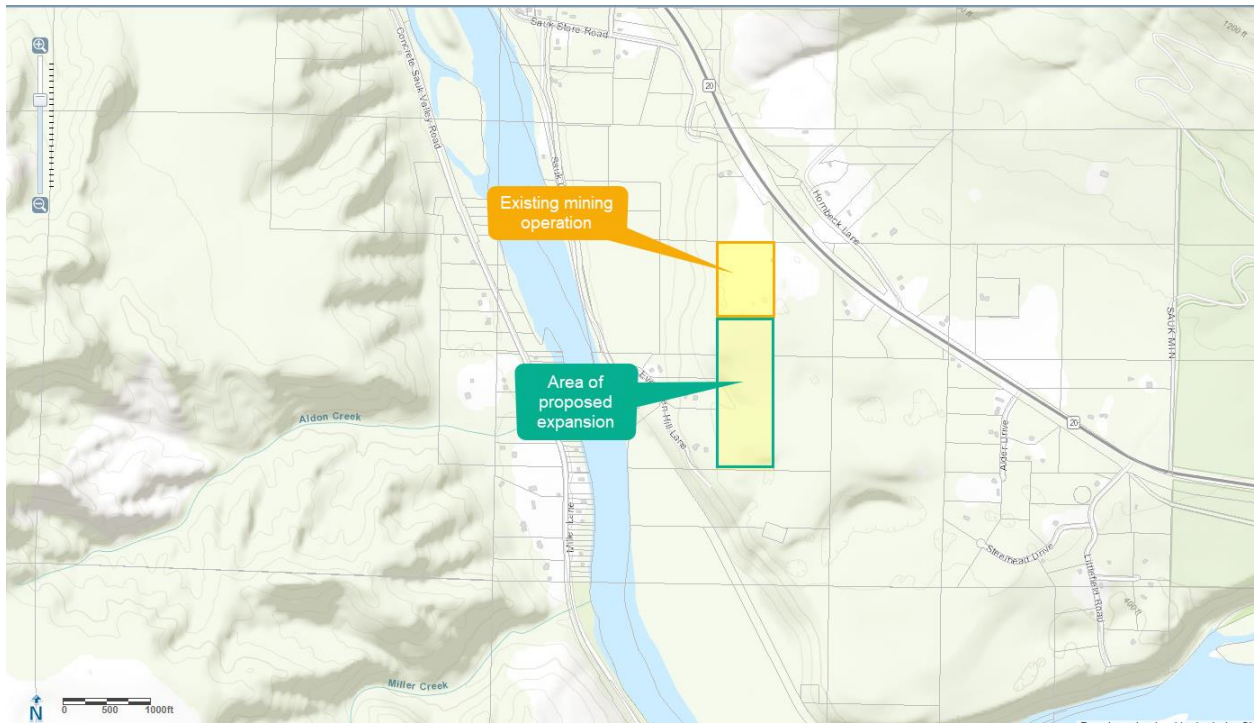




# Skagit County Planning & Development Services

## SEPA Checklist Review – Staff Report, January 11, 2024

- Project Name:** Skagit Aggregates Rockport Pit Expansion
- File Numbers:** PL20-0507 Special Use Permit (SUP), PL22-0435 Forest Practice Conversion (FPC)
- Applicant & Landowner:** Skagit Aggregates, LLC  
C/O Steven Dahl  
P.O. Box 398  
Clear Lake, WA 98235  
(360) 420-6309
- Contact:** Ronald Jepson  
(360) 733-5760
- Parcel Numbers:** P44865 (proposed gravel mine expansion tax parcel) & P123394 (existing gravel mine tax parcel)
- Project Description:** Skagit Aggregates, LLC applied for Special Use Permit (SUP) PL20-0507, to expand an existing gravel mining operation from an approximate 10-acre tax parcel, P123394, to the contiguous southerly 30-acre tax parcel, P44865, for a total of approximately 40 acres. The proposed expansion will remove an estimated 2,670,000 cubic yards of material in three phases. The material will be processed on-site with a proposed crushing operation. No blasting will occur at the site. The existing and expanded mining operation will continue to generate 14 average daily truck trips, or 7 loads per day. The site is accessed from State Route (SR) 20 on an existing unnamed road that is shared with Skagit County Solid Waste Sauk Recycling and Transfer Station. The applicant also applied for a Forest Practice Conversion (FPC) permit, PL22-0435, to harvest timber on the southerly 30 acres to allow for the mining expansion. A grading/land disturbance permit application is also required. The subject site is located within the Rural Resource-Natural Resource Lands (RRc-NRL) and the Mineral Resource Overlay (MRO) zoning/comprehensive plan designated area.
- Project Location:** There is no address associated with the subject site located on the south side of SR 20, west of the Town of Rockport, within a portion of the Northeast and Southeast quarters of Section 28, Township 35 North, Range 9 East, W.M.



## Staff Review & Amendments to the SEPA Environmental Checklist:

The following sections correspond with related categories of the environmental checklist submitted for the proposal (dated November 14, 2022), and clarify, amend, or add to that document.

### Environmental Checklist / Environmental Elements

#### 1. Earth:

Potential Impacts: The proposed expansion will remove an estimated 2,670,000 cubic yards (SEPA checklist indicates 2,700,000 cubic yards) of material in three phases. The site consists of Vashon recessional outwash containing sand and gravels suitable for commercial use.

A Geologic Hazard Assessment dated May 21, 2020, was prepared by Stratum Group to *“assess the risk of erosion and landslide hazards on the subject property and to determine whether the planned expansion of the existing surface gravel mine would increase the risk of significant erosion or landsliding”* (pg. 1).

The conclusion of the report states *“Based on our geologic hazard assessment, the subject property is not at risk of landslides or significant erosion. Furthermore, it is our opinion that the planned mining activity will not increase the risk of landslides or erosion on or off the property as long as the final mine slopes are completed consistent with the mine plans and best management practices”* (pg. 9).

County staff requested an assessment of expected slope stability along the western portion of the site following complete excavation of materials. That assessment was completed by Stratum Group (April 18, 2023). That review states *“The final mining grades will not impact the stability of the slope to the west.”* It also concludes *“As noted in our initial assessment, the mine and slope to the west are underlain by well drained sand and gravel and no impervious area or springs are present on the slope to the west. Hence, the mine will not impact the hydrogeology of the slope to the west of the mine. The proposed final excavation grade will not lead to slope failures on the west side of the mine and the final reclamation grading of 2H to 3H:1V will be a very stable grade not subject to landslides or erosion.”*

#### Mitigation Measures:

Pursuant to Skagit County Code (SCC) 14.16.430 (10)(b)(iii), *A minimum 100-foot buffer shall be required for the site where operations are limited to the extraction and transportation of minerals. Once the extraction and transportation operations have been completed, the material in the buffer may be utilized during reclamation.*

The Geologic Hazard Assessment dated May 21, 2020, prepared by Stratum Group, recommends *“that no soil or vegetation debris be placed on or within the 10 feet of the*

*top edge of the slope to the west of the subject property. Such debris piles can eventually build up and form a wet unstable mass that will slide down the slope, damaging the slope and increasing the likelihood of a future slope failure” (pg. 9).*

Post-mining reclamation of the site will be in accordance with Washington State Department of Natural Resources (DNR) reclamation standards.

## **2. Air:**

Potential Impacts: The mining operation and associated activities will generate dust and equipment exhaust.

The SEPA checklist states that dust control can be accomplished by watering (spraying water on dust generating activities). Truck generated dust will be minimized by a quarry spall or paved entrance to the site and by water suppression.

A Written Dust Suppression Plan intended to meet the requirements of SCC 14.16.440(8)(e) and that follows the Northwest Clean Air Agency’s regulations regarding Crushing Operations and Portable Sources (Section 512 and 514) was prepared for the project (updated February 1, 2023). An additional Written Dust suppression Plan specific to the Mobile Crushing Operation was also prepared (updated January 17, 2023). These plans specifically address materials loading, wind erosion, paved and unpaved traveled surfaces, conveyors, crushers, screens, and other fugitive and process emission points. They also list the requirements for record keeping.

### Mitigation Measures:

The Written Dust Suppression Plans include operational best management practices for minimizing fugitive dust emissions during mining, stockpiling, and rock crushing activities. The plans also address inspection and reporting requirements if fugitive dust is observed.

## **3. Water:**

Potential Impacts: Gravel mine expansion may increase surface water runoff and impact groundwater quality.

**Surface Water:** The SEPA checklist describes surface water bodies, including the Skagit River, within the vicinity of the site. The critical areas review from 2001 did not identify any indicators of critical areas other than geologic hazards.

**Groundwater:** The applicant submitted a Hydrologic Assessment prepared by the Stratum Group dated May 21, 2020. The report concluded that the surface gravel mine expansion will not impact groundwater quality, quantity, or distribution if the proposed mine plans are followed (p. 8). The Stratum Group prepared a separate statement

dated December 22, 2023, which stated that additional stormwater infiltration will not cause significant groundwater mounding.

**Water runoff (including stormwater):** The applicant submitted a Hydrologic Assessment prepared by the Stratum Group dated May 21, 2020. Per this report, the high infiltration capacity of site soils currently exposed and at the planned base of mining activities is expected to result in full infiltration of all precipitation not taken up by evaporation and transpiration and is unlikely to result in the formation of new surface water courses on or off the subject property.

A preliminary Stormwater Management Manual (SWMM) Compliance document was also prepared for the project (August 28, 2023). For each phase, a land disturbance permit will be required as part of the Forest Practice Conversion process. Those permits will require compliance with the SWMM in effect at the time of land disturbance permit application.

**Mitigation Measures:** Potential stormwater and hydrogeologic impacts are addressed by local, state, and federal regulations, permits (Sand and Gravel permit, special use permit) and best management practices (DNR's Best Management Practice for Reclaiming Surface Mines in Washington and Oregon, OFR 96-2). Sand and Gravel Mines are regulated by the Washington Department of Ecology and require a Sand and Gravel General Permit for mining operations. The Sand and Gravel General Permit requires the applicant to comply with the provisions of the Washington State Water Pollution Control law (RCW 90.48) and the Federal Water Pollution Control Act (Clean Water Act), Title 33 United States Code, Section 1251.

#### **4. Plants:**

**Potential Impacts:** The area of expansion is approximately 30 acres and is currently forested. It has been logged in the past. The SEPA checklist indicates that 100% of the existing vegetation (deciduous and evergreen trees) will be removed within the mining boundary. Some vegetation will remain along the 10-foot DNR reclamation boundary. There are no known listed threatened or endangered plant species on or near the project site.

The Forest Practice Conversion (FPC) application indicates that approximately 27 acres will be harvested, or approximately 25 thousand board feet.

**Mitigation Measures:** The existing and expanded gravel mine will be revegetated with native species according to the DNR reclamation plans.

#### **5. Animals:**

**Potential Impacts:** The SEPA checklist indicates the presence of deer, elk, racoon, hawk, eagle, black bear, bobcat, and cougar. A supplemental report was prepared by the

Stratum Group on 2/3/2022 indicating among other findings, “The property does not meet the minimum guidelines set forth the in the Washington State Forest Practice Rules (WAC 222-16-085) for private landowners to be considered suitable roosting foraging, and/or dispersal habitat for northern spotted owl.

Mitigation Measures: No specific mitigation measures are proposed other than restoration of the site during reclamation.

## **6. Energy and Natural Resources:**

The environmental checklist adequately addresses the issues of this section.

## **7. Environmental Health:**

Potential Impacts: Gravel mine expansion will include the use of petroleum fuels for equipment operations and may have a potential impact to environmental health in the event of a fuel spill.

The existing gravel mine operation utilizes a double walled diesel tank for petroleum storage and small quantities of oil for use in equipment (dump trucks, wheel loaders, excavators, bulldozers, screen plants, and mobile crushers).

The gravel mine must maintain coverage under the state Sand and Gravel General Permit, which includes requirements to implement a Source Control Stormwater Pollution Prevention Plan (SWPPP). The SWPPP will need to include best management practices (BMPs) for storage, handling, disposal of chemicals, fluid, and petroleum. The Sand and Gravel Permit also requires the permittee to implement a Spill Response Plan.

A Noise and Vibration Code Compliance Report prepared by The Greenbusch Group, LLC dated July 21, 2023. That report indicated the operations may result in exceeding the allowed level of noise offsite. Mitigation measures are proposed to reduce those noise levels to meet current state requirements. Vibration impacts were analyzed, and the report determined that since the mining operations are required to maintain a minimum 100-foot buffer from neighboring properties and the impacts distances are all less than 100 feet, there will be no offsite vibration impacts.

Mitigation Measures:

### Fuel Spill

The SWPPP and Spill Response Plan required by the state Sand and Gravel Permit will include BMPs for fuel storage and measures for responding to spills.

### Noise

Mining operations must implement measures identified in the Vibration Code Compliance Report prepared by The Greenbusch Group, LLC dated July 21, 2023.



### Vibration

No specific mitigation measures proposed.

### **8. Land and Shoreline Use:**

Potential Impacts: The zoning designation of the existing mine tax parcel and proposed expansion tax parcel are in the Rural Resource – Natural Resource Lands (RRc-NRL) and the Mineral Resource Overlay (MRO). Per Skagit County Code (SCC) 14.16.430(4)(g), *If located within a designated mineral resource overlay, extracting and processing mineral resources pursuant to SCC 14.16.440, Mineral Resource Overlay (MRO) is an allowed use with an approved Hearing Examiner special use permit. Surrounding properties are in the RRc-NRL or Rural Reserve (RRv) zoning designation. Each zoning designation includes a list of allowed uses, either permitted outright or allowed with an administrative or hearing examiner special use permit. Single family residences are permitted outright in the RRc-NRL and RRv zoning designation.*

The existing mine tax parcel and proposed expansion tax parcel are not located within shoreline jurisdiction.

Review of site from 2001 found no critical areas indicators other than potential geologic hazards. Assessments submitted with this application verify those findings.

Potential impacts to surrounding residential uses from the expansion of the mine are similar to the current impacts of the existing mine including noise, dust, and truck traffic. Noise and dust have been addressed above and there will be no changes to truck traffic.

Mitigation Measures: No specific mitigation measures proposed.

### **9. Housing:**

The environmental checklist adequately addresses the issues of this section.

### **10. Aesthetics:**

The environmental checklist adequately addresses the issues of this section.

### **11. Light and Glare:**

The environmental checklist adequately addresses the issues of this section.

### **12. Recreation:**

Potential Impacts: The gravel mine expansions may impact local recreational opportunities in the area. While vehicle traffic will not increase from the expansion of the mine, traffic from tourism may increase in years to come leading to minor delays related to turning trucks.

Rockport State Park is approximately one mile east of the gravel mine location. Howard Miller Steelhead Park is located approximately 1.3 miles east of the mine.

Mitigation Measures: No specific mitigation measures proposed.

### **13. Historical and Cultural Preservation:**

Potential Impacts: The gravel mine expansion may impact cultural resources, areas of cultural importance, or historic buildings or structures on or near the site.

The SEPA checklist indicates there are no known historic buildings or structures onsite.

Mitigation Measures: An inadvertent discovery plan is required. Should any human remains, archaeological, historic, or cultural resources be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of discovery, or as soon thereafter as possible, the owner/applicant shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington Department of Archaeology and Historic Preservation, and affected tribal governments. If, following consultation with all parties, it is determined additional archaeological and cultural resource assessment is required, the owner or operator of the mining operation shall retain the services of a professional archaeologist to prepare an assessment. Project work in the affected area shall only continue when conformance with applicable state and federal law is met.

### **14. Transportation:**

Potential Impacts: The gravel mine expansion will not increase vehicular daily trips.

The Access Memorandum by Gibson Traffic Consultants, Inc. dated September 19, 2019, concludes that "The subject site is anticipated to expand by approximately 30 acres; however, the anticipated extraction of material from the site is to remain at a maximum of 50,000 tons/year. The 30 acres will allow the life of the gravel mine to extend out at least an additional 20 years. The site is likely not to generate many new trips due to the existing operation continuing."

Mitigation Measures: An updated WSDOT access connection permit is required as a condition of the Special Use Permit (SUP).

### **15. Public Services:**

The environmental checklist adequately addresses the issues of this section.

### **16. Utilities:**

The environmental checklist adequately addresses the issues of this section.



## County & Agency Comments:

Following is a list of the comments received from county staff and agencies to date:

- a. **Public Works** - Joe Amaro; [jamaro@co.skagit.wa.us](mailto:jamaro@co.skagit.wa.us); (360) 416-1435
  - A written private road maintenance agreement addressing the rights and responsibilities of all benefited property (Skagit County & Skagit Aggregates) will be required.
  - The Private access road currently is in need of maintenance, Skagit Aggregates and Skagit County will be obligated to work together and decide what necessary road maintenance is needed.
  
- b. **Fire Marshal** - Bonnie LaCount; [bonniel@co.skagit.wa.us](mailto:bonniel@co.skagit.wa.us); (360) 416-1842
  - Install fire extinguishers in any buildings or adjacent to any fuel storage, or dispensing tanks. They shall comply with the 2018 IFC, Section 906 Standards.
  - A separate fire code permit is required for any permanent fuel dispensing on site and shall comply with the 2018 IFC, Chapter 5706.2.1 through 5706.2.8.1
  - Any blasting or storage of explosives shall comply with the 2018 IFC, Chapter 56
  - Gated entrances on the property shall have emergency access with a KNOX lock or gate switch installed along with 24-hour emergency contact posted.
  - Annual fire life safety inspection shall be conducted and coordinated with the Skagit County Fire Marshal Office.
  - Emergency access road shall be maintained and provided for the proposed mine at all times.
  
- c. **Critical Areas** - Leah Forbes; [leahf@co.skagit.wa.us](mailto:leahf@co.skagit.wa.us); (360) 416-1337
  - Review of site from 2001 found no indicators other than potential geologic hazards. Assessments submitted with this application verify those findings. However, please have the Stratum Group confirm the conclusions of their report include analysis of slope stability along western portion of site following complete excavation of materials.
  
- d. **PDS Water Resources** - Brannon McNellis
  - No new ground or surface water use proposed. Trucked water to be used for dust control. Bottled water to be used for employees. No new structures proposed.
  - HG report reviewed and approved. Per the Stratum report, dated 12/20/2019, No hazardous materials or organic wastes shall be used as backfill soils.

- e. **Environmental Health** - Greg Geleynse; [gregg@co.skagit.wa.us](mailto:gregg@co.skagit.wa.us); (360) 416-1556, Britt Pfaff-Dunton; [brittp@co.skagit.wa.us](mailto:brittp@co.skagit.wa.us); (360) 416-1562
- Water (SCC 12.48) review - Approval is only for use of bottled water for employees; plumbing is not proposed. A plumbed proposal would require an approved public water system.
  - Septic (12.05) review - Approved if no structure with plumbing is proposed. If there is a plumbing structure, approved sewage disposal will be required.
- f. **Building** – Randy Johnson; [randyj@co.skagit.wa.us](mailto:randyj@co.skagit.wa.us); (360) 416-1321
- Any existing structure on site after July 1, 1989 would [be] require a building permit. That would include any portable buildings over 200 S.F.
  - Structures over 200 S.F. that are going to be relocated in a different area would require a building permit.
  - Water Vessel/Tanks over 500 gal would require a permit. Please provide engineering for seismic and wind.
  - Permanent office structures for full time employees would require a restroom. IBC 2902
  - Please contact Randy Johnson, Plans Examiner, if you have questions.
- g. **Stormwater** – Shawn Christensen; [shawnc@co.skagit.wa.us](mailto:shawnc@co.skagit.wa.us); (360) 416-1327; PL20-0507 SUP
- All recommendations and requirements listed in the special reports (geologic assessment, hydrologic assessment, etc.) shall be considered conditions of the permit.
  - The project shall comply with all requirements of all applicable Department of Ecology industrial and/or sand and gravel permits.
- PL22-0435 FPC
- Per SCC14.22.020 a land disturbance/grading permit is required. Due to proposed extent of work the plans/documents shall be prepared by a civil engineer licensed in the State of Washington.
  - All applicable requirements of SCC 14.22 and 14.32 shall be met.
- h. **Current Planning** – Brandon Black; [brandonb@co.skagit.wa.us](mailto:brandonb@co.skagit.wa.us); (360) 416-1326
- Current planning has no comments on this proposal.
- i. **NWCAA** – Matt Holmquist; [matth@nwcleanairwa.gov](mailto:matth@nwcleanairwa.gov); (360) 419-6840
- Skagit Aggregates needs to ensure it follows the most stringent applicable standards. In this case, it may include requirements from the general rule on crushing operations in NWCAA Sections 512 &

514. They make reference to General Order of Approval No. 11AQ-GO-001 Stationary and Portable Rock Crushers dated December 6, 2011 and approved by Northwest Clean Air Agency March 13, 2022. I cannot easily locate that permit, issued by another agency, nor reference to a NWCAA approval under Skagit Aggregates LLC (Customer #2307 – a portable crushing operation). They will need to include all applicable permits and approvals as part of their documentation.

- j. **WSDOT** – Roland Storme; [stormer@wsdot.wa.gov](mailto:stormer@wsdot.wa.gov); (360) 757-5961; Cori Fahrni; [FahrnCR@wsdot.wa.gov](mailto:FahrnCR@wsdot.wa.gov)
- Apply for an updated Access Connection Permit (see attached) to address bringing the radius and any other WSDOT requirements up to current standards.

**Public Comments:** The Notice of Development Application (NODA) was published in the Skagit Valley Herald on December 8, 2022, with a comment period ending on December 23, 2022. The NODA was posted onsite and mailed to all landowners and occupants within 1320 feet of the project parcels. One comment was received from a neighboring property owner which stated: *I have concerns regarding the impact this project may have on the surrounding forests, river, and the water table. I reside on a property adjacent to the proposed site and am concerned about noise pollution we will have to endure as well. My wife and I purchased our property knowing it bordered a designated natural resource land area. We are not happy about any adjustments made to that land and how it might impact our quality of life and potential resale value. We do not agree with any approvals given to expand the mining operations being proposed.*

#### **Conclusions & Recommendations:**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below, which are conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12. Such conditions are binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

#### **Mitigation Measures:**

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW, and other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

The following conditions have been identified that will be used to mitigate the impacts of the proposal:

1. A written private road maintenance agreement addressing the rights and responsibilities to all benefited properties (Skagit County & Skagit Aggregates) will be required.
2. The applicant must obtain an access permit from Washington State Department of Transportation.
3. All recommendations and requirements listed in the special reports including but not limited to the geologic assessment and hydrologic assessment are considered conditions of the permit approval.
4. The project must obtain and comply with all requirements of the Washington State Department of Ecology sand and gravel permit.
5. Water for dust suppression must be trucked in from an approved offsite source. Only bottled water may be used for human consumption. No plumbing onsite is approved without a septic permit.
6. An inadvertent discovery plan must be prepared and kept onsite at all times. All staff, contractors, and volunteers should be familiar with its contents and know where to find it.
7. The project must comply with the recommendations of the July 12, 2023 Noise and Vibration Code Compliance Report prepared by The Greenbusch Group, LLC.
8. All activities must comply with the recommendations of the Written Dust Suppression Plans as approved by Northwest Clean Air Agency.
9. The applicant must obtain all applicable local, state, and federal permits before beginning any phase of construction.

**Environmental Determination Comment & Appeal Process:**

The County is making its determination under WAC 197-11-340 to issue a DNS with a 14-day comment period followed by a 14-day appeal period. Written comments must be received no later than 4:30 pm on January 25, 2024. Appeals must be submitted by 4:30 pm on February 8, 2024.

Appeals must be filed in writing together with the required application fee to:

Skagit County Planning & Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Such an appeal to the Hearing Examiner is governed by Skagit County Code Sections 14.06.170 and 16.12.210. Additional information regarding the appeal process may be obtained from Skagit County Planning & Development Services by calling (360) 416-1320.

**Staff Contact:** Natural Resources Planning Group  
Attn: Leah Forbes, AICP  
1800 Continental Place  
Mount Vernon, WA 98273  
(360) 416-1320