definition and map(s) of all haul routes, and the limitation of mine traffic strictly to the defined routes.**
- **Safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not.** The TIA provides analysis showing that truck and trailer combinations cannot traverse the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. The MDNS requires the applicant to take specific actions to mitigate this issue at this location. The TIA acknowledges that the same issue of lane encroachment exists at several other locations on the haul route, but neither it nor the MDNS lists those locations, provides any analysis of the problems there, or sets out the mitigation measures required to correct them. These locations include, among others, the S-curves on the Grip Road hill and practically all of the intersections on the haul route. This is unacceptable.
- **Projections for the increase in non-mine traffic on the haul routes over time and evaluation of the safety and road capacity impacts of mine traffic with increased non-mine traffic.** The TIA uses 2020 traffic levels to evaluate mine traffic impacts and does not factor in growth.
- **Field studies to determine the speeds at which vehicles are currently traveling on the haul route and evaluation of how mine traffic will impact existing traffic given those speeds.**
- **More thorough evaluation of the accident records for all road segments and intersections on the haul route, including the contributing causes for the accidents. What are the implications for mine traffic safety?**
- **Determinations as to the actual safe speeds for any given road segment or intersection on the haul route, along with recommendations for changes to legal speed limits where they are needed for safety.**
- **More detailed evaluation of sight distances at all intersections, including "Vision Clearance Triangle" drawings as shown in Skagit County Road Standards, 2000, Appendix C – 7.**
- **A full evaluation of what the warning beacon systems proposed for the Grip Road/Prairie Road and Grip Road/Mine Entrance intersections are intended to accomplish and how they will do so. Drivers are clearly ignoring the existing speed warning signs at Grip and**

- Prairie. How can they be expected to slow down adequately for the warning beacons?
- **“Third party” sales at the mine would mean trucks traveling to and from the site via every route possible. Disallow third party sales from the mine.**
  - **Adding heavy mine traffic to our existing, substandard roads will cause increased damage to public infrastructure and higher maintenance costs.** These impacts must be evaluated and the applicant required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels.
  - **Pedestrian and bicycle safety must be evaluated along the entire haul route.** This is a particular concern in areas where there are no shoulders on Grip and Prairie, and where guardrails were recently installed on Prairie Road. Necessary safety improvements must be required.
  - **Railroad crossings along the haul route will need to be beefed up.** They already require upgrades every 5 years with the current traffic levels.
  - **School buses are along the haul route.** The school buses should be fitted with safety belts and the school bus driver must be responsible for ensuring the children are buckled up.
  - **Traffic enforcement is almost non-existent along the long haul route today.** Funds must be set aside to increase manpower and equipment to ensure road safety and traffic law monitoring.

#### **Environmental Concerns Not Addressed in the MDNS**

**The environmental review did not consider the full footprint of the project.** The applicant owns more than 700 contiguous acres, however only the 60-acre mine site was included in the environmental review, even though industrial hauling will occur on the two-mile long private road that transects their larger ownership. The proposal will require more than 11,000 truck trips per year on this haul road. This private road has previously been used only for forestry. It is adjacent to wetlands and crosses Swede Creek, a fish bearing stream. These sensitive areas were not evaluated and no mitigation was proposed.

**The County is not following its own Critical Areas Ordinance (CAO).** Currently only a 200-foot buffer is recommended in the Fish and Wildlife Assessment, even though the CAO calls for 300-foot adjacent to high intensity land uses. Industrial scale mining is definitely a high intensity land use.

**The Fish and Wildlife Assessment is out-of-date and incomplete.** The limited Fish and Wildlife Assessment provided by the applicant is more than five-years-old, and the river and associated wetlands have changed. Designated habitat for the Oregon Spotted Frog has been identified in the Samish River adjacent to the mine site; this animal is listed as “Endangered” in Washington State and “Threatened” federally. In addition critical habitat for Bull Trout is located just downstream, Bull Trout is a “Candidate” species for listing in WA State, and is listed as “Threatened” federally. The MDNS does not mention these “ESA” species nor any protective measures necessary. Furthermore, state and federal agencies responsible for protecting endangered species need to be consulted.

**Wetlands were not delineated, and there is no requirement for surveying and permanently marking them.** A full wetland delineation was never done. Sensitive areas and buffers within the entire project area (not just the mine site itself) need to be identified so that operators and regulators know where they are.

**Wildlife corridors are not identified and protected.** Deer, cougar, bear, coyote and bobcat are known to use the site, and it is the last large tract of undeveloped land between Butler Hill to the south,



the Samish River and Anderson Mountain to the north. These animals require large territories and are sensitive to disturbance.

**A drainage plan was not required to protect water quality from runoff on the private haul road.**

Without a drainage plan that identifies treatment measures for runoff from the haul road, the high volume of truck traffic is likely to cause excess sedimentation and potentially contamination from petroleum products to pollute surface water flowing into Swede Creek, Samish River and Samish Bay.

**Impacts to groundwater are not adequately evaluated and protections measures are not required.** They intend to excavate the mine to within 10 feet of groundwater. They claim that all runoff from the disturbed site will drain into the mine, and infiltration will protect the groundwater. But it is unclear how that ten-foot limit is determined, nor how they will avoid penetrating the water table. No mention of seasonal fluctuation of the groundwater is discussed. Furthermore, with the pervious nature of sand and gravel, it is unclear if ten feet is sufficient to filter out contaminants such as petroleum product spills. The groundwater at the site is essentially at the level of the Samish River and flowing directly into it, with potential to contaminate the river. \Our Community Well currently has VERY GOOD water and we have every right to have that quality maintained.

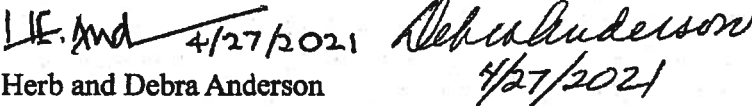
**The Noise and Vibration Study did not use realistic scenarios to model noise impacts.** The assumptions regarding the number and size of equipment that will be operated on the site are vague and misleading. It modeled noise levels generated from "typical" and "average" mine production, not maximum noise levels. The study did not address the significant noise fully loaded trucks will generate using compression brakes descending Grip Road Hill and the Swede Creek gorge on the private haul road. Regardless of legal noise limits, all of this will be a major change to the soundscape for residents of the area that should be taken into account in a full EIS.

**Emissions were not evaluated and no mitigation plan was required.** Air pollution from the mining equipment and hauling has not been evaluated, even though hauling the material involves a minimum of 240,000 cumulative miles per year driven by diesel gravel trucks.

**Cumulative impacts were ignored.** This is a major industrial scale proposal that would create many cumulative impacts, both on-site and off-site. No off-site impacts were evaluated. Twenty-five years of mine operation is not a "temporary" activity. It will permanently change the character of the landscape and the surrounding neighborhoods, degrading wildlife habitat and fish bearing streams. To haul the amount of material proposed to the closest site for processing, requires driving diesel trucks more than 5,500,000 cumulative miles over the 25 year period. A full EIS needs to evaluate all cumulative impacts.

Although we have asked several times to be placed on the mailing list for these 2 permits, we have yet to receive any information from the county officers. We would GREATLY APPRECIATE having our names added to the list.

Thank you fo ensuring these issues are dealt with to our satisfaction.

  
Herb and Debra Anderson  
4/27/2021  
4/27/2021  
7374 Erna Lane  
Sedro Woolley, WA 98284  
deb\_janderson@hotmail.com

April 28, 2021

RECEIVED  
APR 29 2021  
SKAGIT COUNTY  
PDS

Comments Re Grip Road Mine Proposal, reference PL 16-0097 and PL 16-0098

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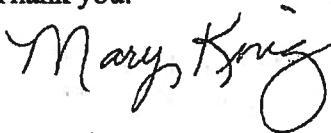
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Thank you.



Mary King

7366 Erna Lane

Sedro Woolley, WA 98284

marking43@frontier.com

22 April, 2021

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Dear Mr. Cerbone,

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Let me say first of all that I do not live near the location of the proposed gravel mine, so this is not a NIMBY reaction. Rather, my reaction is one of astonishment that the county considers this proposal non-significant under SEPA. I love this county and am shocked at what appears to me to be utter disregard of various impacts of this proposal.

While I do not live near Grip Road, I have driven it many times. It is a winding road full of 90-degree and S-turns. It already feels treacherous to drive that road and I cannot imagine the danger of daily (perhaps hourly) adding scores of huge, loaded trucks to that already precarious road. If my grandchildren lived on Grip Road, I would be terrified about their daily school bus rides (hurray for daily school!). And I am also worried about kids who are not my grandchildren.

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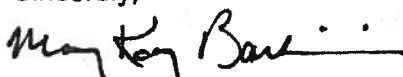
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I have listed just a few of the problems. And listing them one by one does not begin to demonstrate the total impact of the project when these and other issues are all visited at once upon a rural neighborhood of our county.

I simply do not understand—and definitely do not support—your Mitigated Determination of Non-Significance. To me it seems to be just another instance of county government allowing big businesses to inflict irreparable damage on a rural Skagit neighborhood.

Please, let's have a thorough examination of this mining project through the full SEPA process.

Sincerely,



Mary Kay Barbieri

16002 Colony Road, Bow, WA 98232

22 April, 2021

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Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
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Mary Kay Barbieri

16002 Colony Road, Bow, WA 98232

**Robert N. Doupé**  
**657 Muckleshoot Circle**  
**LAConner, WA 98257**

April 24, 2021

Skagit County  
Planning and Environmental Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: PL# 0097 & PL#0098 PROPOSED MILES SAND AND GRAVEL CO.  
MINING PIT

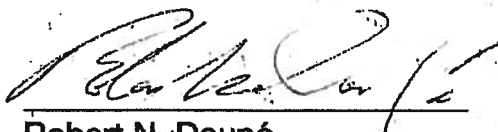
Dear People ,

I all writing in opposition to the current application of the above company's request to mine in the Skagit River watershed. There is a huge potential environmental impact as a result of their proposal. A declaration of non-significance makes a mockery of the law and the judgement of rational people. A thorough study of the impact of such an endeavor is the **ONLY** reasonable response to such an operation, A complete EIS would allow the County to rationally assess the impact of this project on the environment.

One cannot ignore the possible negative effect of this project on the surrounding community as it pertains to traffic, noise, effect on the habitat of the wildlife, the potential risk of runoff into the water supply of our county, not to mention the visible destruction of the property.

Please require a complete environmental Impact study by professional groups before making a decision that affects our county so profoundly.

Sincerely,



Robert N. Doupé

26 April 2021

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: Concrete Nor'west/Miles Sand & Gravel; PL16-0097 & PL16-0098, Notice of Withdrawn and Re-issued Mitigated Determination of Non-Significance (MDNS)

Dear Mr. Cerbone,

I am attaching a letter from Doug Gresham PWS of the Washington State Department of Ecology written in June of 2016 to John Cooper. He states that if any regulated waters of the State or Federal government or their buffers are affected by the above referenced project, permits from both jurisdictions will be required. As I referenced in a letter to you sent via email, and included in this packaged, is to complete a full wetlands, Streams, and habitat analysis of the entire parcel and haul road. The Skagit County Critical Areas ordinance requires the same. Once this site assessment is completed with the proposed conditions of the project, will the county be enabled to determine if impacts to said critical areas will occur.

I trust you will place these items in the requirements within your staff report.

Sincerely,

A handwritten signature in black ink, appearing to be 'JW', written over a horizontal line.

Jim Wiggins, MS, PWS emeritus, past president of ATSI  
21993 Grip Road  
Sedro-Woolley, WA 98284



**Re: Concrete Nor'west (CNW) application mining special use permit, PL 16-0097.**

**Fish and Wildlife, and Water Quality (regulated Critical Areas [CA]) review, comments and questions. Wiggins, November 2020.**

The information provided to date by CNW for the above referenced project regarding biological issues is insufficient to determine impacts the proposed project will have on regulated critical areas. At a minimum, we need to have maps, surveys, and descriptions of all regulated critical areas (species and habitats) including those in and near the proposed mine site, and, all roads, specifically the proposed haul road. In addition, we need to know all permit conditions that will be proposed to mitigate for impacts identified in this larger footprint. Only then can we assess impacts and adequately comment on how the proposed mine and other related project details will have on the biological environment.

SCC 14.24.060 Authorizations Required, of the county Critical Areas Ordinance, states: With the exception of activities identified as Allowed without Standard Review under SCC 14.24.107, any land use activity that can impair the functions and values of critical areas or their buffers including suspect or known geologically hazardous areas, through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to existing vegetation shall require critical areas review and written authorization pursuant to this Chapter.

The July 2015 Graham Bunting Associates (GBA) Fish and Wildlife Habitat Site Assessment report does not include descriptions nor data of the 63-acre mine site, wetland/stream buffers, wooded slope, nor the access road. It focuses only on the Samish River and adjacent wetlands with no data sheets to corroborate their findings. Because CNW has not submitted an updated critical area report for the entire impact area (proposed mine site, private road, and adjacent public roads) it is not known what type of impacts to County Critical Areas, species and habitats, and their buffers will occur. Furthermore, Critical Areas Reports require to be updated every 5 years. Said GBA report is over 5 years old.

The critical areas report completed by GBA for the wetlands associated with the Samish River recommends a 200' buffer. SCC 14.24.230 Wetland Protection Standards, requires a 300' buffer for High Intensity Land use, which the proposed mine is per the definitions section of the SCC CAO as follows: Land Use Intensity, High; Land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium-and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses. Therefore, the Samish River and its associated wetlands require a 300-foot buffer. It is inherent in the proposed use of the site as a commercial gravel mine, there will be a significant increase in noise, dust, and general overall on-site movement of heavy equipment. The assumed existing buffer between the proposed mine and the Samish River and its associated wetlands is a wooded slope, protecting, in this case, all flora and fauna, such as migratory salmonids, trout,

Grip Road CNW proposed mine; Wiggins CA comments April 2021

1

avian species, and large and medium fauna such a deer, elk, bear, cougar, coyote, and fox. Additionally, we are now aware Oregon Spotted Frog (*Rana pretiosa*) habitat occurs along the Samish River adjacent to the proposed mine site. Bull trout (*Salvelinus confluentus*) are also known to use the Samish River sometime during their lifecycle. A biological assessment is needed to address these species.

The Scope of a SCC critical areas study requires a full description of the proposed project and all biological features whether said features are regulated by the local, state, or federal government or not and is a combined quantitative (on the ground data collection) and qualitative (literature and map review) report. A description of all features such as flora and fauna, soils, topography (a survey of the top of slope), land use, a general description of the surrounding area needs to be included to provide us with an understanding of what the study area looks like and what features are present. Current and historical photographs help with this understanding of the study area. A broad-based literature review with the on-the-ground data collection of all potential areas that will be impacted needs to be studied and included in the contents of the report.

In the GBA assessment, the singular wetland rating they completed appears accurate. However, the land use intensity (moderate) they concluded does not conform to the land use intensity description put forth in Appendix 8C of WA DOE Publication No. 05-06-008 as required if using the alternative buffers in SCC 14.24.230(1)(b), Department of Ecology (Doug Gresham, DOE), the authors (DOE) of the said referenced publication. The land use intensity for a full-time gravel mining operation is high. A high habitat score (supplied by GBA wetland rating) requires a 300-foot wetland buffer per SCC 14.24.230, not 200 foot as proposed.

The review/assessment also neglected SCC 14.24.230(2), where in general, buffers are to extend 25 feet past the top of sloping areas that are 25% or greater. The site plan as indicated shows areas where this provision is applicable. Regardless of the aforementioned land use intensity issue, the buffer likely should still extend past the line indicated in areas unless there is a rational reason put forth not to, which does not appear to have been done specific to this project.

Going from an access only road that is used infrequently for forestry purposes to a gravel mine haul road that could have dozens of truck trips per day for many years will be an impact to the environment in numerous areas. This will be a distinct habitat break in what is presently one of the largest undeveloped tracts of land remaining in lowland Skagit County, home to deer, bear, cougar, and elk \*as well as many avian and small mammal species, and amphibians (\* while CNW's application does not mention these species, local knowledge confirms their presence). Heavily trafficked corridors are well known to affect the habits of such species. The haul road also drains to a salmon stream that has turbidity problems, i.e. Swede Creek, and it is not practical that the increased road traffic and maintenance/improvements without stormwater control will further affect the onsite wetlands, streams and riparian areas.

No meaningful protective measures have been assessed to the buffers of the critical areas adjacent to the mine operations. While recording of a Protected Critical Area (PCA) site plan is standard and generally adequate for a single family home, a commercial operation with employees on heavy equipment, no oversight, and no vested interest in the observation of the buffers will not protect said buffers. If there is no survey or mapping, how will anyone know where the critical areas and their regulated buffers are? The buffers need to be demarcated in the field, a standard practice, and should be fenced as well.

Because a Critical Areas Review and Fish and Wildlife Assessment has not been completed on the entire project area, it is likely additional biological critical areas occur on and near the project area, such as wetlands and Swede Creek and they need to be identified and surveyed. Also, because the GBA report is over 5 years old, by code, a new study needs to be completed. Not to mention recently (summer 2019) much of the land owned by Miles has been logged and the haul road has been widened and resurfaced, thus because of these new modifications to the site, necessitates an updated report.

Additional questions:

- What mitigation is proposed for CA impacts?
- How will mine excavation be monitored to ensure the “bottom” of the mine will remain greater than 10 feet above the seasonal high water table?
- Will the project occur beyond the mine site and proposed access road? If so, will there be road maintenance, widening, ditch maintenance, Grip/Prairie Road intersection maintenance/reconstruction? If so, said areas need to be assessed for regulated critical areas and mitigated for buffer impacts, habitat impacts, and stormwater quality.
- Because the mine site will be converted from forestry to a gravel mine, all habitat for the cursory list of species listed in this letter will be obliterated. For species such as amphibians that require upland habitat for a portion of their lifecycle further necessitates, at a minimum, the need for a 300-foot buffer off the wetlands adjacent to the Samish River. Also, other wetlands near the proposed mine and haul road mapped in the FPA further necessitates the need to complete an updated wetland/habitat reconnaissance and delineation report for all land within 300 feet of the mine and haul road.
- What mitigating measures have been included in the report for the introduction of invasive plant species such as Butterfly bush (*Buddleja sp.*) and spotted knapweed (*Centaurea sp.*) both of which occur on their Bellville pit site.
- What species and species habitats, such as Oregon Spotted Frog, Bulltrout, or other listed species occur in the Samish River watershed? Their presence needs to be assessed by qualified biologists and mitigation strategies addressed.



**Jim Wiggins, MS, PWS emeritus, past president of ATSI  
21993 Grip Road  
Sedro-Woolley, WA 98284**



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000*

June 1, 2016

John Cooper, Natural Resource Planner  
Skagit County Planning and Development Services Department  
1800 Continental Place  
Mt. Vernon, WA 98273

**RE: Ecology Comments on the Grip Road Gravel Mine  
Project File # PL16-0097 and PL16-0098**

Dear Mr. Cooper:

Thank you for sending information on the Grip Road Gravel Mine to the Washington State Department of Ecology (Ecology) for our review and comment. As the Ecology Wetland Specialist responsible for Skagit County, I wish to have the following comments entered into the record. The project submittal provided to us included a mitigated determination of nonsignificance, SEPA environmental checklist, and engineering drawings.

Concrete Nor'west has submitted an application for a forest practice conversion and mining special use permit to develop a gravel mining operation. This 68-acre property consists of three lots (Parcels P125644, P125645, and P50155) that are located northwest of Sedro Woolley in unincorporated Skagit County. The property is located north of Grip Road, south of Prairie Road, and is bisected by the Samish River. The Skagit County iMAP shows the Samish River flowing across the northeast corner of the property in the Warner Prairie area.

The proposed action involves harvesting approximately 50,000 board feet of timber, removing the stumps, and converting the property to a gravel mining operation. This gravel mining operation will remove approximately 4,280,000 cubic yards of gravel over a 25 year period. Gravel will be removed by truck and trailer (generating about 46 truck trips per day) to one of Concrete Nor'wests nearby facilities for processing.

The gravel mine will cover 51 acres and be excavated to within 10 feet of the groundwater table. A 200' buffer of undisturbed vegetation will be provided between the Samish River and the gravel mine. A 50' setback will also be provided along the remaining perimeter of the gravel mine where no grading will occur. All storm water runoff generated within the gravel mine excavation should flow into the closed depression and be prevented from reaching the Samish River.

John Cooper  
June 1, 2016  
Page 2

According to the SEPA environmental checklist, a Fish and Wildlife Site Assessment was prepared by Graham-Bunting Associates. They stated that the toe of the slope adjacent to the Samish River was mapped using LIDAR data. The engineering drawings show the 200' setback from wetlands associated with the Samish River, which I assume occurs at the toe of slope. However, there weren't any maps showing associated wetlands or the ordinary high water mark (OHWM) of the Samish River.

Any wetlands that occur on the property would be waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. If any wetland impacts do occur, the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal. To obtain state and federal authorization, the following items are required:

- A delineation of all wetlands on the property by a qualified wetland biologist, and survey of the delineated wetland boundaries;
- Flagging of the OHWM along the Samish River banks by a qualified biologist, and survey of the boundaries;
- A jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction;
- Ratings of all wetlands on this property using the current *Washington State Wetland Rating System for Western Washington*;
- A critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs;
- A Joint Aquatic Resources Permit Application form for impacts to jurisdictional wetlands and the Samish River; and
- A mitigation plan for unavoidable wetland and buffer impacts following the standards in *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a).

If you have any questions or would like to discuss my comments, please give me a call at (425) 649-7199 or send an email to [Doug.Gresham@ecy.wa.gov](mailto:Doug.Gresham@ecy.wa.gov).

Sincerely,



Doug Gresham, PWS  
Wetland Specialist  
Shorelands and Environmental Assistance Program

DG:awp

April 29, 2021

Hal Hart, Director  
Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Notice of Withdrawn and Re-issued MDNS for proposed Grip Road Gravel Mine, Special Use Permit Application #PL16-0097

Dear Mr. Hart and Mr. Cerbone:

I am writing to request that Skagit County Planning and Development Services (PDS) accept comments on the revised, April 15, 2021 Grip Road Gravel Mine MDNS that are submitted via email by the deadline of 4:30 pm on Friday, April 30. Although the MDNS itself states that comments will not be accepted via email, other information included in the MDNS itself and on PDS' website regarding how to submit comments is inconsistent or conflicting, and could lead members of the public desiring to submit comments on the MDNS to believe that emailed comments are acceptable or even required.

The MDNS states “ *Email correspondence will not be accepted however comments may be submitted via the PDS website under "recent legal notices" tab.* ([www.skagitcounty.net/pdscomments](http://www.skagitcounty.net/pdscomments)”).

1. The use of the phrase “*recent legal notices*” tab is confusing and misleading. There is no “recent legal notices” tab on the PDS website. In fact, when accessed via web browser, nothing resembling a “tab” even appears on the PDS main page at <https://www.skagitcounty.net/Departments/PlanningAndPermit/main.htm>. Yes, there is a link to recent legal notices under “Popular Topics” on the right-hand side of the page, but this in itself is confusing, especially for those not used to looking for things on the internet.
2. As I noted in an email to Mr. Cerbone on April 20, as of that date, the Grip Road Gravel Mine MDNS notice did not appear on the recent legal notices page. I believe this was corrected later that same day, but there is the possibility that due to this omission, some people may have been discouraged from submitting their comments at all if they tried to do so in the first five days of the comment period.
3. The link provided in the MDNS, [www.skagitcounty.net/pdscomments](http://www.skagitcounty.net/pdscomments), is to a different location than the “recent legal notices page” referenced in the preceding sentence. This is confusing.
4. When you go to the PDS comments page, it can be difficult to determine which section applies with regard to comments on the MDNS. The page distinguishes between “Legislation” and “Permit Applications and Appeals”, but I question whether most people not already familiar with the County’s public participation process understand that

distinction. What does the term “Legislation” even mean in the context of PDS’ mission? Presumably it refers to changes being proposed by PDS to county code or administrative rules, but no definition is provided. When you continue down the page, the next thing you come to is “How to Make a Public Remark or Comment on Legislation”, where it states “...all electronic comments **must be sent via email** [emphasis mine] to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us).” I believe that many people wishing to submit comments on the MDNS would find this at the very least confusing, and unless they are able to make the distinction between the two categories and continue scrolling down to the permit applications and appeals section, may be led to think that that they **must** submit their comments via email.

5. When you access PDS main page using a mobile device and scroll down the page to “Comment Letters”, the link provided is to the email address [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us). This clearly directs anyone wishing to submit comments to do so via email, which conflicts directly with the instructions included in the MDNS. Again, this is at the least confusing and could have led people to submit their comments via email instead of via the electronic comments form on the web page or other “acceptable” means.

In light of the above, I hereby request that PDS accept **all** comments submitted on the revised Grip Road Gravel Mine MDNS via email or otherwise. Furthermore, I request that a notice to this effect be placed immediately on the PDS main page, recent legal notices web page, comments page, and Grip Road Gravel Mine page.

The lapses detailed above demonstrate the **weakness** of PDS’ public participation process, not just in regard to this particular SEPA notice, but overall. It is high time you conduct a thorough review, with public notice and participation, and revise your policies and procedures accordingly.

Sincerely,



John Day  
6368 Erwin Lane  
Sedro-Woolley, WA 98284  
(360) 856-0644  
[Jday0730@gmail.com](mailto:Jday0730@gmail.com)





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000  
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341*

April 30, 2021

Michael Cerbone, Senior Planner  
Planning & Development Services  
Skagit County  
1800 Continental Pl  
Mount Vernon, WA 98273

**Re: Concrete Nor'West  
File# PL16-0097/PL16-0098, Ecology SEPA# 202101916**

Dear Michael Cerbone:

Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) mitigated determination of nonsignificance (DNS) process for the Concrete Nor'West proposal. Based on review of the checklist associated with this project, the Department of Ecology (Ecology) has the following comments:

The operation will require coverage under the NPDES Sand & Gravel General Permit to authorize the discharge of stormwater and/or process water to surface waters and/or groundwaters from sand and gravel operations. Applicants must submit the Notice of Intent (NOI) application online through Ecology's [Water Quality Permitting Portal](#) (WQWebPortal).

Thank you for considering these comments from Ecology. If you have any questions pertaining to the NPDES Permit or would like to respond to these comments, please contact Stephanie Barney at (360) 255-4390 or [stephanie.barney@ecy.wa.gov](mailto:stephanie.barney@ecy.wa.gov). For assistance navigating the WQWebPortal, please contact Tonya Wolfe (800) 633-6193, option 3 or [WQWebPortal@ecy.wa.gov](mailto:WQWebPortal@ecy.wa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Katelynn Piazza".

Katelynn Piazza  
SEPA Coordinator

Submitted via Skagit County Comment Portal

ecc: Stephanie Barney, Ecology

April 29, 2021

Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: Mitigated Determination of NonSignificance for proposed Grip Road Gravel Mine  
File #'s PL16-0097 & PL16-0098

Dear Mr. Cerbone,

Central Samish Valley Neighbor's attorney, Kyle Loring, is submitting comments on behalf of our group regarding the recently re-issued MDNS for the proposed Grip Road Gravel Mine. That letter provides a more comprehensive review of our concerns regarding this SEPA review process, and we fully support its findings. However, we are also submitting a few additional comments directly to express our concern with the state of this application and permit review process.

Even though this project has supposedly been under review by PDS for more than five years, it appears that very little has changed about the original proposal, especially in terms of protection of the natural environment. In fact, none of the assessments and application documents related to protection of fish, wildlife, and air and water quality have been updated (except the 2017 "Addendum to the Fish and Wildlife Assessment further evaluating ESA listed species", wherein there is a clear disclaimer stating that the addendum is not intended to address requirements of the ESA). The SEPA documents were incomplete and inaccurate in 2016-2017 and they still are. Further, it appears that the County has ignored almost all of the concerns expressed by the community on these matters over the past years. We acknowledge the County's efforts to provide better information regarding traffic and public safety impacts, however the additional traffic analysis has obvious, glaring omissions and the proposed mitigation falls far short.

And, now, there seems to be a rush to push through a new Threshold Determination without truly taking into consideration new public comment (as indicated by publishing the deadline for a SEPA appeal prior to even receiving public comment on the MDNS). This does not feel like a sincere effort at public process.

The volume of information referenced in the MDNS serves mostly to confuse and obfuscate. We have spent countless hours poring through these documents trying to understand what the applicant really proposes to do. And yet, we still don't know how many daily truck trips to expect (presumably somewhere between "46 per day" and "30 per hour"). We are still confused about whether the applicant will adhere to "normal" or "extended hours" scenarios; or, whether they plan to haul during peak traffic hours or not. In addition, if they are allowed to haul during peak hours and/or at volumes up to 30 per hour, why doesn't the MDNS specifically state this and require appropriate mitigation measures? With the modest requirement to fix some of the most glaring safety hazards on Prairie Road prior to using trucks with trailers, we are now confused as to whether they will run more single trucks until this work is completed, or if they might use 'alternative haul routes' instead – potentially generating even larger number of truck trips and/or new haul routes that haven't been evaluated at all for safety concerns. In fact, we still don't know what the haul route will be, with the MDNS simply stating that material will be "transported to nearby facilities for processing or sold directly to market".

We still find no mention in the traffic analyses of dozens of trucks per day added to the narrow steep "S" curves on the Grip Road hill. Community members have repeatedly expressed the danger of school buses, farm equipment and commuters encountering tandem gravel trucks here, yet it is not even mentioned, let alone evaluated. We find it bewildering that the County has still not required the applicant to clarify these issues.

We don't even know if the County will require a 300-foot buffer on the Samish River, even though this is clearly required by the County's CAO. And, we still don't understand why the applicant wasn't required to conduct an environmental review of the entire footprint of the project, including the two-mile long private haul road that is clearly integral to the project, with approximately 12,000 truck trips annually traveling on it.

This is an industrial scale development located in a vibrant rural community and a sensitive watershed, where no commercial mining anywhere near this scale has occurred. The applicant and the County still don't seem to grasp the magnitude of impact and permanent change this proposal would cause to the place we call home. Before this proposal moves forward, the County needs to reverse its Threshold Determination under SEPA, and require a full Environmental Impact Statement that fully evaluates the impacts, appropriate mitigation, and identifies scaled back alternatives.

Thank you for your time and consideration.

Sincerely,



Martha Bray & John Day  
6368 Erwin Lane  
Sedro-Woolley, WA 98284



## Skagit River System Cooperative

11426 Moorage Way • P.O. Box 368 LaConner, WA 98257-0368  
Phone: 360-466-7228 • Fax: 360-466-4047 • [www.skagitcoop.org](http://www.skagitcoop.org)

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April 30, 2021

Michael Cerbone  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Reference: Concrete Nor'West gravel pit  
(submitted electronically via: County Comment Portal)

Dear Michael,

The Skagit River System Cooperative (SRSC) has reviewed the resubmittal of the proposal by Concrete Nor'West for a gravel pit near the Samish River (PL16-0097 and PL16-0098). The steelhead and coho salmon that spawn and rear in the Samish River and its tributaries are important tribal resources, so we are submitting comments on behalf of the Swinomish Indian Tribal Community and Sauk-Suiattle Indian Tribe.

### **Depth of Quarry Excavation**

We would like to reiterate our previously stated concerns about the bottom depth of excavation for the pit. It is important to prevent any interaction of surface water and ground water in order to prevent pollution and protect water quality. We understand from the project documents that the extent of gravel mining will not go deeper than 10-feet higher than the groundwater levels surrounding the Samish River in order to prevent this interaction between groundwater and surface water. Limiting the depth of excavation should prevent the gravel pit from becoming a pond, and from river water being affected by groundwater interaction. However, it is important to consider the practicality of conveying this provision to the on-the-ground employees operating the pit decades from now, when that maximum depth of excavation will be approached.

For clarity and certainty, we would like the specific elevation of final excavation to be established as part of the permitting process, and that elevation should be based on Samish River water surface elevations at normal winter flow, not during summer low flow. On-the-ground monumentation should be available onsite with clear signage, located where it won't be disturbed by decades of mining, but close enough to be useful when the pit begins to exhaust its capacity.

Additionally, we would like to see periodic site evaluations every five years with reporting to the Department of Ecology. The evaluations should include a rod-and-level survey to determine the current depth of excavation using onsite monumentation, and an evaluation of the depth of excavation

*Fisheries and Environmental Services Management for the Sauk-Suiattle and Swinomish Indian Tribes*

remaining. This evaluation will serve to continue to convey the provisions and on-the-ground expectations to the employees operating this mine.

We expect there to be no surface runoff from the gravel mine, as pits create a topographically closed depression. Finally, we expect there to be no on-site processing of gravel, as stated in the plans.

### **Haul Route**

The project proponent must expand their environmental assessment to include the haul route from the gate at Grip Road to the mine site itself. The existing onsite haul route is about 2 miles long and was developed for forestry activities. The quantity, seasonality, and duration of traffic; types and weights of vehicles; agency with jurisdiction; and maintenance responsibility will all change with this proposal, and as such, impacts must be considered. The route crosses numerous wetlands, a couple of typed streams, and the gorge and large stream Swede Creek, a known salmon-bearing stream. We have concerns on how the proposal will affect these sensitive areas.

The haul route was apparently widened recently. The as-built drawings recently provided by Semrau Engineering indicate the road is approximately 22 feet wide as-built. Archived airphotos and Google Earth indicate that this road was previously much narrower, approximately 15 feet as measured from airphotos.

I am unclear what permits were acquired to do the road widening, or if the work was under DNR jurisdiction (under FPA # 2816283 or FPA # 2814718) or Skagit County as improvements to a private road at the time. The two FPA's referenced do not indicate any road work or culvert replacements at typed streams would occur, but the roadwork did in fact replace culverts at approximate STA 12+27, STA 64+00, and STA 64+95 which with a cursory assessment and details in the FPA indicate would be Type N or Type F streams.

When this work occurred happens to be easy to ascertain. A 7/15/2018 Google Earth airphoto shows the work underway, with the northern portion of the haul route widened to more than 20 feet, and the southern part of the haul route remains narrow at about 10-12 feet and as in an apparent 2-track condition. An excavator is working at 48.563041, -122.280407. A roller is parked at 48.569462, -122.276716. The widening of the road adds up to more than 2 acres of new compacted gravel (2 miles x 10 feet). We would like to hear details of the design and regulatory approvals for this substantial road widening and project to replace all culverts.

Moving forward, we expect an environmental assessment to survey the road for stream crossings, wetlands, and seeps (of which there are many) to support a design that meets the Skagit County Drainage Ordinance and allows free flow of all surface waters across the road through appropriately sized culverts and ditches for streams and cross drains. We expect all culverts to be appropriately spaced and located, in particular those at approximate road stations STA 12+27, STA 64+00, and STA 64+95 where we believe typed streams to be present. All culverts must be appropriately sized to meet Skagit County Code or Washington State Forest Practices, whichever is more restrictive.

We feel that over the long term that the gravel operations use of this road presents an impact to surface waters and aquatic habitat due to sedimentation and runoff, and presents a greatly increased risk of slope failures that threaten to directly impact Swede Creek. We presume that the BMPs in the ditchline along the road were implemented concurrently with the above-described road work and the 2018 FPA. While remnants of the BMPs were evident in the ditchline (decayed straw wattles) recently, these BMPs

are clearly short-term treatments for forest practices, which typically represent a short duration of heavy use along a forestry road, as in during the harvesting and subsequent replanting activities. However, the proposed mine will have a very long duration (25 years) of a very heavy use (documents indicate 4.6 up to 30 trucks per hour). Typical forest practices short-term BMPs and management of stormwater are likely insufficient, unless scrupulously maintained, to effectively prevent runoff into surface waters.

The type of vehicle that will be utilizing this haul route is also notably different than a typical log truck, which can typically weigh around 88,000 pounds. The application materials indicate that the typical loaded gravel truck and pup will weigh 105,500 pounds, or 20% heavier. This, combined with the vastly greater number of vehicles and duration of the action, must be considered in an adequate drainage and stormwater management plan.

The road and all crossing structures must be assessed to ensure that they are capable of handling the types of traffic expected on the mine service road. We would like to see information specific to the age of the bridge and an onsite assessment by a bridge engineer that the bridge is capable of handling long-term usage by 105,500 pound vehicles; the provided memo is based on a typical engineering drawing dated 1999 and "from the original bridge installation and "photos and descriptions" sent to the engineer by the project proponent. This seems like an insufficient assessment of a bridge that serves as the key haul route for this mining project and is central to our concerns about the risk to aquatic habitat.

From our perspective, the risk of failure at this bridge would bring substantial harm to downstream aquatic habitat and we would like to be assured that this timber bridge is capable of handling the mine traffic. Traffic along the haul route must be adequately planned for, maintained, and mitigated. We request an onsite bridge inspection be completed prior to permitting, and repeated periodically at no less than every 5 years for the duration of the mine. We request this bridge inspection schedule and submittal of inspection reports to Skagit County Public Works be a provision of the permitting of this mine.

We would like to see the applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out as a provision to the permit, to prevent impacts to surface waters and wetlands in the vicinity of the haul route throughout the duration of this mine. We also feel that the 2-mile haul route, which has been essentially doubled in width ahead of this mining activity, should be fully assessed by a qualified consultant who can identify sensitive areas, priority habitat areas, wetlands, and streams; quantify the impact; and suggest appropriate and mitigation measures to reduce impacts resulting from this project.

When identifying mitigation measures, we would like to draw attention to an undersized and impassable culvert on a Type F stream located along a spur road on the subject property that we have recorded in a inventory of barrier culverts (48.563983, -122.275181). We suggest as a potential mitigation measure to compensate for road expansion and impacts to remove this culvert and naturalize the stream, or replace this culvert with an appropriately sized culvert based on an assessment of channel dimensions and fish use.

### **Swede Creek gorge**

We have specific concerns about the haul route through the steep valley at Swede Creek. The route crosses a bridge at Swede Creek, which the proponent has designated will be a one-lane bridge with signage. The engineer, Semrau, has provided an as-built drawing set, dated 2018, for the haul route, which supported this review.

Firstly, we would like to see no additional road widening within the Swede Creek gorge. Should any widening be absolutely necessary, the road should be cut into the hillslope and not be built further onto the fillslope.

The slopes in this gorge are very steep, well over 70% at some locations, with delivery possible since Swede Creek is at the toe of steep slopes.

There are a couple of existing road failure issues within the gorge that must be corrected as soon as possible to prevent any further road failures or degradation to water bodies. These existing road failures serve as an example of the types of road issues we are very concerned about. There is presently a 60-80 foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek. Any further failure risks sediment delivery directly into Swede Creek. The sidecast failure occurred recently, at a time with relatively little road traffic. With the constant impact of loaded 105,500-pound gravel trucks passing by at a rate of 4.6 to 30 trucks per hour, the compaction, vibration, and degradation of appropriate ditches and drainage features will be constant, greatly increasing the risks that use of this road presents to Swede Creek.

In addition to the sidecast cracking, there are two cutslope failures that have slumped and filled the ditchline. All three of these failures must be immediately addressed to ensure that no further damage to the drainage infrastructure or Swede Creek occur.

In an environment like the Swede Creek gorge, water management is of the utmost importance. This fact cannot be understated. Cross drains and backup cross drains must efficiently transport surface runoff across the road surface and not be allowed to run haphazardly down the ditchline. The outlet of cross drains must be carefully selected by an experienced road designer to ensure that erosion or failure of the fill slope will not be aggravated.

Slope failures and debris slides are disastrous for fish habitat. Debris slides can decimate instream biota and adjacent riparian areas, bury redds and appropriate spawning substrates, and contribute to downstream water quality problems. Road management and reducing the risk of debris torrents originating at forest roads is something that our organization has invested a great deal of time, effort, and money to address and correct, and remains a significant concern of ours at this location. We understand that the road is proposed for paving at STA 21+00 to 26+00, located within the Swede Creek gorge and within the riparian buffer of Swede Creek. While there are some negative impacts and risks associated with paving due to increased impervious area and increased runoff quantity and speed, we recognize that paving can greatly reduce sediment delivery to streams. We recognize that sediment delivery is one of the greater threats to the aquatic habitat adjacent to this proposal. For that reason, we would like to see consideration of paving both the north and south approaches to the Swede Creek bridge, from hillcrest down to the bridge.

Washington State Forest Practices Board Manual suggests paving within 200 feet of a stream as a BMP for sediment control. "In situations where sediment control devices need to be used long-term consider surfacing that requires little to no maintenance such as chip sealing or paving portions of roads." We feel that would be a prudent BMP in this situation, where permanent management of sediment must be

required. However, as will all surface water management in a steep gorge, paving must be designed with care by an experienced road engineer with experience working with these building materials in steep terrain, to ensure that runoff is carefully managed to avoid erosion or slope failure, and disconnect from streams and wetlands.

We would like to see some improvements to drainage management within the gorge, with additional cross drains installed to ensure capacity and redundancy in the case of slumping into the ditchline, as is presently occurring. This ensures that water can get off the road if a culvert is clogged, rather than run down the road and trigger further slope failures and damage to the aquatic environment. In risky terrain for forest roads, redundancy and maintenance are key. The outlet of any cross drains in the gorge should be disconnected from directly contributing to Swede Creek; this may be in the form of swales, settling basins, sediment curtains, or straw wattles that can prevent pollution from reaching a surface water body. Permanent treatment BMPs should be considered and utilized. Substantial rock aprons should be built at the outlet of all culverts, with particular attention and size emphasized at culverts within the Swede Creek gorge. We feel strongly that to reduce sediment runoff in the gorge, paving, permanent BMPs, and ample cross drainage opportunities can help to reduce impacts.

### **Road Maintenance**

We understand the access road from Grip Road to the quarry (nearly 2 miles) will be designated a Private Road by Skagit County, and the landowner(s) of the road will be responsible for its maintenance. We are concerned about impacts of this road should it go unmaintained over the 25-year duration of this project. Ditches and culvert inlets that become clogged with debris and sediment, potholes, washboards, winter snowplowing that forms windrows along road edges, damaged culverts and aprons, or damage to the Swede Creek bridge all present situations where there are increased and avoidable impacts to surface water bodies.

We would like to see an adequate drainage and stormwater management plan assessing and prescribing improvements to the private haul route. We would like to see applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. We would like to see a schedule of periodic on-site bridge inspection to assess the Swede Creek bridge and the anticipated traffic level and loads. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out, to prevent impacts to surface waters and wetlands in the vicinity of the haul route.

### **Reclamation**


We would like to see the proponent submit a reclamation plan for their proposal, and this plan should be provided for ours and public review. The mine reclamation plan for this site should specify access controls that are adequate to assure that no dumping will occur, either by Concrete Nor'West or any authorized or unauthorized parties. Obsolete gravel pits have a tendency to become dumping grounds for all kinds of waste and trash. If some of that trash were to leach toxic materials into the permeable gravel at the pit, the result could be devastating for Samish River fish. A robust plan to prevent dumping at the pit would be a prudent step at this stage of permitting the mine.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our



comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 391-8472 or email at [nkammer@skagitcoop.org](mailto:nkammer@skagitcoop.org).

Sincerely,

A handwritten signature in black ink that reads "Nora Kammer". The signature is written in a cursive, flowing style.

Nora Kammer  
Environmental Protection Ecologist  
Skagit River System Cooperative

By Electronic Portal and Email

April 30, 2021

Hal Hart  
Director of Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: File No. PL16-0097 & PL16-0098; Concrete Nor'West Grip Road Gravel Mine  
Skagit County Planning and Development Services Mitigated Determination of  
Nonsignificance

Dear Mr. Hart,

I'm writing on behalf of Central Samish Valley Neighbors ("CSVN") to request that Skagit County Planning and Development Services ("PDS") reconsider and withdraw the Mitigated Determination of NonSignificance ("MDNS") that it issued for the clearing and development of a 68-acre sand and gravel mine ("Mine") along the Samish River. The MDNS conflicts with Washington's State Environmental Policy Act ("SEPA") because it issued without an evaluation of multiple potential environmental impacts from the Project. For example, although prominent issues like the Mine's hours of operation and its encroachment into the 300-foot wetland buffer have been raised consistently since Concrete Nor'West ("CNW") applied for a special use permit for the Mine in 2016, the MDNS does not limit the hours of operation or reject CNW's proposed 200-foot buffer. Its silence on those issues can be presumed to allow CNW to operate the Mine without time limitations, as CNW has asserted that it may, and to mine up to just 200 feet from wetlands that host Endangered Species Act-listed species like the Oregon spotted frog. Yet the neither PDS nor the applicant has evaluated the impacts of those project operations. Absent this information, as well as significant information gaps like the refusal to evaluate private haul road impacts on Swede Creek, a fish-bearing tributary of the Samish River, PDS has not satisfied the SEPA requirement that it fully consider the environmental impacts of the Mine. The MDNS must be withdrawn.

Moreover, PDS must issue a Determination of Significance ("DS") because the information disclosed in the application materials for permits PL16-097 and PL16-0098 indicates that the Mine would cause significant impacts. For example, CNW's traffic impacts analysis confirms that dump trucks and trailers pose a threat to other users on the narrow, high-speed-limit roads that they will traverse.

CNW has had five years to address the potential impacts of its Mine, and while they have slowly piecemealed a few additional documents, they have not demonstrated that the Mine will address the impacts. As the representative of the local community entrusted with ensuring that applicants for large industrial development analyze and address environmental impacts, PDS must respond accordingly and issue a DS and start the Environmental Impact Statement ("EIS") process to address the Mine's impacts.

This letter explains below that: (1) the Project outlined by the application materials; (2) will have a variety of impacts, some unevaluated and others already identified as significant; on (3) its sensitive ecological surroundings and the local transportation network. The MDNS does not adequately condition the Mine to address those impacts.

In drafting this letter, we reviewed application materials that included the following: (1) the March 7, 2016 fact sheet, special use narrative, and project description; (2) subsequent special use narratives and revised project description; (2) SEPA Checklist; (3) fish and wildlife documents by Graham-Bunting Associates; (4) the Hydrogeologic Site Assessment from Associated Earth Sciences; and (5) traffic documents by DN Traffic Consultants. We also reviewed comment letters by state agency officials, consulted with fish and wildlife officials and a traffic engineer, and reviewed publicly-available information about the site and environs like aerial photographs and the regional bicycle map. We have attached the CSVN November 24, 2020 comments on the Project's SEPA process, none of which have been addressed since the submission of that letter, and incorporate it by reference.<sup>1</sup>

#### **A. Project Details.**

Concrete Nor'West has applied for a Mining Special Use Permit to excavate approximately 4,280,000 cubic yards of sand and gravel in a 68-acre mine in the Central Samish Valley.<sup>2</sup> CNW projects that the mining would occur over 25 years, though the proposal would not be limited to a specified period of time and the rate of excavation would depend on demand for sand and gravel. The mining would require the clear cutting of timber, followed by excavation that would dig down 90 feet toward the water table. The withdrawn MDNS stated in 2016 that logging would remove approximately 50,000 board feet of timber from the land but there are no updates on the progress of the logging.<sup>3</sup> While the proposed mining would occur on three parcels totaling 77 acres, these parcels form just a portion of an overall block of

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<sup>1</sup> Attachment A.

<sup>2</sup> CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018).

<sup>3</sup> Skagit County, Notice of Withdrawn and Re-Issued MDNS, 1 (April 15, 2021) ("MDNS").

parcels totaling more than 726 acres.<sup>4</sup> Although the SEPA Checklist suggests that there are no plans for future additions, expansion, or further activity related to or connected with the proposal, a large portion of the other 650+ acres of land have also been designated as Mineral Resource Overlay, with some of it approved for active harvest by the Washington Department of Natural Resources.<sup>5</sup> A noise and vibration study submitted by CNW did not evaluate the noise and vibration impacts that would occur after logging of the larger property.

### **1. Hours and staffing.**

According to CNW, mine hours would be unlimited consistent with its underlying zoning, though normal working hours would typically extend for 10 hours, from 7am to 5pm, six days a week.<sup>6</sup> According to the MDNS, hauling would occur during the workweek, Monday through Friday, and site operations would occur Monday through Saturday.<sup>7</sup> CNW estimates that one to two full-time employees would work on-site and an unspecified number of truck drivers would haul gravel off-site throughout the day.<sup>8</sup> On-site operations would involve heavy equipment like a front-end loader, excavator, dozer, and dump trucks.<sup>9</sup>

### **2. Hazardous materials.**

The Application offers conflicting information about whether hazardous materials will be stored at the site. It responds "Yes" to a question about whether chemicals, waste oils, solvents, and fuels would be stored at the site, and describes the possibility of installing a 2,000-gallon diesel fuel tank.<sup>10</sup> But it also states that "[w]aste oils, solvents, etc. will not be stored on site."<sup>11</sup>

### **3. Gravel and sand hauling routes and volume.**

Application materials offer varying estimates of the amount of truck traffic that the mine would generate. A September 10, 2020 Traffic Impact Analysis ("TIA") by DN Traffic Consultants estimates that under "extended hours conditions," the Mine would generate 29.4

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<sup>4</sup> CNW Special Use Narrative, at 2.

<sup>5</sup> SEPA Checklist, 2 of 18 (March 2, 2016); Attachment B shows a DNR timber harvest map for the area, with approved Class II timber harvests marked in blue overlay.

<sup>6</sup> CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018).

<sup>7</sup> Skagit County, Notice of Withdrawn and Re-Issued MDNS, 1 (April 15, 2021).

<sup>8</sup> CNW, Revised Project Description (Section A), 8 of 17 (received Feb. 23, 2018).

<sup>9</sup> CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

<sup>10</sup> CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

<sup>11</sup> CNW, Revised Project Description (Section A), 10 of 17 (received Feb. 23, 2018).

truck-and-trailer trips per hour.<sup>12</sup> The TIA does not define extended hours or explain why the site would be limited to that number of trips if demand were high enough to require greater production. DN Traffic Consultants' earlier memo, aptly-titled "Maximum Daily Truck Traffic," estimated that a realistic maximum number of trips for truck-and-trailer was 60 trips per hour.<sup>13</sup> That study assumed that increased demand for material would lead to increased production at the site, limited only by the (likely artificial) logistical consideration of the number of truck and pups available in Skagit County.<sup>14</sup> DN Traffic explains in its TIA that the ~30 trips per hour that it estimates for a higher end number is based on the anticipation that the Mine could generate up to 5000 tons per day. It does not explain how this production amount was derived and does not explain the inconsistency between the ~30 trips figure and the 60 truck-and-trailer trips per hour that it deemed a realistic maximum in its Maximum Daily Truck Traffic memo.

The gravel and sand would be hauled by trucks and trailers forced to navigate narrow rural roads with medium to high speed limits. The original road special use narrative stated that hauling would occur along Old Highway 99, Prairie Road, and Grip Road.<sup>15</sup> Subsequent documents identified Bow Hill Road and F&S Grade Road as potential route extensions. Road widths along these routes are just 20-22 feet and they allow speeds up to 50 mph. Although the TIA suggests that shoulders exist along each of these roads but Grip Road, the Skagit County Bike Map identifies Grip Road, Prairie Road, and F&S Grade Road as roads without shoulders.<sup>16</sup> A simple review of these roads through google maps' street view function confirms that paved shoulders are largely non-existent on those roads, though some stretches contain large gravel that promptly slopes down to a ditch. In addition, the TIA asserts that there are no known bike routes in the subject area, yet the readily-available Skagit County Bike Map identifies Prairie and F&S Grade Roads as part of a federal bike route, US Route 87. Local residents have communicated that guard rails have been installed along a significant stretch of Prairie Road, shrinking the width available for cyclists and pedestrians outside the actual roadway to nothing.

The transportation documents associated with the application do not prescribe a haul route, but instead contemplate multiple options. The TIA states "[i]t is estimated that 95 percent of the trips will be assigned to and from the west on Prairie Road; with 80 percent south to the existing Belleville Pit Operation using either Old Highway 99N or I-5 south; ten (10) percent of the trips to end users via I-5 south, five (5) percent to end users west of I-5 on Bow

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<sup>12</sup> DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020).

<sup>13</sup> DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

<sup>14</sup> DN Traffic Consultants, Memo re: Grip Road Gravel Pit, Maximum Daily Truck, 2 Traffic (Nov. 30, 2016).

<sup>15</sup> CNW, Grip Road Special Use Narrative, page 9 of 17 (March 7, 2016).

<sup>16</sup> See Skagit Valley Bike Map, attached hereto as Attachment C.

Hill Road; and five (5) percent to end users east of the Mine access via Grip Road.”<sup>17</sup> One of the options in the TIA assumes that truck/trailer combinations using Old Highway 99 would be short-loaded to comply with current weight restrictions on the Old Highway 99 Samish River bridge or that those restrictions would be removed. The Application does not evaluate the number of truck trips that would be required if vehicles were short-loaded to meet current bridge weight limits. The Application’s revised project description identifies the route through Grip Road, Prairie Road, and Old Highway 99 North.<sup>18</sup>

In addition, although the Application does not describe the on-site haul route on CNW property, a review of aerial photographs indicates that it would stretch for more than two (2) miles between the Mine and Grip Road.

#### **4. Independent review of transportation documents.**

Although CNW has provided several documents about the Mine’s traffic impacts, a review by Jeffrey Hee, P.E., Senior Transportation Engineer at Transportation Solutions Incorporated (“TSI”) reveals that some impacts have yet to be addressed and others have not been fully evaluated.<sup>19</sup> Mr. Hee analyzed project documents, including the traffic reviews by DN Traffic Consultants, and discovered the following unresolved issues:

- the maximum trip generation numbers and frequency of maximum trip hours and days for the Mine have not been finalized. The Application offers conflicting information about the maximum traffic to be generated, and County conditions could require trucks without trailers, which would decrease capacity for each shipment and therefore increase the number of trips to ship the same overall volume of material. Also, the Application does not identify whether the trip generation numbers account for on-site workers and non-haul mining operations (page 3);
- site distance impacts were not evaluated based on common industry practice that contemplates the use of 85th-percentile design speeds from the County’s Road Standards. Instead, even though those 85th-percentile speeds were readily available on the Skagit County of Governments website, DN Transportation relied on lower posted speeds for its modeling. This may underrepresent sight distance risks (page 4);
- site distance impacts were not evaluated for the intersection where the site access road meets Grip Road, based on the mistaken assumption that it wasn’t required for a lower

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<sup>17</sup> DN Traffic Consultants, Traffic Impact Analysis for Grip Road Mine, 13 (Sept. 10, 2020).

<sup>18</sup> CNW, Revised Project Description (Section A), 9 of 17 (received Feb. 23, 2018).

<sup>19</sup> Memorandum from Jeff Hee to John Day and Martha Bray re: Grip Road Gravel Mine Traffic Analyses Peer Review Comments (April 30, 2021) (attached hereto as Attachment D).

volume road (page 4);

- no mitigation was proposed to address site distance impacts at the Grip Road/access road intersection for egress to the east, and no analysis occurred to determine whether a gravel truck or truck/trailer combination can safely navigate the road network east of the mine (page 4);
- intersection sight distances were not evaluated for truck/trailer combinations at the intersection of F&S Grade Road and Prairie Road. Consequently, Mr. Hee recommended preventing the hauling on F&S Grade Road (page 5);
- the significant truck-trailer impacts that the TIA identifies between the site and Old Highway 99 have not been fully addressed (pages 1, 5);
- there has been no analysis of safety impacts associated with truck-and-trailer combinations traveling east of the Mine access. Mr. Hee recommended preventing hauling east of the Mine site (page 5-6);
- the Application does not evaluate traffic impacts associated with the redistribution of truck traffic onto Cook Road due to Samish River bridge weight limits. This is important given the traffic issues that WSDOT and Skagit County have identified for the Cook Road interchange at Old Highway 99 (page 6);
- the Application does not provide detailed specifications for the type(s) of vehicle(s) it modeled for transportation impacts, preventing confirmation of its results (page 5).

Specifically, with regard to site distance and haul route concerns, Mr. Hee notes at pages 5 and 6 that the following comments and questions should be answered:

- is the County's vision clearance triangle satisfied in the study area?
- what speed is needed to achieve site distance at the study locations?
- are sight distance exhibits available for public review?
- Why are total crashes different in some of the Tables in the TIA?
- Will the applicant complete the improvements recommended by the TIA for the intersection of Prairie Road and Old Highway 99?
- Why doesn't the TIA provide conclusions about whether the project traffic will increase the frequency and severity of collisions on the haul route given the route's geometric and sight distance constraints?

## **B. Valuable Ecological Setting.**

The 68-acre mine site and associated properties provide important terrestrial and aquatic habitats. The Samish River, a salmon-bearing river, winds for more than one-quarter mile along the eastern portion of the mine property. Associated wetlands extend toward the Mine from the river's active channel and flood plain, though it is unknown just how close the edges of the wetland reach to the proposed mining area because they have not been delineated.<sup>20</sup> Swede Creek, a documented fish-bearing stream, would be traversed by every truck hauling gravel and sand to and from the Mine on the private haul road. The Application does not acknowledge the private haul road as part of the project and therefore does not evaluate impacts to wetlands along that route<sup>21</sup> or to Swede Creek from the haul road that crosses it.<sup>22</sup> A fish-bearing tributary to the Samish River crosses the southeastern corner of the Mine site.

### **1. Lack of analysis of undersized Mine buffer.**

According to the project description set forth in the MDNS, the Mine would observe a 200-foot wetland buffer rather than the 300-foot buffer required for the wetlands associated with the Samish River. The MDNS refers to the mining of approximately 4,280,000 cubic yards of sand and gravel.<sup>23</sup> According to its Special Use Narrative, CNW will be able to extract 4,280,000 cubic yards of material if it mines up to 200 feet from the estimated edge of the wetlands, and approximately 3,942,000 cubic yards if it observes the required 300-foot buffer.<sup>24</sup> By embracing the larger volume, the MDNS indicates PDS' approval of a 200-foot buffer for the Mine.

A buffer of at least 300 feet applies to the Mine as a high intensity land use adjacent to a Category II wetland.<sup>25</sup> According to the Skagit County Code, "high intensity land uses" include "land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and

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<sup>20</sup> As explained below, the applicant estimated average widths for the river, its floodplain, and associated wetlands, but did not survey or delineate the boundaries of those areas and thus has not specifically measured them.

<sup>21</sup> See Attachment E, map created with Washington Department of Fish and Wildlife mapping tool for identifying site-potential tree height, showing wetlands and drainages near haul road.

<sup>22</sup> Graham-Bunting Associates, Fish and Wildlife Site Assessment: Parcels 50155, 125644, 125645, 1 (Aug. 20, 2015) (circle showing limits of area reviewed around 68-acre mine site) (hereafter "GBA Assessment").

<sup>23</sup> Compare MDNS, at 1 with CNW Special Use Narrative, at 1.

<sup>24</sup> CNW Special Use Narrative, at 1.

<sup>25</sup> Skagit County Code 14.24.230.



industrial land uses.<sup>26</sup> The Mine qualifies as a commercial and industrial use of the land, and the clear-cutting of existing forest and conversion to a sand and gravel mine qualifies as a high level of human disturbance and substantial habitat impacts. In addition, the Application does not evaluate the angle of the slope in the buffer to determine whether it is greater than 25%, and thus warrants an extension of the buffer 25 feet past the top of the slope.<sup>27</sup>

In addition, by clearing the forest into the buffer, the Mine would eliminate functions that the forest furnishes the productive riparian zone, including: (1) maintaining water quality; (2) controlling fine sediment; (3) contributing large woody debris; (4) providing shade and moderating the microclimate; (5) contributing litter fall and organic matter; (6) moderating site hydrology and stabilizing slopes; and (7) providing fish and wildlife habitat.<sup>28</sup>

This riparian zone where the aquatic environment transitions to a terrestrial environment is essential for the Oregon spotted frog--listed as endangered by Washington in 1997 and threatened federally in 2014--that relies on the wetlands and environs.<sup>29</sup> The US Fish & Wildlife Service has identified critical habitat for the frog that extends from far upstream on the Samish River and includes the mine property adjacent to the river.<sup>30</sup> The 2017 GBA Addendum acknowledges that these wetlands meet the definition of critical habitat for the spotted frog due to their size, saturated soils, and shallow ponds.<sup>31</sup> The GBA Addendum includes a photograph showing these ideal conditions, as well as a hand-drawn line intended to reflect the edge of the saturated area.<sup>32</sup>

However, neither the SEPA Checklist nor the Application's documents by Graham-Bunting evaluate the impact on the Oregon spotted frog or other wetland species of converting one-third of the riparian buffer into a gravel mine. Consistent with the proposal to mine up to

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<sup>26</sup> SCC 14.040.020 (emphasis added).

<sup>27</sup> SCC 14.24.230(2).

<sup>28</sup> See Washington Department of Fish & Wildlife, *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* (July 2020), available at: <https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf> (last visited April 29, 2021); May, *Stream-Riparian Ecosystems in the Puget Sound Lowland EcoRegion: A Review of the Best Available Science*, 25-26 (2003) available at: [https://salishsearestoration.org/images/d/d1/May\\_2003\\_riparian\\_best\\_available\\_science\\_puget\\_lowland.pdf](https://salishsearestoration.org/images/d/d1/May_2003_riparian_best_available_science_puget_lowland.pdf) (last visited April 29, 2021).

<sup>29</sup> Graham-Bunting Associates, Addendum to Fish and Wildlife Site Assessment: Parcels 50155, 125644, 125645, 1 (April 18, 2017) (hereafter "GBA Addendum").

<sup>30</sup> See US Fish and Wildlife Service Critical Habitat for Oregon Spotted Frog map attached to that addendum that shows critical habitat on the Mine property, attached hereto as Attachment F.

<sup>31</sup> GBA Addendum, at 1.

<sup>32</sup> GBA Addendum, at 2.

200 feet from the wetland, the GBA Addendum suggests that a 200-foot buffer is sufficient to protect aquatic life, but does not offer any justification for that assertion other than the absurd claim that clear-cutting a forest and converting it to a sand and gravel mine is a “medium” intensity use.<sup>33</sup> Nor does the GBA Addendum indicate why a 200-foot buffer would protect the Oregon spotted frog when Skagit County’s critical areas ordinance requires a 300-foot buffer to protect the Category II wetland from the impacts of high intensity land uses like mining operations.<sup>34</sup> In fact, the GBA Addendum expressly disclaims that it is not intended to be used for the purpose of evaluating the spotted frog under the Endangered Species Act.<sup>35</sup>

## ***2. Lack of response to Ecology concerns.***

In addition to overlooking the impacts of developing 1/3 of the buffer intended to protect species such as the Oregon spotted frog, CNW declined to address state agency concerns expressed by Doug Gresham, the Washington Department of Ecology wetland specialist responsible for Skagit County. In his initial April 7, 2016 email, Mr. Gresham stated that wetland impacts should be avoided by refraining from excavating within the buffer area associated with the Samish River and its associated riparian wetlands and that any wetlands identified on the property that would be impacted should be delineated and permits should be submitted to Ecology.<sup>36</sup> In a June 1, 2016 comment letter, Gresham declared that additional wetland requirements include: (1) flagging of the ordinary high water mark along the Samish River banks by a qualified biologist, and survey of the boundaries; (2) a jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction; (3) ratings of all wetlands based on Ecology standards; (4) a critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs; and (5) a mitigation plan for unavoidable wetland and buffer impacts per Ecology standards.<sup>37</sup> In addition, Mr. Gresham noted in his June 1, 2016 correspondence that the Application omitted maps showing associated wetlands or the ordinary high water mark of the Samish River.<sup>38</sup>

Six months later, Mr. Gresham supplemented his earlier comments by expressing a

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<sup>33</sup> GBA Addendum, at 2.

<sup>34</sup> Skagit County Code 14.24.230.

<sup>35</sup> GBA Addendum, at 2.

<sup>36</sup> Email from Doug Gresham to Planning & Development Services re: PDS Comments (April 7, 2016);

<sup>37</sup> Gresham letter to J. Cooper re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 and PL16-0098, 2 (June 1, 2016) (hereafter “Gresham June 2016 Comments”).

<sup>38</sup> Gresham June 2016 Comments.

concern with CNW's use of a 200-foot buffer rather than the required 300-foot buffer.<sup>39</sup> Gresham stated that CNW needed to address the gravel mine's encroachment into the 300-foot buffer.<sup>40</sup> Gresham also stated that he had "a concern with the access road that will need to be improved to accommodate 46 truckloads a day, which could impact wetlands and streams. This access road may need to be widened, the Swede Creek bridge may need to be upgraded, and storm water drainage features may need to be reconfigured."<sup>41</sup> Gresham noted that these issues had not been addressed.<sup>42</sup>

Notwithstanding these clearly-stated agency concerns, CNW continues to propose to excavate up to 200-feet from what it assumes is the ordinary high water mark of the Samish River and associated wetlands without delineating the specific location of the river's edge, its floodplain, or the associated wetlands. CNW did not supplement the Application with a survey or flagging of the edge of Samish River, delineation of wetlands on the property (including any wetlands along the haul route), critical area reports for wetlands, a mitigation plan, or a discussion of impacts associated with the Swede Creek bridge or haul road development on the creek or wetlands. Instead, an engineering and surveying group drew a map with estimates for the location of Samish River "plotted from May 2011 aerial photo" and "wetland at toe of slope from LiDAR data and field observation," without a delineation survey.<sup>43</sup> The map is captioned "alternate 300 foot buffer," but none of the application materials indicate that CNW has decided to apply anything other than a 200-foot buffer. The map shows what appear to be roads or mining areas extending into the estimated buffer.

### **3. Water quality and quantity impacts.**

Drainage from the site currently flows to the Samish River both above and below ground. The Application indicates that the mining would occur in an area that is currently elevated about 90 feet above the river and its associated wetlands (50-75 feet above the valley floor in the eastern portion of the site), and that groundwater from the site flows in a northerly direction and discharges to the Samish River.<sup>44</sup> According to the Application, CNW would construct a berm approximately 200 feet landward of the assumed wetland edge in order to

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<sup>39</sup> Gresham email to Planning & Development Services re: Ecology Comments on the Grip Road Gravel Mine, Project File # PL16-0097 (Dec. 23, 2016).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> Semrau Engineering and Surveying, Pre-Mining Topographic Survey Map, Grip Road Gravel Mine (7-31-2018).

<sup>44</sup> GBA Assessment, at 3; Associated Earth Science Incorporated letter to Concrete Nor'West re: Hydrogeologic Site Assessment, Concrete Nor'West – Grip Road Mine, 3 (Aug. 21, 2015) (hereafter "Hydrogeo Assessment").

direct drainage from the site to the gravel floor for infiltration into the groundwater.<sup>45</sup> The Application does not evaluate whether that berm and mine infiltration would redirect surface water away from the wetlands and river complex and thus dewater these sensitive ecological features, or analyze the impacts of that dewatering.

Application materials offer conflicting information about whether the Mine would reach the water table. Although the GBA Assessment states that the mine would be excavated to a depth of 10 feet above the water table, the SEPA Checklist states that the Mine would be excavated to a depth of 154-163 feet above mean sea level while the hydrogeological assessment found the water table at 145-155 feet above mean sea level.<sup>46</sup> The Application did not evaluate whether excavation to a depth of 154 feet would interfere with a water table at 155 feet.

**C. SEPA Requires Withdrawal of the MDNS Because the Application Does Not Supply PDS With Sufficient Information to Fully Consider the Project's Environmental Impacts.**

PDS must withdraw the MDNS because it has not fully considered the environmental and ecological effects of CNW's sand and gravel mining proposal. RCW 43.21C.030; *see Boehm v. City of Vancouver*, 111 Wn. App. 711, 717, 47 P.3d 137 (2002). For example, PDS issued the MDNS without analyzing the impact of clearcutting and mining a large portion of a wetland buffer intended to protect wetland species like the federally-threatened and state-endangered Oregon spotted frog. Nor has the Application evaluated impacts associated with the private haul road that will traverse Swede Creek and travel near uncategorized and unsurveyed wetlands. The Application also omits a full analysis of the risk to human health and safety from a haul route that involves public roads where the proposed truck and trailer would not be able to stay in its lane on two-lane roads with speed limits up to 50 mph, and risks associated with the sight distance at the intersection of Grip Road and the site access road. In the absence of this information, PDS has not satisfied its duty under SEPA to fully consider the project's adverse environmental impacts.

SEPA requires agencies to "consider total environmental and ecological factors to the fullest extent when taking 'major actions significantly affecting the quality of the environment.'" *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978) (quoting *Sisley v. San Juan County*, 89 Wn.2d 822, 830, 567 P.2d 1125 (1977)). To determine whether an environmental impact statement is required for a major action, the responsible governmental

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<sup>45</sup> GBA Assessment, at 3.

<sup>46</sup> GBA Assessment, at 3. *Compare* SEPA Checklist, at 3 *with* Hydrogeo Assessment, at 3.

body must first determine whether the action will cause significant impacts and render a threshold determination accordingly. RCW 43.21C.030(2)(c); *Boehm*, 111 Wn. App. at 717.

Agencies must first ensure that the proposal is properly defined. WAC 197-11-060(3). Every part of a proposal that combines to form a single course of action must be evaluated in the same environmental document. WAC 197-11-060(3)(b). Thus, where different parts of the same proposal could not proceed unless they are implemented simultaneously, they must be evaluated together. WAC 197-11-060(3)(b)(i). Because the Mine could not function without the use of the private haul road to transport the product off-site, environmental impacts associated with the use of that road must be evaluated as part of the project's SEPA review.

A major action significantly affects the environment when it is reasonably probable that the action will have more than a moderate effect on the quality of the environment. WAC 197-11-794; *Boehm*, 111 Wn. App. at 717 (citing *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 278, 552 P.2d 674 (1976)). Significance involves a proposal's context and intensity; an impact may be significant if its chance of occurrence is low but the resulting impact would be severe. WAC 197-11-794.

To evaluate an action's effects, a responsible official like PDS must: (1) review the environmental checklist and independently evaluate the responses of the applicant; (2) determine if the proposal is likely to have a probable significant environmental impact; and (3) consider mitigation measures that the applicant will implement as part of the proposal. WAC 197-11-060(1); WAC 197-11-330; *Indian Trail Prop. Ass'n v. Spokane*, 76 Wn. App. 430, 442, 886 P.2d 209 (1994). In reviewing a project's impacts, an official must review both direct and indirect impacts and both short-term and long-term impacts. WAC 197-11-060(4). If the responsible official's review concludes that the proposal will not cause probable significant adverse environmental impacts, she issues a determination of nonsignificance ("DNS"). WAC 197-11-340. Conversely, a finding of probable significant adverse environmental impact leads to the issuance of a Determination of Significance ("DS"). WAC 197-11-360. A determination of significance triggers the need for an environmental impacts statement to review the project's identified impacts. WAC 197-11-360.

An agency that determines that a proposal will not result in a significant impact bears the burden of demonstrating "that environmental factors were considered in a manner sufficient to be prima facie compliance with the procedural dictates of SEPA." *Bellevue v. Boundary Rev. Bd.*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978) (quoting *Lassila*, 89 Wn.2d at 814). For example, the threshold determination must be based on information sufficient to evaluate

the proposal's environmental impact. *Boehm*, 111 Wn. App. at 718. In addition, a court will not uphold a DNS unless the record demonstrates that the government gave actual consideration to the environmental impact of the proposed action or recommendation. *Boehm*, 111 Wn. App. at 718. An incorrect threshold determination will be vacated because it thwarts SEPA's policy to ensure the full disclosure of environmental information so that environmental matters can be given proper consideration during decision-making. *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).

The MDNS, SEPA Checklist, and associated application materials here demonstrate that PDS did not adequately consider the environmental factors, "in a manner sufficient to be a prima facie compliance with the procedural dictates of SEPA." *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978). The MDNS is not based on information sufficient to evaluate the proposal's environmental impact, as identified below and as exemplified by the lack of response to riparian and wetland requirements noted by Doug Gresham, Ecology's wetland specialist for Skagit County.

**1. The MDNS is not based on information sufficient to evaluate the proposal's environmental impact.**

The sections below summarize some of the information omitted from the Application that is necessary to fully understand and consider the Mine's environmental impacts. For more detailed descriptions and additional flaws, please see the CSVN November 2020 comment letter at Attachment A.

***a. Lack of review of impacts within the Project's full footprint.***

The application materials do not evaluate environmental impacts associated with the two-mile-long private haul road that transects the applicant's larger contiguous ownership and traverses Swede Creek, even though industrial-scale use of this haul road is a crucial element of the Project. For more information about this omission, see Attachment A, CSVN Letter at 4.

***b. Lack of review of climate impacts associated with hauling sand and gravel.***

No application materials, including the SEPA Checklist, evaluate the climate change impact associated with carbon emissions from mining and hauling more than 4 million cubic yards tons of sand and gravel over a 25-year period. Indeed, the SEPA Checklist asserts that, "[t]here are no off-site sources of emissions that would impact the proposal."<sup>47</sup> For more

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<sup>47</sup> SEPA Checklist, at 5.

information about this omission, see Attachment A, CSVN Letter at 5 (identifying off-site and cumulative impacts omitted and ignored).

***c. Lack of review of impacts from converting 1/3 of a forested buffer into a gravel mine, including impacts to listed species.***

Although the MDNS contemplates the mining of more than 4 million cubic yards of sand and gravel, which would occur only if PDS applies a 200-foot buffer rather than the required 300-foot buffer, neither CNW nor PDS evaluated the impacts of reducing the buffer by 100 feet over a stretch of approximately ¼ mile. Nor does the Application review the impacts of this reduction on the listed Oregon spotted frog that relies on the wetlands and environs for its habitat.

***d. Lack of sufficient information about wildlife impacts.***

Notwithstanding that the Project would convert at least 51 acres of forested land to a gravel pit, the Application does not identify or analyze impacts to native fauna. CSVN have communicated to PDS that bears, cougars, and bobcats have been known to frequent the area and that local residents regularly observe the use of that area as a wildlife corridor between Butler Hill to the south and the Samish River valley and Anderson Mountain to the north. Yet the SEPA Checklist asserts that the property is not an animal migration route. In addition to providing critical habitat for the Oregon spotted frog, bull trout, and Puget Sound steelhead, the Samish River and its associated wetlands provide important habitat for a wide range of species that include river otters, beavers, bald eagles, belted kingfishers, great blue herons, spotted sandpipers, and numerous species of migratory songbirds. The Application should be supplemented to identify the animal species that inhabit or necessarily transit that area and analyze the impacts of turning that land into an open gravel pit and the impacts of converting what is presumably a lightly-used forest road to heavy industrial use.

***e. Potential water pollution impacts.***

The Application repeatedly states that stormwater will be infiltrated at the site, and notes that the groundwater flows to the nearby Samish River, but does not evaluate whether spills of fuels or other hazardous materials will impact the river's water quality after traveling through, ultimately, just 10 feet of ground before entering the groundwater. The Application also does not evaluate potential impacts from stormwater runoff of the private haul road, including sedimentation and petroleum products entering Swede Creek or wetlands east of that road. The Application must evaluate the potential for water pollution and the effects on Samish River and Swede Creek.

***f. Lack of requisite Critical Areas review.***

Skagit County has incorporated the goals, policies, and purposes of its Critical Areas Ordinance ("CAO") into its SEPA policies.<sup>48</sup> Consequently, to satisfy its duties under SEPA, the County must require compliance with CAO directives like the standard review of impacts that includes the submission of a critical area checklist and/or a site plan that shows the location of the proposed activity and associated area of disturbance in relation to all known critical areas or critical areas indicators.<sup>49</sup> The County must then review these project documents, complete a critical areas staff checklist, inspect the site, and complete the critical areas field indicator form.<sup>50</sup> Where the County's review concludes that the proposed activity extends to within 200 feet of critical area indicators or a distance otherwise specified by the chapter, it must require a critical areas site assessment. Ultimately, this process should result in protected critical areas being delineated and their outer edges and buffers marked permanently.<sup>51</sup>

With regard to wetlands, any proposed high impact land use within 300 feet of wetland indicators, and any other proposed land use within 225 feet of wetland indicators, requires a wetland site assessment.<sup>52</sup> The site assessment must result in a wetland delineation, classification, site plan with wetland and buffer boundaries, and functions and values analysis.<sup>53</sup>

CNW's application does not satisfy these standards and thus does not meet Skagit County's SEPA requirements. The Application does not identify wetlands adjacent to the haul road at all, much less conduct a wetlands assessment for the impacts associated with the proposed hauling. The Application does acknowledge the existence of wetlands associated with the Samish River, but does not include a delineation, site plan with delineated boundaries depicted in relation to the Mine activities, or a full functions and values assessment. Absent this information, the County does not have sufficient information to issue a threshold determination.

***g. Lack of sufficient review of noise impacts.***

The Application's noise studies rely on a flawed methodology and overlook the planned

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<sup>48</sup> SCC 14.24.060(3).

<sup>49</sup> SCC 14.24.080(1).

<sup>50</sup> SCC 14.24.080(2) (note that these reviews must occur to determine whether activities that are within 200 feet of critical areas or their buffers, or a distance otherwise specified by the CAO).

<sup>51</sup> SCC 14.24.090.

<sup>52</sup> SCC 14.24.210.

<sup>53</sup> SCC 14.24.220.



removal of the forest buffer between the Mine and neighboring properties. For more information about this omission, see Attachment A, CSVN Letter at 13-14.

***h. Lack of sufficient review of recreation impacts.***

The Application omitted any acknowledgement or analysis of impacts to cycling along regional and federal bicycle routes. For more information about this omission, see Attachment A, CSVN Letter at 14-15.

***i. Lack of sufficient information about transportation impacts.***

As identified above, the Application omits significant, necessary information about potential traffic impacts, including final maximum traffic generation numbers, site distance impacts for intersections like that at Grip Rd/site access road, modeling with speeds anticipated by Skagit County's Road standards, mitigation for site distance impacts, the impact of truck-trailers crossing the centerline between the site and Old Highway 99, travel east of the Mine, and the redistributed traffic to Cook Road. These must be addressed.

**2. The MDNS issued absent consideration of applicable mitigation measures.**

While the MDNS included several conditions, the vast majority of them merely require compliance with existing standards (though the MDNS did not require observation of Skagit County's 300-foot buffer and instead embraced CNW's decision to apply only a 200-foot buffer). To the extent that the MDNS included conditions for transportation impacts, it merely directs CNW to avoid hauling with trailers or to design and construct unidentified road improvements on two turns on Prairie Road. Other mitigation measures that should have been considered include:

- Scaled-back size of mine;
- Scaled-back rates of extraction;
- Limiting hours of operation to daylight hours during the workweek. This would partially address areas where the site distance is impaired;<sup>54</sup>
- Limiting the daily number of truck trips;
- Protections from sedimentation and stormwater drainage into Swede Creek;
- A drainage/runoff plan for the length of the private haul road to prevent surface water impacts from heavy traffic on the haul road;

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<sup>54</sup> Per recommendation of Transportation Solutions, at 4.

- Requiring roadway upgrades to decrease the likelihood of collisions between Project trucks and other vehicles, bicycles, and pedestrians; and
- Identifying a prescribed haul route.

**D. Conclusion.**

Notwithstanding the five-year interval since CNW initially applied for the special use permits, it has not supplied PDS with environmental information about the proposal sufficient to warrant a threshold determination. PDS issued the MDNS without fully considering the Project's significant environmental impacts, from loss of habitat for an endangered frog to traffic impacts to impacts associated with the private haul road. CSVN therefore asks PDS to correct that mistake by withdrawing the MDNS and by coordinating with the Applicant to conduct an EIS for the significant impacts referenced above.

In addition, CSVN requests that PDS publish online the comments submitted to address the MDNS as soon as possible.

If you have any questions, please contact me at 360-622-8060 or [kyle@loringadvising.com](mailto:kyle@loringadvising.com).

Sincerely,



Kyle A. Loring  
Counsel for Central Samish Valley CSVN

Cc: Michael Cerbone  
Martha Bray  
John Day

**Attachs:**

- A. CSVN Letter to Hal Hart re: Proposed Grip Road Gravel Mine #PL16-0097—Comments on SEPA Review
- B. WDNR timber harvest map
- C. Skagit Valley Bike Map
- D. Grip Road Gravel Mine Peer Review Traffic Impact Analysis
- E. WDFW map showing wetlands and drainages near haul road
- F. US Fish and Wildlife Service Critical Habitat map for Oregon Spotted Frog

# ATTACHMENT A

By Email

November 24, 2020

Hal Hart, Director and Michael Cerbone, Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

**RE: Proposed Grip Road Gravel Mine #PL16-0097—Comments on SEPA Review**

Dear Mr. Hart and Mr. Cerbone:

We are writing on behalf of the local community group Central Samish Valley Neighbors (CSVN) to comment on the large new gravel mine along the Samish River proposed by Miles Sand and Gravel/Concrete Nor'West (CNW) in their application for a mining Special Use Permit (SUP) #PL16-0097. Our comments identify information that the County still needs to obtain in order to conduct an adequate review of the impacts that the proposed mine would cause. This information involves the need for both project details and the evaluation of environmental impacts. We are submitting this letter in advance of the renewed public process that Skagit County has committed to conducting<sup>1</sup> with the goal of informing your decision as you restart that process.

As you know, we have been expecting a decision from Skagit County Planning and Development Services (PDS) regarding next steps with this application for many months. Given the uncertainty about the timing of the new public process, we are taking this opportunity to provide you with our concerns. This also allows some of our members who were excluded from the initial State Environmental Policy Act (SEPA) process due to notification flaws to address the project impacts before more time passes. We anticipate following up with additional comments when the PDS issues the revised SEPA determination promised on its website.<sup>2</sup> As the County reopens SEPA and public review for the application, we respectfully request that you respond to community concerns, withdraw the 2016 MDNS, and require a full environmental impact statement (EIS) for the project that takes into consideration all of the environmental impacts.

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<sup>1</sup> We are referring to the Skagit County Prosecuting Attorney's representation in a brief last year that "[o]nce the County receives a complete application, the County will conduct further analysis of potential project impacts, re-issue public notice, publish a new staff report with recommendations on the Special Use Permit conditions, issue a revised SEPA determination, and another public comment period and public hearing will follow." Skagit County's Response to Renewed Motion to Intervene, PL 18-0200, at 2-3 (Oct. 4, 2019).

<sup>2</sup> Statement regarding PDS's intent to issue a revised SEPA determination located on the County's website: <https://www.skagitcounty.net/Departments/PlanningAndPermit/gravelmine.htm>.

Over the last four years, the County has gone to considerable effort to clarify this proposal by requesting additional information from the applicant. Nonetheless, the application remains incomplete and inconsistent, and the applicant has still not provided all of the information necessary to evaluate the environmental impacts of the project. The submitted application materials are substantively inaccurate and inconsistent, and the scale of the project is consistently under-represented. Rather than clarifying the proposal, the additional submittals from the applicant have added more layers of confusing and contradictory information. And, the applicant has still not proposed or evaluated appropriate mitigation or project alternatives. For these reasons, the County's MDNS both was premature and failed to meet the environmental review requirements of SEPA and Skagit County Code. Based on our own review and consultation with our attorney, the project impacts identified in the application are significant and warrant additional analysis through an EIS that fully evaluates them and identifies appropriate alternatives and mitigation measures.

**Summary of necessary information and environmental review omitted from the application materials.** Based on our review of the March 7, 2016 SEPA Checklist, the August 2, 2019 Supplemental SEPA Checklist Information, the documents referenced in those materials, and the other documents posted to the County's project website, the application continues to suffer from the SEPA inadequacies listed below.

1) Project scale is under-represented: The application minimizes and under-represents the scale of the mining activity by avoiding many details and using vague descriptors such as "extracting relatively low volumes of aggregate".

2) Full footprint of project is not included in the environmental review: The application does not evaluate environmental impacts within the full footprint of the project. Instead, the project description is limited to just the 68 acre area where the actual mine would be. None of the project documents evaluate the use or impact of a two-mile long private haul road that transects the applicant's larger contiguous ownership, even though industrial scale use of this private haul road is a crucial element of the project.

3) Off-site and cumulative impacts are omitted and ignored: The application omits and/or minimizes descriptions of off-site and cumulative impacts of the project, especially off-site impacts related to truck traffic.

4) Future plans not disclosed: The application omits plans for future on-site processing despite the suggestion in the application materials that the applicant may seek to operate on-site processing in the future. This omission prevents a complete evaluation of the impacts and identification of appropriate mitigation.

5) Impacts on Environmental Elements inadequately reviewed: Defects in application materials result in a failure to fully disclose impacts for all of the "Environmental Elements" required by SEPA.

6) Mitigation measures and project alternatives not considered: Consequently, the application does not identify or evaluate appropriate mitigation measures or alternatives.

We discuss all of these issues further below, in the order listed.

**1) Project scale is under-represented.** The SEPA Checklist, Supplement and Special Use Narrative minimized and under-represented the scale of the proposed mining development by avoiding detail and using vague descriptors such as "extracting relatively low volumes of aggregate". The mining activity was described using generalities, and omitting many details. This approach obscured important information and it is unclear whether key details were used by the County in its SEPA review. Other examples of misleading application materials include the characterization of the site as "very remote" and the proposed mining as a "temporary" activity. The SEPA Checklist states, "traffic generated by the project will be typical of mining operations," but does not state any actual numbers. To the extent the submitted documents actually provide this information, many of those details are buried in the referenced studies and drawings.

The truth is that this is a proposal for a 50-acre open pit mine that will eventually be ninety feet deep. This is a hole in the ground about the area of 38 football fields and ten stories deep. The Checklist states that there will be "4.28 million cubic yards of excavation". If 4 million cubic yards are hauled off site (assuming 1 yard equals 3,000 pounds), this would be approximately 6 million tons of sand and gravel removed from the site over a twenty-five year-period, or 240,000 tons per year. We do not see this scale of land disturbance and trucking at this location as "low volume". Furthermore, although the application characterizes the mining operation as a "temporary activity," its proposed daily operations over 25 years will feel permanent to the community, as will the long-term alterations to the landscape. The "very remote" characterization likewise ignores the actual setting--the site is located in an area where no prior industrial scale mining has occurred, and it would operate amidst a rural residential neighborhood with more than 100 homes within a mile of the site and 750 homes within three miles. And, an investigation into the DN Traffic memo (June 2019) reveals that the "typical" gravel truck traffic referenced in the SEPA Checklist is actually an estimated 11,765 tandem gravel truck trips per year on narrow substandard County roads.<sup>3</sup>

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<sup>3</sup> Contrary to the volume of gravel stated in the SEPA checklist, the DN traffic memo assumes that 200,000 tons of material per year will be removed from the site. Using DN's math, and assuming the larger volume stated in the SEPA checklist, the number of truck trips per year would be actually be closer to 14,118 (240,000 tons/34

By avoiding details in the main project documents, the application appears complete, but does not actually address the full impacts of the project, nor does it explore less damaging alternatives or identify mitigation measures.

- 2) Full footprint of project is not included in the environmental review.** The SEPA Checklist's description of the project site (Section A. #11) as only a 68-acre parcel of land precludes review of the full scope of the project; it fails to clearly identify the two-mile-long haul road across the applicant's 726-acre property, which is required to get the gravel to Grip Road. The applicant's SEPA narrative, as well as the updated narrative for the Special Use Permit application, describes the mine occurring on a 68-acre parcel of land and mentions the access point with Grip Road. It does not clearly explain that the mine site is located two miles from the access point on Grip Road. Therefore, hauling the mined material off site involves use of a private haul road that transects the applicant's larger 726-acre ownership.

Industrial scale use of this private haul road is integral to the project, and yet the land area that the road crosses is not included in the project description. The application materials do not even identify the parcels the road crosses as part of the project. This is misleading and misrepresents both the size of the project and the extent of the environmental impacts. The private haul road, all of which is on the applicant's larger ownership, is adjacent to wetlands and crosses Swede Creek, a fish-bearing stream. This private haul road has been significantly upgraded in the past two years, without County oversight, under the auspices of the former landowner's Forest Management Plan (Trillium, 2009), filed with the state Department of Natural Resources. There are potentially significant impacts to surface water quality and hydrology as well as to Critical Areas, not only from the recent road upgrading, but also from the planned industrial scale use of this road by heavy trucks. Yet, this two-mile stretch of land has not been afforded environmental review.

In the course of the permit review, and in response to public comments, the County requested that the applicant describe how this private haul road meets the County's private road standards. In response, the applicant submitted a request for Alternatives to County Road Standards (June 2019), and an "as built" drawing of the road. It is unclear if there was any formal decision issued by the County regarding this request, but regardless this does not address potential impacts from the heavy industrial use of the private haul road to surface water quality and quantity and to fish and wildlife habitat. The footprint of the entire project, including the areas adjacent to the haul road, must be included in the

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tons/truck\*2), or an average of 54 truck trips per day (not 46 per day as stated in the DN memo). This is one of many examples of inconsistent and confusing information provided in the application materials.

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*CSVN Comments on SEPA for Grip Road Mine 11/24/2020 -- page 4 of 20*

environmental review of the project. It is not possible to evaluate the full project impacts or the necessary remediation measures without this information.

**3) Off-site and cumulative impacts omitted and ignored.** One of the most significant components of this proposal is the plan to haul approximately 4 million cubic yards of sand and gravel from the site to be processed at another facility. The material would be moved by truck along more than five miles of County roads over a period of 25 years. This trucking activity is a crucial part of the project that will cause significant environmental harm, yet the project description in the SEPA Checklist (Section A. #11), as well as the updated narrative for the Special Use Permit application, omit details of this aspect. The only mention of truck traffic is by reference – listing several “traffic memos” submitted by the applicant separately, together with piecemeal supplemental information and addenda. The County’s pursuit of additional information on traffic impacts eventually led to a third-party desktop review by a consulting traffic engineer engaged by the County (HDR), and most recently (September 2020) a longer Traffic Impact Analysis (TIA) that was prepared by DN Traffic Consultants on behalf of CNW. However, all of the documents that look at the traffic impacts appear as a kind of postscript. This has the effect of concealing the severity of the truck traffic impacts and it considers only those impacts related to a narrow set of criteria regarding County road standards and “level of service”. In reality, the off-site impacts from a heavy and sustained volume of truck traffic over a twenty-five year period are many-pronged and cumulative. These impacts include carbon emissions and air pollution, noise, vibration, public safety, and damage to public infrastructure. A full SEPA review needs to evaluate and identify mitigation measures for all of these impacts, not just those that fall under the narrowly defined criteria in County Code for triggering Traffic Impact Analyses. Furthermore, the applicant’s TIA fails to meet some of the basic requirements for such documents included in Skagit County Road Standards, 2000, as incorporated by reference in the Skagit County Code.

To illustrate the scale of this proposal (using the conservative figures in the DN traffic studies) approximately 294,000 truck trips over a 25-year period are required to haul the amount of material the applicant proposes to excavate from the mine. The shortest haul route to CNW’s Belleville Pit site on County roads is approximately 11.5 miles round trip, plus an additional 4 miles round trip on the private haul road. Cumulatively, this is more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This is equivalent to almost 800 round trips between Seattle and New York City.<sup>4</sup> Furthermore, one fully

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<sup>4</sup> Different application documents identify conflicting amounts of material to be excavated and hauled from the site, as well as different haul routes and mileage and load weights. Using the higher extraction figures in the SEPA checklist (assuming 4 million cubic yards of excavation), 356,666 truck trips would be required over a 25-year period cumulatively more than 5,528,300 miles (220,000 miles per year), equivalent to 970 round trips between New York City and Seattle.



loaded standard gravel truck with pup trailer weighs more than 80,000 pounds. Very few of the off-site impacts associated with this hauling have been addressed in the application materials. Finally, the number of truck trips and cumulative mileage may actually be considerably higher than stated above depending on several factors, including weight limits on the bridge over the Samish River on Highway Old 99 and the extent of third-party sales.

Other off-site impacts that were minimized or inadequately described in the application documents include potential impacts to surface water; impacts of noise from mining equipment and hauling; and potential impacts to fish and wildlife. We address these concerns elsewhere in this letter under the specific environmental elements, in the order they appear in the SEPA Checklist.

- 4) Future plans not disclosed.** The SEPA checklist asks specifically if there are any plans for future additions, expansion, or further activity related to or connected with this proposal (Section A. #7). The applicant answered 'no' to this question on the SEPA Checklist but implies elsewhere that they may conduct onsite processing at a future date. The applicant was asked to clarify this point, and in a letter to the County on May 15, 2017, states only that no processing was proposed "in this application" – implying that future on-site processing is contemplated. And, the revised "Special Use Narrative," dated Aug. 2, 2018, states in the third paragraph that "No processing is proposed onsite at this time" (*emphasis ours*). SEPA guidelines require that all parts of a proposal be disclosed, even if the applicant plans to do them "over a period of time or on different parcels of land." We find the inconsistency on this topic troubling. Given the cost of hauling raw materials 184,000 miles/year, we find it unlikely that CNW will not apply for an additional permit in the future to allow on-site gravel processing. Furthermore, the disclosure of future plans is essential here because the project buffers would need to be larger to accommodate on-site gravel processing, and because the project would be subject to even more rigorous scrutiny. On-site processing would trigger a significantly larger buffer (200 feet—double the 100 feet currently proposed) on the northern and western borders to reduce noise and vibration impacts to the neighboring private properties (SCC 14.16.440(10)). This would reduce the amount of gravel available for extraction, but it is an important mitigation measure for reducing impact to adjacent landowners. It is also reasonable to assume that the applicant plans to expand the mine itself over time to cover more of the large property holding there. There have been many examples of Skagit County approving similar expansions and scope changes through the permitting process. Dividing the planned activities into separate development applications is a way to piecemeal SEPA review and thus under-evaluate project impacts. Under SEPA, the full scope of the proposed project must be considered in order to prevent inappropriate phased or piecemeal review (WAC 197-11-060(5)(d)(ii)). Given that the applicant has expressly reserved the right to pursue processing at this site in the future, the project must be reviewed on the basis of what has been reserved as a

potential future activity—that such processing would occur on the site. Therefore, the conditions on the permit need to anticipate potential future expansion with larger buffers and additional measures to reduce likely future impacts. Alternately, restrictions need to be put in place to prevent such changes to on-site activities in the future.

- 5) Impacts on Environmental Elements inadequately reviewed.** As addressed below, defects in the application materials result in the lack of adequate review of the project’s impacts to earth, air, water, and environmental health are minimized or not completely disclosed in the SEPA Checklist and supporting documents.

**Earth (SEPA Checklist, Section B. #1):** Although question #1.e. of the SEPA Checklist requests a description of any project filling, excavation and grading, the applicant limits its response to the 51-acre open-pit mine footprint. The Checklist does not describe essential project elements such as storage and management of excavated and side-cast materials. In fact, there is no description of what, if any, site preparation will occur outside of the footprint of actual mine.

The “Site Management Plan, Sand and Gravel Permit” document that the applicant submitted (also a requirement for WA Department of Ecology’s NPDES permit) does not cure the Checklist defect. It is almost entirely generic, and simply lists typical Best Management Practices (BMPs) to prevent erosion and manage buffers. It is not site-specific and does not actually explain how the side-cast materials, or “overburden”, will be handled or how buffers along property lines will be managed. It is unclear in this plan which BMP’s listed will actually be implemented or when or where they will be used. This omitted information is essential for verifying that the project would protect water quality, minimize disturbance to wildlife habitat, and reduce noise, dust and vibration impacts on neighboring properties.

Numerous relatively small private parcels lie to the west and north of the proposed mine site. Noise, dust and vibration from the mine will impact these properties. An appropriately-scaled, undisturbed vegetated buffer must be established to protect these properties. It is unclear in the application materials if the buffers between the mine and adjacent properties will be left undisturbed. In addition, there are repeated assertions in project documents that all runoff from the site will drain into the open pit and infiltrate into groundwater. This does not address any surface water runoff and contamination from side-cast material that may be stockpiled outside of the footprint of the mine itself for use in reclamation when mining operations are completed. There is no way to evaluate the impact of this earth moving activity when it is not fully explained and described.

**Question #1.g.** asks if any impervious surfaces are proposed. The applicant states that no permanent, impervious surfaces are proposed, despite the two-mile private haul road and

the apparent need for on-site staging areas at the mine site for dozens of trucks and equipment. A site-specific surface water drainage plan that includes measures for protecting waterways from sediment and other contaminants from these impervious surfaces needs to be prepared and implemented.

**Air (SEPA Checklist, Section B. #2):** The applicant's response to question #2.a., which requests disclosure of the project's air emissions, avoids identifying the substantial amount of emissions to be expected over the project's 25-year lifespan. Instead, the answer characterizes air quality impacts as "temporary." Mining is an ongoing activity. It is not temporary construction. There will be earthmoving equipment generating emissions constantly during operating hours for decades. Additionally, there is no mention of the significant cumulative carbon and particulate emissions from 25 years of diesel truck traffic. This omission alone is fatal to SEPA review.

**Question #2.b.** The applicant states incredulously that there are no off-site sources of emissions or odor. This answer simply ignores emissions from diesel truck hauling. As stated above, the cumulative mileage of tandem diesel trucks hauling material from this mine is more than 4,600,000 miles, or more than 184,000 miles per year.<sup>5</sup> The diesel emissions from this hauling activity will be concentrated in a small area, day after day, year after year. Diesel emissions include both particulates that create localized health hazards and greenhouse gasses that contribute to global climate change. The type of diesel fuel used, maintenance and age of vehicles, speed and driving patterns, idling activities, etc. all influence the intensity of emissions. The applicant must disclose the true nature and quantity of these emissions and identify measures to reduce the impact to air quality. A simplistic calculation of the carbon emissions from just the hauling component of this project is more than 17,200 metric tons over 25 years, or around 690 metric tons per year<sup>6</sup>. The actual amount of carbon emissions will probably be considerably higher because, as discussed above, the mileage is under-represented. This is a very carbon-intensive proposal. The applicant needs to provide realistic estimates of the cumulative emissions from all of the truck hauling and on-site mining activities, as well as propose an adequate mitigation plan for them.

**Water (SEPA Checklist, Section B. #3):** Question #3.a. involves disclosing impacts to surface water. The Checklist does not fully disclose surface water impacts from the project's proposed undersized buffer. The applicant proposes a 200-foot vegetative buffer between

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<sup>5</sup> Assumptions: round trip of 15.4 miles between the mine and Belleville Pit, 46 round trips per day, 260 days per year, for 25 years.

<sup>6</sup> Carbon emissions estimation based on the per ton/mile truck emissions estimates and sample calculations included in the EDF publication produced to assist industry in reducing carbon emissions, "A Green Freight Handbook", Chapter 2, Establish Metrics, we estimate that depending again on which of the two proposed main haul routes is followed, annual (total) truck CO<sub>2</sub> emissions will be between 271 (6,768) and 403 (10,064) metric tons.

the mine and the adjacent Samish River, but a 200-foot buffer is not adequate and is inconsistent with Skagit County Critical Areas Ordinance (SCC 14.24.230) requirements for the intensity of this land use. Additionally, when slopes of 25% or more are present, buffers are generally required to extend 25 feet beyond the top of the slope. We address this further in the section on “animals” below, and in the attached memo titled: “Fish and Wildlife, and Water Quality (Regulated Critical Areas) Review ” (Wiggins, November 2020).

In response to these concerns, PDS asked the applicant to submit drawings showing a 300 foot buffer, which they did. This drawing is labeled “Alternate 300 foot buffer” (dated July 2018). To date, however, this “alternate” buffer has not been required as a condition of the permit.

In addition, mine site plans identify an unnamed tributary to the Samish River on the southeast corner of the site. The supplement to the SEPA checklist references the Site Management Plan to explain how surface water will be protected. Again, as discussed above in the “Earth” section, this Site Management Plan is not site-specific and simply lists a number of BMPs without explaining where or how they may be implemented; except that Appendix B (“Site Map”) of the plan identifies one “monitoring point” near the tributary stream. There is not enough information provided to determine if surface water will be adequately protected from sediment and other contaminants or if the minimal monitoring proposed will be adequate to detect such pollution. In addition, it is unclear from the project documents where all the surface water in the areas around the mine site may drain after the site is disturbed. The mine site is perched above the river and it is unclear if the proposed buffers encompass the entire slope edge between the mine and the river. There is not enough detail in the drawings and application materials to ensure that erosion and contaminated run-off will be prevented from making its way downslope to the river.

**Question #3.b.** involves disclosing impacts to groundwater. The applicant states that no waste discharge will occur into groundwater. The Supplement to the SEPA Checklist again references the Site Management Plan, and states that mining runoff will infiltrate into the bottom of the mine. However, the project description states that the intention is to mine within ten feet of the groundwater level. Given the pervious nature of the sand and gravel floor of the mine, we question if this method of preventing groundwater contamination is sufficient. This is especially concerning as the groundwater in this location will essentially flow directly into the Samish River and into designated critical habitat for the endangered Oregon Spotted Frog (discussed further below in the section about animals). Protection of groundwater requires further evaluation, especially in terms of the potential for fuel and other toxic material spills from heavy equipment in the mine (this issue is further discussed below under the section about environmental health and hazardous chemicals.)

In addition, the application does not explain how operators will ensure that they remain at least ten feet above groundwater during seasonal fluctuations. To avoid the risk of the mining activity penetrating into groundwater, the applicant must identify a method for determining the highest groundwater level and establish a monitoring plan to ensure compliance.

**Question #3.c.** involves describing impacts from water runoff, including stormwater. In addition to the concerns related to runoff from the mining site described above in the 'earth' section, the impact of runoff from the haul road to surface water was not identified as a concern and has not been addressed. This involves impacts to both water quality and quantity -- to the wetlands on site, to Swede Creek and to the greater Samish watershed. There is the potential for sedimentation in Swede Creek, a fish-bearing stream, and for increased overland flows and downstream flooding. There are already significant flooding issues associated with Swede Creek. The ditch adjacent to Grip Road east of the bridge over the Samish River is an overflow channel of Swede Creek. The Public Works Department and local residents are well aware that this ditch routinely spills over its banks and floods the roadway during high rainfall events. In addition, the edge of the roadbed itself at this location has required repeated hardening and repair due to erosion caused by the high volume of water flowing through this ditch. The impacts to hydrology and the potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road, especially in the gorge where the road crosses Swede Creek, needs to be evaluated and appropriate mitigation measures required. A stormwater management plan for the haul road needs to be prepared and implemented.

**Plants (SEPA Checklist Section B. #4):** Notwithstanding that the mine would completely strip native vegetation from more than fifty acres of land, the Checklist omits any discussion of ways to minimize this impact. A one-sheet survey drawing titled "Reclamation Plan and Mine Sequence" (May 2015) shows the proposed mine area divided into four quadrants labeled "1" through "4". These labeled quadrants presumably explain the "sequencing" of the mining activity, but there appears to be no narrative explaining how or when this sequencing may occur. Phasing the mining so that portions of the site remain forested until it is needed, and/or reclaiming sections over time while other sections are being mined would significantly reduce the impact to native vegetation. Simply reducing the scale of the proposed mine would be even more appropriate. Measures and alternatives that reduce the impact to the native vegetation must be evaluated.

**Animals (SEPA Checklist Section B. #5):** The Checklist omits significant animal species and potential project impacts on them. First, the Checklist states that no threatened or endangered species are known to be on or near the site. In fact, the US Fish and Wildlife Service and WA Department of Fish and Wildlife have designated Critical Habitat for the Oregon Spotted Frog (*Rana pretiosa*) along the Samish River directly adjacent to the site. In

addition, there is designated Bull Trout (*Salvelinus confluentus*) Critical Habitat a few hundred feet downstream from the northeast corner of the mine site. The Oregon Spotted Frog was believed to be extirpated from this area until breeding sites were discovered in 2011-2012 in the upper Samish River. The Samish River system is the only place in Skagit County that the Oregon Spotted Frog has been found. It is listed as Endangered in Washington State, and Threatened federally. Bull Trout is a Candidate species for listing in Washington State and is listed as Threatened federally. The presence of designated critical habitat for species listed under the Endangered Species Act (ESA) was not disclosed in the SEPA Checklist nor in the accompanying Fish and Wildlife Assessment (GBA/August 2015). These are serious omissions.

At the request of the County, an Addendum to the Fish and Wildlife Assessment was submitted by the applicant to address the presence of the Oregon Spotted Frog habitat adjacent to the site (GBA/April 2017). However, the addendum simply states that in the consultant's opinion, their recommended 200-foot buffer is adequate to protect this designated critical habitat without citing any clear science or expert biological opinion to back up the statements. In fact, a note in the Addendum states:

*"Our original assessment and this addendum are not intended to constitute a biological evaluation pursuant to the requirements of the Endangered Species Act. The documents are intended solely to demonstrate compliance with the Skagit County Critical Areas Ordinance (SCC 14.24)."*

Further evaluation of the impact from the proposed mining to the Oregon Spotted Frog, Bull Trout, and their designated critical habitat, needs to be conducted, consistent with State requirements and the Federal ESA. As discussed in sections elsewhere in this letter (in "earth", "water" and "toxics"), measures are not clearly described that will protect the water quality of the Samish River, its tributaries, and the groundwater that flows to the river. This is a serious concern that must be addressed to ensure that the Oregon Spotted Frog, Bull Trout, and Puget Sound Steelhead habitat is adequately protected according to law.

In addition, the SEPA Checklist and Supplement do not acknowledge a number of large mammals that are known to frequent this area. These include bear, cougar and bobcat. Furthermore, the Checklist states that the property is not an animal migration route even though local residents regularly observe the use of this area as a wildlife corridor between Butler Hill to the south and the Samish River Valley and Anderson Mountain to the north. Surrounding landowners have seen cougar, bobcat, and bear traveling across their properties on numerous occasions, and at least one resident located south of the subject property has captured many photos of these animals on remote trail cameras. These animals require large territories and are sensitive to disturbance. The subject property is the last large undeveloped property linking a larger landscape between Butler Hill to the

south, and the Samish River to the north. The applicant's Fish and Wildlife Assessment does not address the impacts to this wildlife corridor. Measures could be taken to protect a swath of land and maintain intact vegetative buffers surrounding the mine on the applicant's larger ownership. This would help reduce this impact.

Finally, the applicant's Fish and Wildlife Assessment is more than five years old (August 2015), and its limited scope does not address the current data regarding Threatened and Endangered Species (ESA). A new complete Fish and Wildlife Assessment needs to be prepared that considers the full footprint of the project, including the land area impacted by the private haul road, as well as all ESA species that may be impacted by the proposal. These concerns are further discussed in the attached memorandum: "Fish and Wildlife, and Water Quality (regulated Critical Areas) review" (Wiggins, November 2020).

**Energy (SEPA Checklist Section B. #6):** This is a very fossil fuel and carbon intensive project, both on and off site. As stated previously, just to haul the proposed volume of gravel to the applicant's processing site would require diesel truck/trailer combinations to drive more than 4,600,000 miles over 25 years, or more than 184,000 miles per year. This does not include the on-site energy consumption from the heavy equipment required for the mining activity. In addition, there is no electrical power supply to the site. There is no mention of power supply in the application materials, but presumably the applicant plans to run generators to provide light and power to the site. This will create even more fossil fuel consumption (and noise pollution that has not been disclosed). The applicant has made no attempt to estimate the amount of energy required, nor the impacts to the environment from it. There are no proposed energy conservation measures. The applicant should be required to evaluate alternatives to such high rates of energy consumption, and a carbon budget should be calculated with mitigation identified to offset the effects of carbon emissions to the atmosphere.

**Environmental Health (SEPA Checklist Section B. #7): Question #7a. Toxics:** The Supplement to the SEPA Checklist states that "mobile fueling vehicles" and "mobile maintenance vehicles" will be used and that "if fueling stations or other storage of these materials occurs on site, it will be in compliance with the NPDES Permit filed with the WA Department of Ecology". These vague and inconsistent statements fail to confirm whether fueling stations and fuel storage are planned or not. Furthermore, the application does not define "mobile fueling" or "mobile maintenance" or measures to control or respond to spills from them in different locations across the site. The applicant must explain how they will monitor this and provide specific management practices for use with mobile fueling and maintenance units.

Although the Site Management Plan purports to address spill prevention, it merely recites generic BMPs. It does not state what specific measures will be used on this site, nor does it

show any locations for fueling, fuel storage, etc. The applicant needs to disclose what the nature and location of the fuel storage and vehicle refueling and maintenance process will actually be, and what measures will be taken to prevent spills and toxins from entering surface and groundwater. As discussed previously, there is a real danger of surface water contamination and or groundwater contamination through the bottom of the mine floor if this issue is not properly addressed.

**Question #7.b. Noise:** This section requires disclosure of health impacts related to noise generated from the project on-site and off-site. The applicant submitted an “Updated Noise and Vibration Study” (November 2018), which concludes through modeling that the noise generated from the mine, and from off-site trucking, is within the limits set forth in Skagit County Code. There are several major flaws in this study that call into question its thoroughness and validity:

- Concerning the computer modeling of mine operation noise levels, the November 2018 noise study states “A front-end loader, dozer, and excavator were assumed to operate concurrently in the mine”, with noise levels at 100 feet from each shown as 75, 75, and 76, dBA respectively. The study does not cite the source for these numbers. Presumably, different sizes and models of heavy equipment generate different levels of noise, and are not interchangeable for noise level modeling purposes.
- Furthermore, the noise study appears to address only “typical” mine production levels, not the “extended hours” production scenario of up to 5,000 tons per day described in the September 2020 DN Traffic Consultants Traffic Impact Analysis. Presumably, the latter would require more pieces of heavy equipment to accomplish, as well as more trucks. Based on the seasonal nature of sand and gravel demand, it seems likely that the mine would exceed “typical” or “average” production levels for extended periods during late spring, summer, and early fall. For a noise study to be valid, it must address the maximum production level.
- The computer modeled noise level receptor labeled “R3” is located approximately 900 feet north of the receiving property boundary, not at the receiving property boundary as required under WAC 173.58-020(11) and 173-60-040(1).
- The study does not address the significant noise fully loaded truck/trailer combinations will generate using their compression brakes while descending the Grip Road hill. Adding an “average” of 46 diesel trucks a day (or 30 trucks an hour, as under the “extreme” scenario from the DN Traffic Impact Analysis) onto Grip and Prairie Road will be a major change to the soundscape for residents along the haul route for the next 25 years regardless of whether the trucks exceed legal noise limits.



There are 100 homes within a mile radius of the proposed mine, and 375 homes within a 2 mile radius. Even if the applicant's consultant can somehow create a model that shows that the noise generated from the mine and truck traffic is below the thresholds set out in the WAC and Skagit County Code, the ambient noise from the mine and the trucks will become a constant backdrop for the residents in the surrounding area. This noise will have a lasting impact on public health, on the quality of life in this quiet rural neighborhood, and on wildlife. Per an article titled "The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk" in the National Institute of Health's online National Medical Library, "Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke."

The SEPA checklist and accompanying documents contain no discussion of ways to reduce or mitigate noise impacts, instead the focus is simply on proving that this new unprecedented level of industrial scale noise pollution will somehow meet legal standards. What is "legal" and what is "acceptable" are not interchangeable.

**Light and glare (SEPA Checklist Section B. #11.** The applicant apparently intends to operate the mine during dark hours, however the application does not describe the type of lighting that will be used on site. Nor does the application identify whether, or what, lighting would be installed for security purposes. The 700 acres owned by the applicant is currently used only for forestry, and it is dark at night. The type of lighting used for heavy construction tends to be very bright and penetrates into the night sky. Measures need to be taken to minimize light pollution from the site. Impacts on migrating birds from even small amounts of outdoor lighting is well-documented.<sup>7</sup> The applicant needs to describe the type and extent of the lighting systems that are planned, and appropriate mitigation measures need to be required, including down-shielding of all lights, and installing motion sensors and controls where constant lighting is unnecessary.

**Recreation (SEPA Checklist Section B. #12:** This section requires disclosing "designated and informal recreational opportunities" in the vicinity. The applicant's response mentions only hunting and fishing. In fact, local residents walk on Grip and Prairie Roads, and the haul route along Grip and Prairie Roads is a popular recreational bicycling route. The route is included in a "Skagit County Bike Map" produced by Skagit Council of Governments, and distributed by Skagit County Parks Department. This same bike map is also included in Skagit County's 2016 Comprehensive Plan, as the "Bicycle Network Map"; it includes Grip and Prairie Roads as part of the inventory of the County's non-motorized transportation system. This important recreational activity was not disclosed in the SEPA checklist; nor were impacts to it evaluated. As discussed elsewhere in this letter, Grip and Prairie Roads

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<sup>7</sup> <https://www.fws.gov/news/blog/index.cfm/2020/4/22/Lights-Out-for-Migrating-Birds>

are narrow and substandard with soft or nonexistent shoulders. There are many parts of this route where there is literally no option for a cyclist to move to the right to make room for a passing vehicle. The recent addition of guardrails on portions of Prairie Road have had the effect of eliminating options for a shoulder and narrowing the roadbed even further (guardrails were apparently installed more to protect power poles from vehicle collision than for public safety).

The introduction of an average of five tandem gravel trucks an hour (much less the 30 trucks an hour under the “extreme” scenario) to this route will render recreational cycling not only unpleasant, but very dangerous. Mitigation and alternatives could be identified for reducing the impact of trucking on these important recreational uses, such as widening and hardening road shoulders, limiting the number of trucks allowed per day on the road and designating ‘safe passage’ times during each day, when trucks are not allowed to haul from the site.

The omission in the SEPA checklist and project documents of the impact on pedestrians and bicyclists along the haul route is just one more example of the serious inadequacies in the application materials, and the disregard for public safety shown by the applicant. Issues regarding public safety related to truck traffic and the condition of County roads along the haul route are further discussed below under traffic.

**Transportation/Traffic (SEPA Checklist Section B. #14):** The SEPA Checklist and Supplement asserts that that no improvements to existing roads are necessary and that traffic generated will be “typical” of mining operations. The Checklist and Supplement then reference studies conducted by their traffic consultant DN Traffic Consultants without providing further details. However, a review of those documents reveals that “typical” traffic is a stunning 11,765 truck trips per year. The SEPA documents do not identify this number. DN Traffic goes on to calculate that this will “average” 46 truck trips per day. However, given the seasonal nature of gravel mining, this “average” is meaningless. The number of trucks that the applicant intends to deploy on a daily or weekly basis has never been clearly defined. This makes it impossible to evaluate the actual intensity of use and potential threats to public safety.

DN Traffic Consultants’ more recent “Traffic Impact Analysis” (TIA), submitted in September 2020, seems intended to address the basic requirement that a TIA be done for this project (we have been requesting a TIA since we first learned about the permit application in 2016). It also seems intended to address at least some of the issues we have raised in the many comment letters we have submitted since that time. However, the document fails on both counts. While we intend to submit a detailed comment letter to the county on the entire TIA in the future, we provide below a summary of some of our main concerns.

- It does not meet the requirements and format for a Level II TIA as set out in Skagit County Road Standards, 2000 (SCRS) (SCRS 4.01-4.02 and Appendix A).
- It does not state whether the information included in the TIA supersedes previous inconsistent and/or contradictory information submitted by the consultant and the applicant regarding critical aspects of the project, including hours of operation and numbers of truck trips. This adds to the overall lack of definition for the project rather than clarifying it.
- It proposes that if the applicant needs to exceed a limit of 46 truck trips per day to meet demand (up to a limit of 29.4 trips each way per hour, or 294 trips per 10-hour operating period), they will first request permission from the County, and then Public Works will be responsible for determining temporary safety measures to mitigate for the increased risks. This is problematic in several regards:
  - It does not state how often and for how long this “extended hours operation” could occur.
  - It seems to imply, without ever stating clearly, that hauling under this scenario would take place for only 10 hours per day, while mining would happen for unspecified “extended hours.” Since the applicant has repeatedly asserted their right to operate up to 24 hours per day, seven days per week, we must assume that both accelerated mining and hauling could take place during those hours. The actual number of round trips per 24-hour period under this scenario would be 706, meaning there would be 1,412 one-way truck trips every 24 hours, and 60 one way truck trips every hour. Mine traffic impacts must be evaluated on this basis.
  - Without specifying what measures would need to be implemented to ensure traffic safety under this “extended hours” scenario, the applicant defers its obligation in this regard to the County and potentially exposes the County to liability.
- It contains false statements regarding existing road conditions and uses, as well as future uses, for instance:
  - As previously noted, the statement that there are no designated bicycle routes on the roads proposed for the haul route, when in fact a map of these routes is included in the non-motorized transportation component of the County Comprehensive Plan.
  - The statement that the shoulders on Prairie Road vary from two feet to four feet wide. In actuality, recently installed guardrails on the south side of the road practically eliminate the shoulder entirely for a considerable distance along the haul route.
  - The statement that there is no significant development planned that will impact traffic levels on the proposed haul route. In fact, the County has already approved bringing Kalloch Road and North Fruitdale Road up to arterial

standards to provide better access from the north to the Sedro Woolley Innovation for Tomorrow (SWIFT) Center. The bulk of this traffic from the north will come via I-5, Bow Hill Road, Prairie Road, Grip Road, and Mosier Road. In addition, a major new residential development is planned for north of Sedro Woolley between SR9 and Fruitdale Road. This will also generate a significant amount of traffic to the north via these same roads.

- It omits key facts and conditions, such as:
  - The existence of several Burlington and Sedro-Woolley School District bus routes along the proposed haul route. It makes no mention of these bus routes; does not analyze the threats presented by mine truck traffic to the safety of schoolchildren, parents, or district employees and equipment; and proposes no mitigation actions for these risks.
  - A major roadway misalignment issue on the Grip Road Hill curves, which requires that a truck with pup trailer repeatedly encroach on both the centerline and the edge of the pavement (there is no fog line) while navigating this very narrow, steep section of the road.
  - The existing, progressive failure of the pavement and roadbed on the outside of the uphill (south side) lane of traffic in the above location. This presents both a safety hazard to the public and an ongoing maintenance liability for the county.
- It documents some of the other existing, critical road deficiencies and traffic hazards but either omits corresponding mitigating actions or proposes inadequate mitigation actions. For example:
  - It documents that a truck with pup trailer cannot navigate the two 90-degree curves on Prairie Road east of the Old Highway 99 intersection in either direction without encroaching significantly on both the fog line and centerline. It acknowledges that this constitutes a traffic safety hazard, but does not propose any mitigation actions. Instead, it states that the County is responsible for dealing with this issue.
  - It proposes a flashing yellow light warning system to mitigate for inadequate sight distance at the Prairie Road/Grip Road intersection, a measure the author of the TIA described as “temporary” in an earlier traffic memo. This is the same place where, in an email obtained via public records request, former PDS Senior Planner John Cooper described coming upon the scene of an auto accident at this intersection and being told by the attending Sheriff’s Department officer (who himself was a former commercial truck driver) that a flashing yellow warning light would be insufficient to prevent accidents in that location (John Cooper email to Dan Cox, 1/30/2017).

In addition, in the TIA fails to disclose serious impacts with regard to use of the bridge over the Samish River on Old 99. In response to information about the bridge’s weight

restrictions, the TIA proposes either to reduce load weights or to use an alternate route that involves continuing west up Bow Hill Road from Prairie Road to I-5, heading south to the Cook Road exit, and then north on Old 99. However, these options either generate more truck trips than proposed (lighter loads equals more trucks trips) or follow a considerably longer haul route. The impacts from this longer haul route have not been analyzed. There are many concerns related to dozens of gravel trucks making their way up the steep Bow Hill Rd and entering and exiting two busy freeway interchanges, and passing through additional busy intersections that are already hazardous. And of course, either way, the cumulative mileage and emissions increase. These additional impacts have simply not been evaluated.

As we stated above, the comments included here on DN Traffic's TIA are only some examples of how woefully short this document falls when it comes to addressing the true scope of road and traffic safety risks associated with this project. Until these issues are thoroughly analyzed and comprehensive mitigation measures proposed, the only valid SEPA threshold determination for the proposed mine is a determination of significance (DS) requiring a full environmental impact statement (EIS).

Finally, to our knowledge, the County's hired traffic engineer/consultant, HDR, who has been reviewing the various traffic information submitted by the applicant, has never visited the site and actually observed the condition of the roads in question. All of the third-party review has been conducted remotely using information and data provided by the applicant and County – it is simply unacceptable that the reviewers signing off on the traffic studies have not observed in-person the problems with road conditions and safety.

**Public Services (SEPA Checklist Section B. #15).** The applicant states that there will be no impacts to public services, but absent measures to address the road safety issues discussed above, the traffic collision rate in this area will undoubtedly increase. This will create a heavier demand on law enforcement and first responders. In addition, the need for road maintenance will increase considerably with the hauling of 200,000 tons of gravel per year on Grip and Prairie Roads.

The applicant should be required to share costs of necessary infrastructure improvements as stated in Skagit County Comprehensive Plan Policies: ***Policy 4D-5-3: Roads and Bridges: New public roads and bridges accessing designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic for mineral extraction operations. Existing roads and bridges shall be improved as needed as each new extraction operation is developed. Cost sharing for the improvement of roads and bridges shall be negotiated between the permitting authorities and the applicant.***

**6) Appropriate mitigation measures or alternatives are not identified.** The overriding assumption in the application documents seems to be that this project requires very little mitigation. There is no real exploration of project alternatives or other ways proposed to reduce impacts. We find this very troubling, and it supports the need for a full EIS. Since key aspects of the proposal are still not clearly defined, it is difficult to fully explore appropriate permit conditions and mitigation measures. Nonetheless, it is clear to us that there are some pathways to addressing the project impacts. A few examples of alternatives that should be explored, and mitigation measures or permit conditions that should be required are discussed in the various sections of this letter, and identified below, along with a list of additional studies that need to be completed.

- Explore alternative project scenarios that include significantly scaled back rates of extraction, a smaller mine size and limits on daily truck trips.
- Limit hours of operation and hauling to daylight hours.
- Require a larger buffer on Samish River consistent with the County's Critical Areas Ordinance and Department of Ecology's guidance for protecting river and associated wetlands and sensitive & critical habitat from industrial uses.
- Require a larger undisturbed vegetated buffer between the active mine and adjacent private property, to reduce noise, vibration and dust.
- Major road and safety upgrades along the haul route need to be included before hauling is allowed, including but not limited to:
  - Traffic lights and/or turn lanes at critical intersections including: Grip Road at the intersection with the mine access road; at intersection of Grip and Prairie Roads; at the intersection of F&S Grade and Prairie Roads, at intersection of Prairie Road and Old 99.
  - Improve site distance to the east at intersection of Prairie and Grip Roads
  - Widen Grip and Prairie roads and harden shoulders.
  - Straighten and widen curves on Grip Road hill or find an alternate access point to the mine below the 'S curves' and hill.
  - Improve the two ninety degree turns on Prairie Road so that trucks can stay in their lanes.
- Gravel trucks must be restricted to the identified haul route (presuming necessary road improvements have been made). There are numerous safety issues with other haul routes that have not been evaluated, including at least four ninety degree corners on Grip Road heading east where it is impossible for large trucks to stay in their lane.
- The above safety concerns are also applicable to sale of mined materials to private parties and independent truckers. The application materials are not consistent regarding whether CNW intends to sell directly to third parties. If this were to occur,

these third party trucks would not necessarily stay on the identified haul route. Therefore sale to private parties and independent truckers from the site must be prohibited.

Additional Assessments or Studies needed:

- Fully updated Critical Areas study and Fish and Wildlife assessment of the larger property, including the private haul road and areas adjacent to it, with appropriate mitigation measures identified for the footprint of the entire project, not just the mine itself.
- Further evaluation needs to be conducted of the impact to the listed Oregon Spotted Frog and Bull Trout consistent with State and Federal Endangered Species Act.
- The impacts to hydrology and potential for exacerbating sedimentation and flooding problems from the increased impervious surface and heavy use of the haul road, especially in the gorge where the road crosses Swede Creek, needs to be evaluated and appropriate mitigation measures required.
- Full Level II Traffic Impact Analysis.
- A realistic estimate of the cumulative emissions from all of the mining activities on-site, as well as the diesel emissions from truck hauling needs to be made, and a mitigation plan proposed.
- A revised Noise Study that corrects the serious flaws identified in this letter.

We hope that you find this letter useful as you proceed with your review of this project, and the new SEPA process. We would be happy to discuss any of it further, and look forward to hearing from you. Thank you for your time and consideration.

Sincerely,



Martha Bray and John Day  
6368 Erwin Lane  
Sedro-Woolley, WA 98284

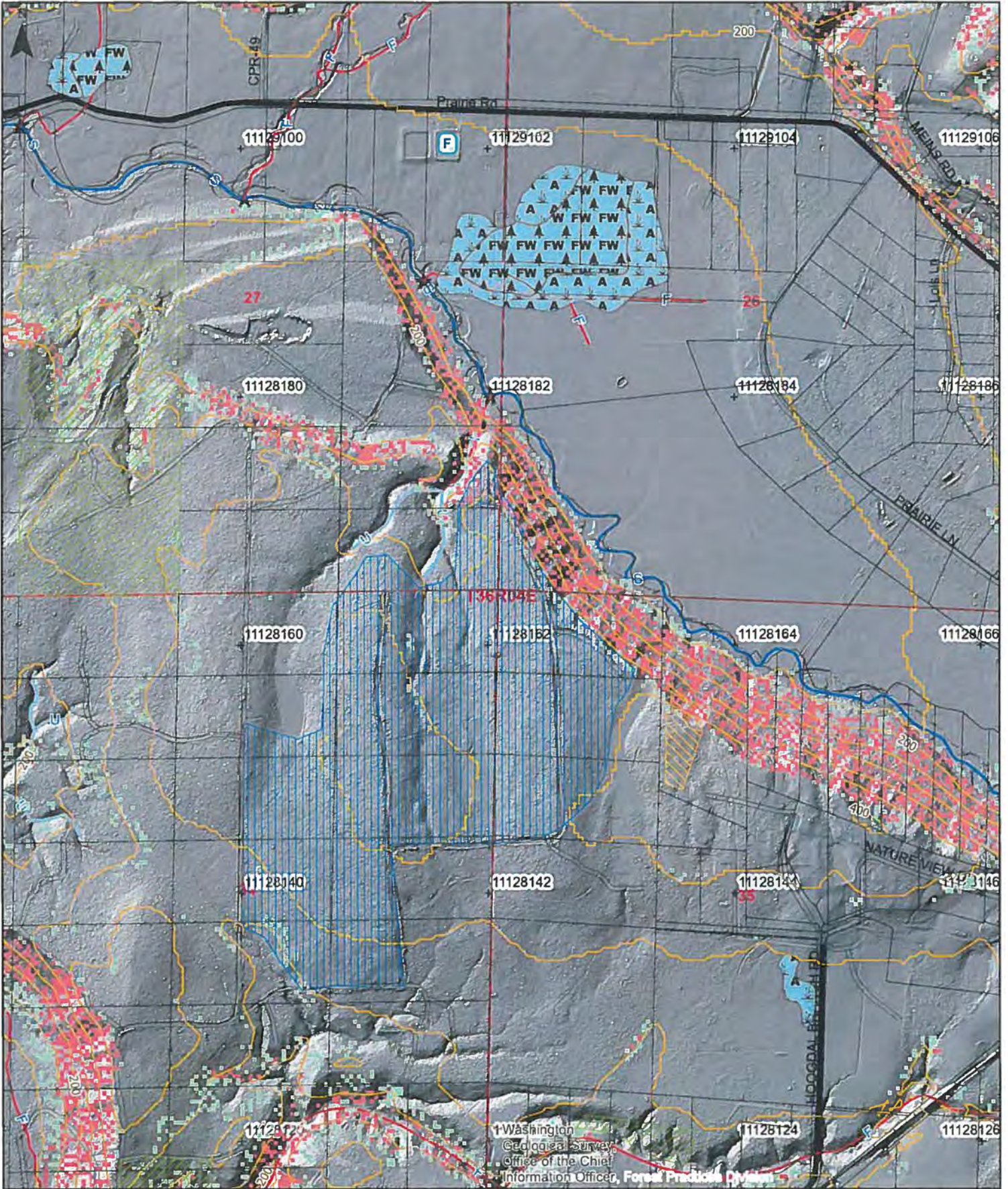
cc: Julie Nicholl, Skagit County Prosecuting Attorney  
Kyle Loring, Attorney, Loring Advising

Encl: "Fish and Wildlife, and Water Quality (regulated Critical Areas) review" (Wiggins, November 2020)

# ATTACHMENT B



# Active harvest -- Lisa Inc



WASHINGTON STATE DEPARTMENT OF  
**NATURAL RESOURCES**

Extreme care was used during the compilation of this map to ensure its accuracy. However, due to changes in data and the need to rely on outside information, the Department of Natural Resources cannot accept responsibility for errors or omissions, and therefore, there are no warranties that accompany this material.

0 0.25  
Miles

Date: 4/26/2021

Time: 5:05:00 PM



# ATTACHMENT C





The Non-Motorized Advisory Committee developed this map with the intent of encouraging safe bicycling, increasing physical activity, improving health, and promoting the benefits of non-motorized transportation upon Skagit County. This map is intended to provide information to cyclists so that they can make their own decisions as to safety routes to avoid four wheel vehicles in Skagit County. The map shows routes that are generally safe for bicycling, but it does not guarantee safety. Bicyclists should be prepared to make their own evaluations. Experienced cyclists may find more routes than shown on this map. The map is not intended to be used as a liability waiver. The map is intended to be used as a liability waiver. The map is intended to be used as a liability waiver.

### Legend

**4R+ Shoulder**  
**2R to 4R Shoulder**  
**No Shoulder**

**Federal and Regional Bike Routes**

**Separated Non-Motorized Trails**

**Visitor Information**  
 School  
 County Park  
 City Park  
 State Park  
 Trailhead  
 Trash Station  
 Transit Station  
 Store Route  
 Interstate (No State)  
 Main Street  
 Urban Areas

**Additional Information Links**  
 1. Link to Skagit County's Website  
 2. City of American Fork and Mountain (402) 229-1111  
 3. City of American Fork and Mountain (402) 229-1111  
 4. Link to Skagit County's Website



### SAME ROADS • SAME RIGHTS • SAME RULES

**Be Visible • Wear a Helmet • Be Alert • Have Fun**

**BE PREDICTABLE**  
 Always wear a helmet. Use protective gear and wear visible clothing.

**BE ALERT**  
 Stay alert and expect the unexpected. Remember, bicyclists are more vulnerable.

**SEE EQUIPPED**  
 Always wear a helmet. Use protective gear and wear visible clothing.

**USE HAND SIGNALS**  
 Hand signals tell others what you intend to do. Signal as a matter of courtesy and good practice.

**KNOW ON PROHIBITED**  
 Prohibited from the right-of-way. Do not drink and ride. Do not use mobile devices while riding.

**BE VISIBLE AT NIGHT**  
 The law requires a lit front and rear light. Use reflective gear and reflective clothing. Use reflective gear and reflective clothing.

**FOCUS ON A STRAIGHT LINE**  
 Make it a straight line and be aware of your surroundings. Stay in your lane and avoid sudden lane changes. Stay in your lane and avoid sudden lane changes.

**CHOOSE THE BEST WAY TO TURN LEFT**  
 Turn left from the right lane. Use the right lane. Use the right lane.

**OBED TRAFFIC SIGNS, SIGNALS, AND LAWS**  
 Obey traffic signs, signals, and laws. Obey traffic signs, signals, and laws.

**NEVER RIDE AGAINST TRAFFIC**  
 Never ride against traffic. Never ride against traffic.

**PULL OVER BOTH HANDS**  
 Pull over both hands when riding at intersections. Pull over both hands when riding at intersections.

**DO NOT FARE ON THE RIGHT**  
 Do not fare on the right. Do not fare on the right.

**RIDE IN THE MIDDLE OF NARROW LANES**  
 Ride in the middle of narrow lanes. Ride in the middle of narrow lanes.

**YOU MAY LEAVE A BIKE LANE**  
 You may leave a bike lane. You may leave a bike lane.



# ATTACHMENT D

April 30, 2021

To: John Day and Martha Bray, Central Samish Valley Neighbors

From: Jeff Hee, PE, Transportation Solutions

Subject: Grip Road Grave Mine Traffic Analyses  
Peer Review Comments



This memorandum provides my professional opinion comments on the Applicant's traffic impact analyses and responses to comments, Skagit County and HDR staffs' comments, and Skagit County's Re-Issued conditions for the proposed Grip Road Gravel Mine project. If you have any questions, please contact me at your convenience.

### Main Comments/Questions

- What is the maximum trip generation and anticipated frequency of maximum trip hours and days? The November 30, 2016 Maximum Daily Truck Traffic memorandum forecasted a maximum trip generation of 60 truck trips per hour. The September 10, 2020 TIA documented an extended hours maximum haul operation of 29.4 truck trips per hour. The frequency and intensity of trips generated suggest a need for additional analysis and mitigation on the part of the Applicant.
- The County's April 15, 2021 Re-Issued MDNS gives the Applicant the option to improve substandard roadway conditions or to not use truck/trailer combinations. If the Applicant elects not to resolve substandard roadway conditions and use standard gravel trucks (no trailer), then the number of truck trips generated is anticipated to be higher than what was evaluated in the traffic analysis.
- The Applicant's mitigation measures do not address all impacts at the new mine access/Grip Road intersection. The intersection sight distance is not satisfied at the site access and the mitigation measures do not extend to Grip Road east of the new access. Additionally, it is my opinion that the sight distance impacts were not accurately disclosed.
- Safety impacts were identified on the proposed haul route in the vicinity of Friday Creek east of Old Highway 99. There are sections along the haul route where the roadside shoulder sections do not meet County standards. The analyses of roadway centerline and shoulder impacts just in the vicinity of Friday Creek, in my opinion, does not provide sufficient information to conclude the other sections along the haul route are adequate for gravel truck traffic.

This document is organized to present my comments and questions regarding the trip generation analysis, proposed site operations, sight distance analysis, roadway shoulder and centerline impacts, haul route impacts, and requests for additional information on the Applicant's traffic mitigation plans, level-of-service standards and impacts to Cook Road.

The comments that follow are based on criteria from the Skagit County Road Standards as applied to the analyses prepared by the Applicant's consultant. References include:

Section 2.14. "Transportation and frontage improvements, SEPA mitigation, traffic impacts, fees, etc. or the proportionate cost share of the improvements based on peak hour trips and necessary to mitigate impacts of the development (or each phase of development if it is done in phases) shall be in place or paid no later than time of final plat approval or certificate of occupancy, whichever occurs first, for that development or

phase. If the improvements are not listed on the County Transportation Improvement Plan, they shall be installed prior to final plat approval.

"Frontage improvements will be required for all new development that front on an existing County road (See Section 13). Other transportation improvements that may be required will be identified in the Traffic Impact Analysis (See Section 4.06) and the Safety Analysis (See Section 4.09)."

Section 4.00. "All applications for land division and changes of land use shall include sufficient data to determine the amount of additional traffic generated by the development. Such data shall also be used as a guideline for access road and/or driveway requirements."

Section 4.06. "The County may require developments to make traffic impact contributions if the development significantly adds to a road's need for capacity improvement, to a roadway safety problem, or to the deterioration of a physically inadequate roadway. Such traffic impact contributions are in addition to transportation and frontage improvements required in the immediate area for access to and from the development. See also Section 2.14."

#### **Documents Reviewed**

- *Grip Road Gravel Pit Preliminary Traffic Information* February 8, 2016, DN Traffic Consultants.
- *Grip Road Gravel Pit Maximum Daily Truck Traffic* November 30, 2016, DN Traffic Consultants.
- *Grip Road Mine Response to Skagit County Request* April 13, 2020, DN Traffic Consultants.
- *Concrete Nor'West Grip Road Gravel Pit Project* April 28, 2020 Grip Road Gravel Pit Traffic Impact Analysis, HDR recommendations.
- *Concrete Nor'West Grip Road Gravel Pit Project* May 14, 2020 Grip Road Gravel Pit Traffic Impact Analysis by County Staff, HDR recommendations.
- *Mitigated Determination of Nonsignificance PL16-0097 and PL16-0098* May 26, 2016, Skagit County.
- *PL16-0097 Revised Request for Additional Information* July 31, 2020, Skagit County Planning and Development Services.
- *Grip Road Min Traffic Impact Analysis* September 10, 2020, DN Traffic Consultants.
- *PL 16-0097 Mining Special Use Permit Response to Additional Information Request, July 31, 2020, October 8, 2020*, Semrau Engineering and Surveying, PLLC mitigation plans.
- *Notice of Withdrawn and Re-Issued MDNS for Concrete Nor'West File #'s PL16-0097 and PL16-0098* April 15, 2021, Skagit County.

#### **Trip Generation Impacts and Hours of Operation**

Page 1 of the February 8, 2016 Preliminary Traffic Information memorandum states that hauling from the project is limited to 9 AM-3 PM on 260 working days (Monday-Friday) per year. The trip generation assumes an average and even distribution of truck traffic during those hours. The time frame is typically consistent with the consultant's conclusions that there will be negligible traffic impacts during the traditional AM (7-9 AM) and PM

(4-6 PM) peak hour traffic periods. The preliminary study forecasted the site's hourly trip generation to be 7.67 truck trips per hour.

Page 13 of the September 10, 2020 TIA changed the site operations to 7 AM-5 PM. Truck hauling was proposed to be limited to Monday-Friday and onsite activity proposed to extend to Saturday. Unlike the earlier project proposal, the current proposal will generate truck traffic during the peak hour periods. Under a typical operation, the TIA indicates that the site would generate an average of 4.6 combination truck/trailer trips per hour. The truck/trailer combination is assumed for all truck trips based on the 34-ton load capacity of the combination vehicle.

The frequency and to a degree the intensity of the peak number of truck trips generated by the site are unclear. The consultant's November 30, 2016 Maximum Daily Truck Traffic memorandum states that the maximum truck volume generated by the project could be up to 60 truck trips per hour, based on the availability of truck/trailer combinations in the County. The consultant's September 10, 2020 TIA computed a maximum truck volume of 29.4 trips per hour, assuming extended hours of operation and a higher daily volume transported for the site.

**The forecasted maximum trip generation and frequency of maximum trip generating events needs to be clarified. It is assumed that maximum conditions will not occur every day or for every hour of the day; however, it is reasonable for the County to consider implementing restrictions on the project's operations. Restrictions such as prohibiting hauling during the weekday AM, PM, or school peak periods or limiting hauling to not to exceed 5 trucks per hour (based on the consultants 4.6 trucks per hour forecast) would reduce the potential for significant project impacts during peak traffic hours and during the time-periods associated with school bus pickup/drop-off.**

Condition 12 of the County's April 15, 2021 Re-Issued MDNS allows the Applicant to limit their operations to non-truck/trailer combination vehicles unless other roadway safety mitigation measures are satisfied. If the Applicant elects to limit their operations to trucks without trailers, then the number of truck trips generated by the project is expected to be higher, due to the smaller hauling capacity of a gravel truck and assuming the same annual and daily tonnage goals provided by the Applicant.

**A higher trip generation scenario, based on restrictions on the truck types, should be evaluated. Also, it is common practice to update level-of-service analyses provided in the September 10, 2020 TIA should the trip generation increase.**

#### **Trip Generation Impacts and Hours of Operation Additional Comments/Questions**

- Does the trip generation account for onsite workers and mining/non-haul operations?
- The site operations have changed from 2013 to 2020. The average-normal hourly trip generation has ranged from 4.6 to 7.67 hourly truck trips. What is the peak hour trip generation anticipated?

#### **Sight Distance Analysis**

Sight distance factors include design speeds, brake reaction times, braking distances, and time gaps for turning vehicles, among other factors. Skagit County Road Standards Section 2.02 includes the following speed definitions:



**Design Speed** - A speed determined for design and correlation of the physical features of a highway that influence vehicle operation: the maximum safe speed maintainable over a specified section of road when conditions permit design features to govern.

**Operating Speed** - Used for determination of sight distance. Operating speed should be equal to the P85 speed for existing facilities and be equal to the design speed for new facilities.

Tables 5 and 6 from the September 10, 2020 TIA indicate that the posted speed was used to evaluate the sight distance requirements.

**There are several locations where sight distance was identified as a concern. The County's Road Standards, suggest a design speed alternative to the posted speed. The Skagit Council of Governments (SCOG) publishes measured daily traffic volumes and 85th-percentile speeds on their website. A common practice is to use the 85th-percentile speed as the design speed when evaluating sight distance. The sight distance analyses should be revised to reflect the publicly available speed data from the SCOG. I note that in some instances the sight distance may be better than reported by the Applicant's consultant and in other instances sight distance may be worse, when revised using the SCOG data.**

Page 11 of the September 10, 2020 TIA states that; "Existing sight distance at Prairie Road/Grip Road and Prairie Road/F&S Grade Road intersection is the responsibility of Skagit County. If sight distance deficiencies exist at these intersections, it is the responsibility of the County to make necessary improvement to provide acceptable sight distance."

Page 11 of the TIA states that; "The Applicant is responsible for providing acceptable SSD (stopping sight distance) and ISD (intersection sight distance) at Grip Road/site access." Page 12 of the TIA identifies intersection sight distance deficiencies at Prairie Road/Grip Road and Grip Road/site access. At Grip Road/site access the TIA states; "In this case, it is estimated there would be no more than one (1) left turning truck during the PM peak hour from the Mine access road. The WSDOT Design Manual (section 1310.05 Intersection Sight Distance), however, indicates that ISD is not required for low volume roadways such as Grip Road."

**The Skagit County Road Standards are not based on the WSDOT Design Manual. The WSDOT Design Manual does not appear to include exemptions from sight distance requirements for low volume roads. The WSDOT Design Manual reference, does not deal with sight distance.**

On April 28, 2020 HDR comments recommended a reanalysis of sight distance based on truck and trailer combinations and also mitigation for entering sight distance at the site access.

**The September 10, 2020 TIA states that; "one (1) left turning truck is forecast during the PM peak hour from the Mine access road". There is no sight distance mitigation proposed to the east of the mine access. The warning beacon system proposed for sight distance mitigation, if still reasonable with any changes trip generation, should be extended to the east of the mine access, at minimum.**

**The warning devices are recommended by the Applicant and accepted by HDR and the County staffs. Since these devices are intended to mitigate and not resolve existing sight distance deficiencies, which the Applicant's consultant has indicated are the responsibility of the County, it is requested that the hours of hauling operations be limited to daylight hours to afford roadway users optimal conditions to navigate through sight distance impaired locations.**

### **Sight Distance Analysis Additional Comments/Questions**

- Is County's Vision Clearance Triangle (Road Standards Figure C-2) satisfied in the study area?
- Were sight distance exhibits submitted and are they available for review?
- What is the speed needed to achieve sight distance at the study locations?
- Intersection sight distance for truck/trailer combinations was not evaluated at the F & S Grade Road/Prairie Road intersection (Table 6 September 10, 2020 TIA); and thus, it is requested that mine traffic be prohibited from using F & S Grade Road, unless additional analysis or mitigation is provided.

### **Roadway Shoulder and Centerline Impacts**

Page 20 of the September 10, 2020 TIA states; "Prairie Road has a number of curves which would force the dump truck/pup rigs to encroach on the centerline or the shoulder." Page 21 states; "The Consultant prepared an AutoTurn® analysis of these turns on Prairie Road approximately 1200 lineal feet and 1800 lineal feet east of the Prairie Road/Old Highway 99 intersection. Based on this analysis, it was estimated the dump truck/pup trailer combination is expected to encroach approximately two (2) to three (3) feet onto the shoulder of over the centerline." Page 21 later states; "Potential encroachment of the dump truck/pup combination on shoulder and center line is a safety concern. It should be noted the roadways are not consistent with current Skagit County Road Standards for shoulder widths."

**The exhibits included in the TIA are hard to read. The exhibits do not provide dimensions and specifications for the non-standard, "custom", truck/trailer design vehicle. Common practice for reporting vehicle-turn results is to provide an exhibit clearly showing the design vehicle and its analysis specifications. This is reasonable considering the design vehicle is "custom" and was created for this analysis.**

**The Grip Road east of the Prairie Road and west of the site is narrow and includes ditches, curve warning and speed reduction signs, guardrails, no shoulder striping, limited available shoulder area and a relatively steep grade section. Common practice is to apply design vehicle turning templates to justify the roadway section(s) can support the desired vehicle. No turning templates or similar analyses were applied to Grip Road based on the materials provided to review.**

**The Re-Issued MDNS Condition 12 gives the Applicant an option to operate with gravel trucks (no trailers).**

**To verify that the proposed haul route can support truck/trailer combinations or gravel trucks (no trailers) the Applicant's consultant should provide additional turning templates to support use of the existing road section.**

### **Haul Route Impacts**

Page 1 of the County's July 2020 Request for Additional Information document identifies concerns that truck/trailers will not be able to navigate the 90-degree turns on Prairie Road directly east of Friday Creek.

The project trip distribution, Figures 4 and 6 in the September 10, 2020 TIA, shows truck trips to/from the east of the site on Grip Road.

**The 90-degree turns on Grip Road directly of the site access have similar challenges as those on Prairie Road near Friday Creek. There is no analysis that supports a truck/trailer combination traveling to/from the east of the site. I recommend that the County limit the haul route to/from the west of the site unless the roadway**

geometry to the east of the site is analyzed and there is documentation provided to support a haul route either for truck/trailer combinations or a truck (no trailer) vehicles east of the site.

The crash history on pages 9 and 10 of the September 10, 2020 TIA does not report or evaluate collision trends on road segments on the haul route. It is common to include segment crash trends in a TIA, particularly when the analyses disclose safety issues on the haul road segment in the vicinity of Friday Creek and also since the County is allowing the Applicant the option of not mitigating certain existing substandard conditions.

#### Haul Route Additional Comments/Questions

- It would be useful if turning templates could be amended to show the gravel truck (non-combination) impacts at key locations along the haul route.
- The total crashes at I-5 SB Ramps/Bow Hill Road and at Old Highway 99 N/Bow Hill Road/Prairie Road are different in Tables 2, 3, and 4 in the September 10, 2020 TIA.
- The TIA report recommends improvements at Prairie Road/Old Highway 99. Will the Applicant complete the improvements recommended in the report?
- The analysis does not provide any conclusions on if the project traffic will increase the frequency and severity of collisions on the haul route, given the haul route's geometric and sight distance constraints.

#### Mitigation Plans Additional Comments/Questions

The plans included for the Mine Access do not include street names and are difficult read. May new copies be sent of Sheets 3 and 10 and any other relevant sheet?

#### Other Comments/Questions

- The TIA does not address the segment LOS requirements, per the County Road Standards. Based on the analyses to date, this is not likely to be a significant issue, unless the trip generation radically increases.
- The TIA references a weight limitation on the Samish River bridge on Old Highway 99. The Re-Issued MDNS requires the project to comply with the weight restrictions on the bridge. Compliance to the bridge loading was addressed in the TIA by redistributing traffic to I-5 southbound to the Cook Road interchange. The WSDOT, SCOG and County have identified traffic issues on Cook Road at the interchange and at and on Old Highway 99 and related to the local railroad crossing. Does the redistribution of truck traffic to Cook Road affect traffic operations and warrant mitigation?

# ATTACHMENT E



## Priority Habitats And Species: Riparian Ecosystems and the Online SPTH Map Tool

This mapping tool provides site-potential tree height information at the parcel level statewide. However, the specific application of this tool is for those areas that are proximate to waterbodies - also known as the riparian ecosystem.

The riparian ecosystem is the extent of the area alongside a waterbody that significantly influences the exchange of energy and matter among terrestrial and aquatic ecosystems. Riparian ecosystems are a focal point for conservation because within them, protection of full riparian functions are possible. In addition to fish and wildlife habitat connectivity, those functions include bank stability, shade, pollution removal, and contributions of detrital nutrients and of large woody debris. For more information see: *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications and Volume 2: Management Recommendations.*

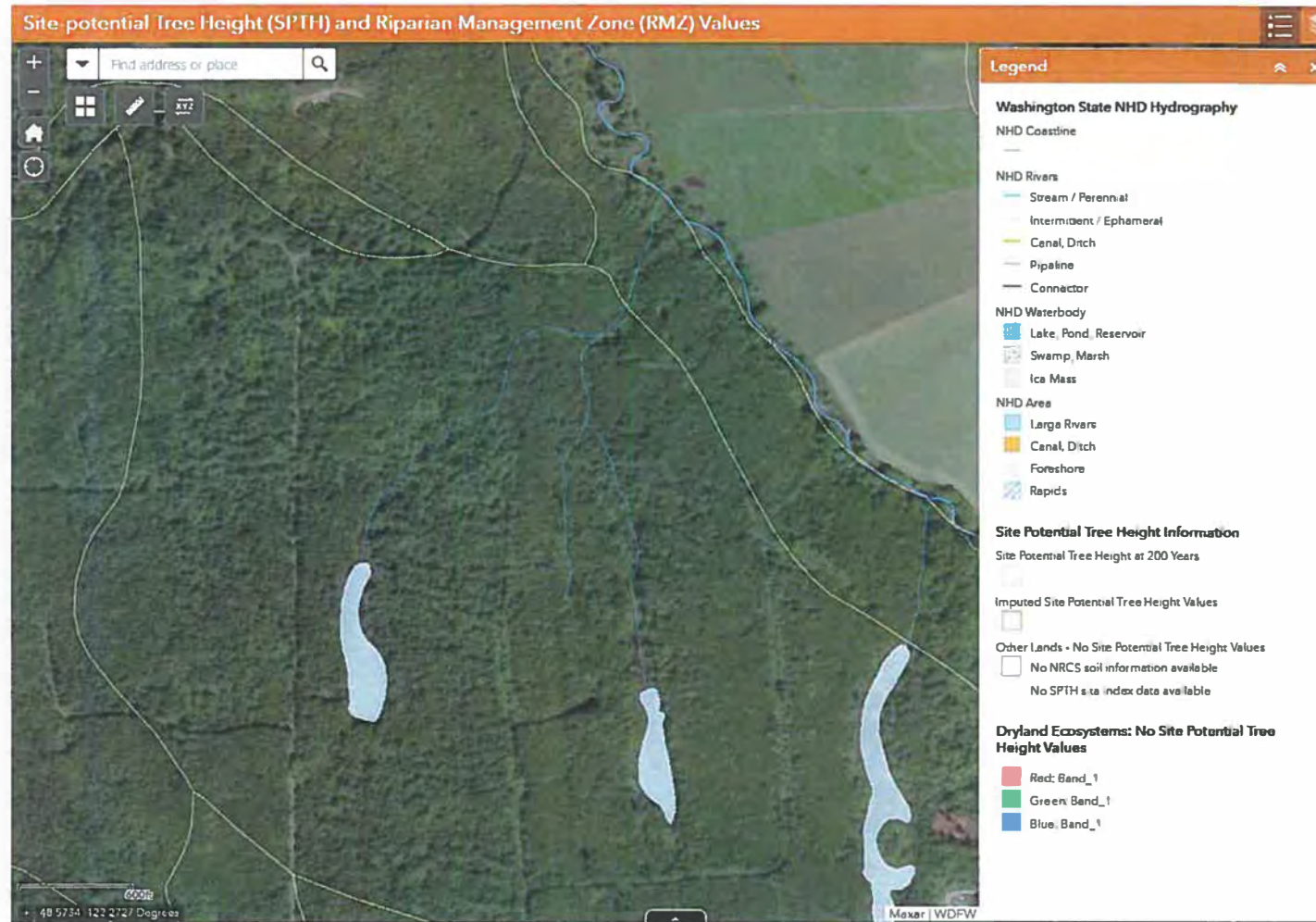
[Management Recommendations.](#)

### Using this online map tool:

- The online map contains GIS data layers that will provide you with site-potential tree height (SPTH) values (in feet) for forested ecoregions (green), imputed site-potential tree height values (in feet) for selected urban areas (gold/orange), steps to derive a riparian management zone width value for dryland ecosystem areas (brown), or directions for contacting [WDFW Habitat Biologists](#) for riparian guidance for lands that have no site-potential tree height values (tan).

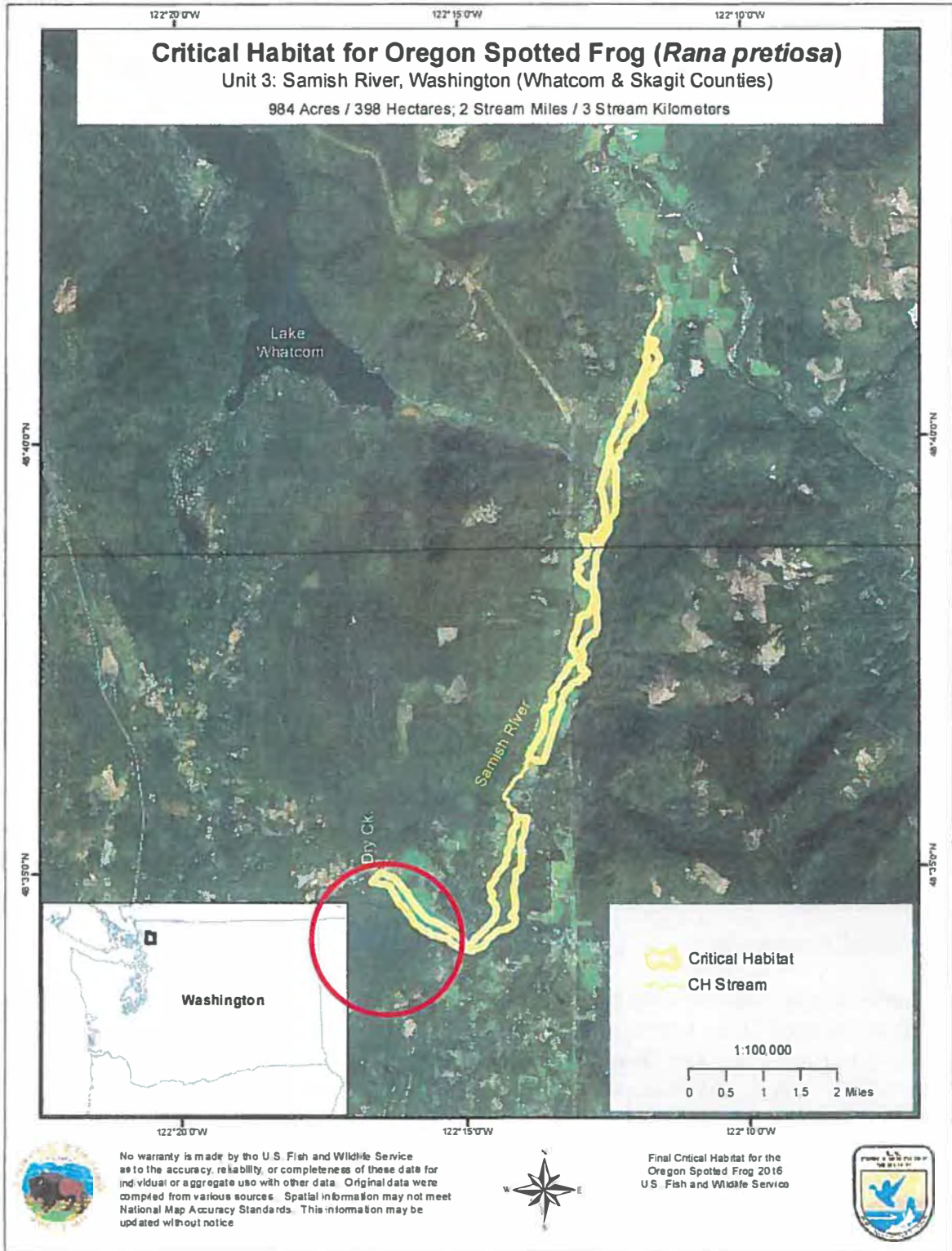
#### Site Potential Tree Height Information - Overview

- Site Potential Tree Height at 200 Years
- Imputed Site Potential Tree Height Values



# ATTACHMENT F





Matt Mahaffie  
22031 Grip Road  
Sedro Woolley, WA 98284

April 30, 2021

Michael Cerbone  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

RE: PL16-0097

Dear Mr. Cerbone,

I am writing in comment to the special use permit application PL16-0097, a proposed operation of a gravel mine by Concrete Nor'West. I am supportive of the need of the company to have a reliable source of their base material going into the future, a need that also in many cases has a public benefit, but have serious concerns about the proposal as presented which will place undo burden upon the local community's quality of life, safety, and environment without any meaningful mitigating measures volunteered by Concrete Nor'West nor Skagit County, even after extensive public input for several years.

I am very familiar with this property, having spent over 20 years traversing all portions of the property when it was open for public access (previous owners) as well as reviewing it professionally as a wetland/critical areas specialist under other development proposals. I am also a nearby resident of the community who also spent many years as a CDL licensed driver of the types of trucks proposed to be utilized with this endeavor. Specific concerns are as follows:

#### Critical Areas Review

In the normal course of work I personally have the utmost respect for Graham-Bunting Associates and Skagit County Planning staff, and as previously commented, respectfully disagreed with a few key findings presented with the supplied report and/or the scope of work that should have been specified by Skagit County. The fact that these distinct factual errors and very clear requirements of Skagit County Code were ignored after being pointed out by the Washington State Department of Ecology, two Skagit County approved Critical Area specialists, and countless community members is very disturbing.

- The singular wetland rating put forth appears accurate. However, the land use intensity (moderate) put forth in no way conforms to the land use intensity description put forth in Appendix 8C of WA DOE Publication No. 05-06-008 as required if using the alternative buffers in SCC 14.24.230(1)(b). This is not just



my personal opinion; it is my opinion as a Natural Resource Planner and staff biologist for a local County government, trained by the Department of Ecology in the use of their rating system, as well as a consulting wetland professional recognized by Skagit County as such via inclusion as a recognized qualified professional included in Skagit County PDS list of approved consultant (having submitted hundreds of approved critical area assessments to Skagit County). It was also the consistent opinion every professional wetland scientist and agency reviewer that I inquired with, including the Department of Ecology (Doug Gresham, DOE, personal conversation 12/23/16) the authors of the said referenced publication who has also commented to Skagit County on this proposal with this fact. The land use intensity for a full-time gravel mining operation is unquestionably **high**. A high habitat score (as put forth by the supplied wetland rating) requires a 300ft wetland buffer per SCC 14.24.230, not 200ft as proposed (300 also being the standard buffer).

- The review/assessment also neglected SCC 14.24.230(2), where in general, buffers are to extend 25 feet past the top of sloping areas that are 25% or greater. The site plan as indicated shows areas where this provision is applicable. Regardless of the aforementioned land use intensity issue, the buffer likely should still extend past the line indicated in areas unless there is a rational reason put forth not to, which does not appear to have been done specific to this.
- A wetland assessment is required for this project as proposed (regardless of the land use intensity) per SCC 14.24.220. A wetland assessment has not been submitted for this project even though the Fish & Wildlife Assessment made it clear that a wetland was present. The wetland assessment should include a wetland delineation which was also requested to be completed by WA DOE during the initial SEPA comment period. It is unclear why this portion of Skagit County Code was ignored, as were all of the SEPA comments submitted by the singular state agency most relevant to the issue.
- Critical area review, and to a lesser extent SEPA, was limited to the proposed mine site only. However, Skagit County staff has consistently maintained that changing the use of forest roads to new uses was tantamount to a new impact, needing at a minimum assessment, and potentially mitigation. The haul road is most certainly a change of use by a drastic degree. Going from an access only used infrequently for forestry purposes to a road that could have hundreds of truck trips per day essentially in perpetuity will most certainly be an impact to the environment in numerous areas. This will be a distinct habitat break in what is presently one of the largest undeveloped tracts of left in lowland Skagit County, home to deer, bear, cougar, and elk as well as many avian and small mammal species. Heavily trafficked corridors are well known to affect the habits of such species. The haul road also drains to a salmon stream that has serious turbidity problems, and it seems inconceivable that the increased road traffic and maintenance/improvements without stormwater control will not affect this riparian area.

The road crosses one of the most productive tributaries in the Samish River basin as well as being within the buffer of likely Category I wetlands. The road has already been improved, and it would be ridiculous to think that the significant improvements (grading, surfacing, and vegetation clearing) were solely for “forest management” after the special use permit is granted. It is unclear from the available documentation why Concrete Nor’West is not being held to the same standards as numerous clients of mine (professionally) building simple single-family homes have been; addressing the clear intensification of impacts when transferring the use of a logging road to another use.

- No meaningful protective measures have been assessed to the buffer of the critical area adjacent to the mine operations. While recording of a Protected Critical Area (PCA) site plan is standard and generally adequate for a single family home, a commercial operation with employees on heavy equipment, no oversight, and no vested interest in the observation of the buffer is a recipe for disregard of said buffer (not to mention a PCA is required by SCC). Glaringly as well, there is no reference on the ground for the buffer. If there is no survey or mapping, how will anyone know where the buffer is? The buffer should be required to be demarcated in the field, an absolute standard practice, and in reality, should be fenced as well (absolutely standard industry practice).
- All conversion activities (PL16-0098) were supposedly limited to the mine site. Most recent aerial photos of the site (Google Earth August 2020) clearly indicate conversion activities that have occurred onsite, including conclusively within the standard review area of a clearly apparent wetland, quite likely within the buffer. The proposal and subsequent review has in no way addressed these areas of converted forest land as defined by WAC/RCW, with the scope of the noticing of the conversion activities not held to, nor the apparent non-compliance of issued FPA conditions.

### Noise

The applicants have stated that their project will have no noise concerns to the neighborhood. This is blatantly false. A raised voice can be heard on neighboring properties to the north (known from personal past observation) from the area proposed to be mined. How would heavy equipment not be heard? An excavator bucket hitting the side of a dump truck is as loud as a small caliber rifle shot, and such hits and bucket shaking will take place many times a day with such a mining operation. All of the neighboring properties will be subject to such noise. On the upslope side (where I live), any use of the onsite road system by even a diesel pickup truck can be clearly heard outside on a clear day, heavy equipment use can be heard inside. There is absolutely no way mining operations will be fully self contained in regards to noise. Operations during standard business hours would be one thing, but evening and weekend operations would result in a seriously degraded quality of life in this regard. While it can be noted that the

area is in a mineral resource overlay (zoning), the overlay was added after many of us moved into the area.

Also lacking in analysis is the road noise going east from the site, and very questionable analysis going west. Although eastern traffic is not part of the proposal, without a condition regarding such, there will very likely be traffic going that way as well. We live on a small country road, and most of the homes are close to the road. When the infrequent gravel truck and trailer passes by, the entire house shakes, both from the noise of the truck/engine, and the constantly used exhaust brake. The noise has been so loud that objects have fallen off of walls, children wake from naps, and any sense of peace and quiet country living is shattered. We knew the conditions when we bought property in the area, and were accepting, but a constant and potentially hundredfold increase in daily gravel truck traffic would be unacceptable for any in the area, especially in light of the fact that Skagit County Planning staff required that my home be built abutting the road rather than the several hundred feet back that I desired to address such issues. These trucks will pass many homes and will cause significant duress for many residents.

#### Traffic Safety

While it is nice to see that the County added conditions regarding the two 90-degree corners closest to Old 99 on Prairie Road be fixed prior to truck/trailer combos being allowed to access the site in the updated MDNS, glaring omission was made to the status of Grip Road if such happens. As an experienced driver of the types of trucks in question (still hold Class A CDL and have for many years), yes, a dump truck and pup trailer may technically traverse Grip Road from the property to Prairie Road. Reality, however, is far different. Virtually no truck driver is going to consistently traverse this road section safely. Center lines will be crossed and shoulders will be driven upon, it is a given. This creates an issue for taxpayers who will have to repair the road, for the environment that will be degraded by the continual influx of sediment from damage to the shoulder/ditch, and the public safety. There will be no place to safely walk or ride a bike on this stretch of road with trucks and trailers cutting corners. Families walk in the area, ride bikes, and commute on this road (as well as Prairie Road). Also present are hundreds of bicyclists throughout the warmer months with numerous planned rides/races using this area as one of the "safer" routes. With the development of the Tope Ryan Conservation Area (Skagit Land Trust property at Swede Creek on Grip Road) trail system, the lower end of Grip Road has also become a park like setting with many families using the area, walking the road and bridge, and swimming in the river (which can only be accessed after walking from the parking spots down the road). How will this safety issue be mitigated. While I let our older children ride their bikes down to the river now, or their friends house, I cannot allow such with such an increase in industrial truck traffic. My children's safety and basic childhood experience will forever be altered by this proposal.

In over 30 years of living in the area, I have noted numerous very serious accidents at the intersection of Grip and Prairie Roads, one of the worst blind corners in the County. Recent work by Skagit County to extend the site distance has not significantly changed the response time for a driver, and while past lowering of the speed limit has helped

some, but having trucks and trailers essentially blocking the intersection throughout the day will lead to disaster, regardless of a blinking warning light (that the drivers will assuredly become numb too).

While Grip Road can technically be argued to be traversable from the property in question to Prairie Road, it absolutely cannot the other way (east). The two 90-degree corners immediately west cannot physically be traversed by a truck and trailer within the bounds of their assigned lanes. Presently, when a truck meets another vehicle, one must stop as the truck must cross into another lane to traverse the corner. It is unclear why traffic analysis did not address this when application materials clearly left open the possibility and likelihood of routing this way (and why the County has only noticed the project with truck traffic going west) without any kind of mitigating measure put forth in the MDNS.

### Future Plans

It is the stated purpose of the applicants and the County that Concrete Nor'West that this project is to haul gravel to haul to their other facilities for processing. However, onsite sales are also mentioned in some documentation, as is residential development. Concrete Nor'West also states their need as the existing pits in their portfolio are being depleted. That begs the question of why would they continue to haul to other pits for processing? It would seem to be much more practical to bring their processing to this site. The issuing of this special use permit with the presently recommended conditions would simply lead to further intensification of the site and all that would entail (onsite processing, retail sales, batch plant construction?). Honesty and consistency on the part of the applicant with proper conditioning of the permit is a must, with an MDNS issued that applies concrete terms, not generalities; to be applied to any issued permits as well. Concrete Nor'West has not been a good neighbor here, or on other properties, and there is no reason to think that would change.

The County has consistently put forth an average number of truck trips per day. The applicants have clearly indicated not wishing to be bound by this number on a daily basis. Using it without any actual limitation or conditions is quite arbitrary and by not putting

### Conclusions

Whether I am sure that it was not intentional, the permitting review of this project quite preferential to the applicants and has created a high level of distrust with Skagit County in the local community, and I find that quite unfortunate. It is understood that as a company that supplies materials derived from mining operations that a reliable supply going forward would be a business necessity. However, unlike the other gravel pits in the Concrete Nor'West portfolio, they are not acquiring an existing pit in a neighborhood, but creating a new one in an existing, long established neighborhood. There will be notable environmental, quality of life, and safety impacts with no notable or worthwhile mitigating conditions placed upon the applicants, and in many regards is a slap in the face

to the citizens of Skagit County I work with on a daily basis that must comply with Skagit County Code to get their permits. Regardless of the complete lack of understanding of the SEPA process to put a mitigating condition as following County code, in the instance of following the CAO while blatantly ignoring factual errors as pointed out by professionals as well as representative of the Agency which wrote and manages the documentation the County is to follow is appalling.

A cursory exercise in the finances of the project shows that there will be in excess of \$100,000,000 of material sold, this is of course before costs and using an average sale price (~\$25/cy as typical for 5/8 minus), but reflects the sheer volume of money involved and the resources Concrete Nor'West should be willing and able to mitigate the impacts that they will create. We, the neighbors of this site, and the citizens of the County as a whole, should not have to bear the costs for a private companies profit whether it be lost property values, health and safety, or via sacrifice of local habitat and sensitive environments. While at this time I do not support the project as proposed, the appropriate conditions following review (that is required by Skagit County Code) would make it much more palatable and supportable. This should be via a holistic review of the proposal followed most likely by an EIS.

Thank you for your time and consideration on this matter.

Respectfully,

Matt Mahaffie

29 April 2021

Michael Cerbone  
Assistant Director  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Re: Concrete Nor'west/Miles Sand & Gravel; PL16-0097 & PL16-0098, Notice of Withdrawn and Re-Issued Mitigated Determination of Non-Significance (MDNS)

Dear Mr. Cerbone,

I would like to comment on the SEPA determination issued by Skagit County Planning and Development Services in response to the mine development application submitted by Mile Sand & Gravel's.

While the conditions suggested in this MDNS are more substantial than in the previous one issued nearly five years ago, I am disappointed that these conditions reflect a limited understanding of the scale and scope of the project and offer only piecemeal and symbolic mitigation, rather than specific and prudent measures to protect our community's well-being.

First, we see no limitation on the volume of truck traffic. And this is a very important point. While the applicant suggests an average of 46 truck trips per day, it's clear that the average is a meaningless number when it comes to determining traffic safety impacts. Speed limits, for example, are set based on the maximum safe speed of travel, and principle for a maximum limit on mine traffic volume should be similar. The applicant's own analysis suggests that up to 30 truck & trailer combos or up to 70 single dump truck trips per hour might occur. It is reasonable to expect the SEPA determination to evaluate the traffic safety impacts of the project based on this maximum, and mitigation conditions should set hard limits on this number, frequency, and duration.

Second, the application and mitigation plan lack clear definitions and maps of all haul routes. There is a proposed route but there is no specified limitation of mine traffic strictly to the defined routes. Neither the County Government nor the public can evaluate the traffic safety impacts of the project and the adequacy of the MDNS without this information. We need a safety analysis of all haul route intersections and road segments to determine whether or not trucks traveling to and from the mine will stay within their lane of traffic, and the mitigation measures to be required for every location where they will not.

I am glad to see that the new MDNS recognizes and requires mitigation for the fact that truck & trailer combos are unable to navigate the two sharp curves on Prairie Road east of Old Highway 99 without encroaching on the opposing lane of traffic. However, this is not the only spot along the proposed haul route, or the other likely alternative routes, which are similarly difficult to traverse for truck & trailer combos. The S-curves on Grip Road are particularly challenging and

on a steep incline. Why haven't these other problematic spots been evaluated, and mitigation measures been required? What happens when a school bus meets a gravel truck on these shoulderless curves?

Third, our rural roads have seen a large number of traffic accidents in recent years. My wife and I commute to Bellingham on a daily basis and often pass accident scenes on Highway 99 and sometimes on Prairie Road. And everyone in our community has stories about near misses. Has any analysis been performed to see what's causing all these accidents? In the analysis provided by the applicant I haven't seen any indication how this additional traffic will impact existing traffic. Do speed limits or passing conditions need to be adjusted to improve safety? I have personally observed how slow-moving trucks can cause irritation and provoke unsafe passing behaviors in some drivers.

Fourth, what's the long-term impact going to be on our public infrastructure? Adding heavy mine traffic to our existing, substandard roads will cause increased damage and higher maintenance costs. These impacts must be evaluated and the applicant should be required to pay their proportional share of the costs. An important example is the slumping shoulder and roadway on the south side of the Grip Road hill S-curves, which have required frequent repairs over the last few years just with existing traffic levels. It's no secret that as the gross vehicle weight increases, the damage to road infrastructure increases exponentially.

Finally, I would like to express my disappointment in the "flashing light" solution to the Grip and Prairie intersection problem. This seems like such a band-aid solution. Instead of eliminating the source of the danger, you're just asking drivers to be on the lookout for danger. Yes, that may help raise driver awareness, but it's really only a half-hearted attempt to rectify the problem, when the applicant's own analysis shows there's a safe, albeit more expensive, solution.

I hope that you and your staff will take another deep and thoughtful look at the application, the concerns raised by community members and your own analysis. There's a lot of room for improvement here.

Respectfully,  
Jed Holmes  
7691 Delvan Hill Road  
Sedro-Woolley, WA 98284

