

## **MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

**Special Use File PL02-0686**

**Miles Sand and Gravel**

**Butler Pit Expansion**

**PROJECT DESCRIPTION:** Concrete Nor'West, a division of Miles Sand and Gravel Company Inc., purchased a seven acre gravel mine located adjacent to their existing Butler mining site from the Department of Natural Resources. The DNR completed the mining proposed under Special Use Permit SPU93-025. Since 1996, the DNR removed gravel from the project site leaving gravel approximately one foot above the water table. Concrete Nor'west proposes to mine the project site below the water table, similar to how mining has occurred at their adjacent Butler Mine. An additional 280,000 cubic yards of material is planned to be mined between 2003 and 2005. The new special use permit application is required by Skagit County Code 14.16.440(3)(c) which requires a special use permit for expansion beyond the original limits of the initial permit. The new permit is requested to allow expansion of the use permitted under SPU 93-025. All extracted material will be moved via conveyor belt to the Butler mine site to be processed and sold. Wet mining with an electronically operated dredge produces less noise than dry mining. The existing berm and fifty foot setback from the right-of-way of Kelleher Road will mitigate any potential noise impacts. Access will only take place from the approved Butler Pit site. The expansion of the pit is considered feasible and should not materially change the current pool to creek gradients nor in any manner modify hydraulic relationships that now exist. The horizontal project boundaries will remain the same. This proposal will lower the gravel pit floor approximately 71 feet below the water table. The pit will be sloped downhill to the west away from Kelleher Road. Concrete, asphalt or washing plants will not be allowed on site.

**ZONING/COMPREHENSIVE PLAN DESIGNATION:** The proposed project is located within the Rural Resource-Natural Resource Lands (RRc-NRL) Zoning/Comprehensive Plan designation with a Mineral Resource Overlay zone as designated on the July 24, 2000 Zoning/Comprehensive Plan map.

**PROPOSED LOCATION:** The proposed project is located on Kelleher Road, Mount Vernon Washington two miles east of old Highway 99 and 1.2 miles west of F and S Grade Road within a portion of Section 16, Township 35 North, Range 4 East W.M., Skagit County, Washington. The project parcel is P119521 and the Assessor's number is 350416-2-001-0002.

**PROPONENT:** Concrete Nor'West, Miles Sand and Gravel Company, Inc., Ken Coats, P.O. Box 280, Mount Vernon, WA. 98273

**APPLICATION MATERIALS AVAILABLE:** A completed Special Use permit application, SEPA checklist, Critical Areas Checklist, Fish and Wildlife Habitat Assessment and Proposed Mitigation Plan, Surface Drainage Analysis Report, Hydrogeology Impact Investigation and other application materials are on file with the Skagit County Planning and Permit Center.

**OTHER REQUIRED PERMITS OR APPROVALS:** that will be needed for this proposal include:

- DNR SM-6 and DNR SM-8(A) permits

**LEAD AGENCY:** Skagit County Planning and Permit Center.

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use

and/or permit pursuant to Skagit County Code 14.24.100(7). Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. The project shall be in compliance with the Skagit County Code, Chapter 14.32, Drainage.
2. The applicant shall comply with Northwest Air Pollution Authority requirements.
3. The applicant shall comply with Fire Code Standards.
4. The applicant shall comply with all relevant provisions of Skagit County Code 14.24 Critical Areas Ordinance, and Skagit County Code, 14.16, Zoning Ordinance.
5. Compliance with Chapter 173-60 WAC Maximum Environmental Noise Levels and Skagit County Code 14.16.840, Performance Standards is required.
6. As a condition of permit approval, the applicant shall submit a water level monitoring plan for approval by the Planning and Permit Center.
7. Mining Operations shall be subject to biannual inspections required by the Mine Safety and Health Administration, US Department of Labor.
8. The applicant shall obtain all necessary approvals from the Department of Natural Resources and copies of SM-6 and SM-8(A) referencing the project file number PL02-0686.
9. The applicant shall comply with Skagit County Code Chapter 14.24, Critical Areas Ordinance, and all conditions of the Fish and Wildlife Assessment. The required critical area buffer shall be placed into a Protected Critical Areas agreement pursuant to SCC 14.24 170.

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

Comments must be submitted by April 4, 2003.

APPEALS. Appeals of this threshold determination will be processed in accordance with Skagit County Code 14.06.110 and by filing such appeal application and appeal fees with the Skagit County Planning and Permit Center for service to the SEPA responsible official within fourteen (14) calendar days after the expiration of the threshold determination comment period.

Appeals must be submitted no later than April 18, 2003.

RESPONSIBLE OFFICIAL: Planning Director

CONTACT PERSON: Linda Kuller, AICP, Senior Planner

ADDRESS: 200 W. Washington Street, Mount Vernon, WA 98273.

PHONE: (360) 336-9410

Date \_\_\_\_\_ Signature \_\_\_\_\_  
For Gary R. Christensen, Interim Director

cc: WDOE, Public Works, NWAPA, Chal Martin, Fire Marshal, WSDF&W, Department of Natural Resources, Skagit Systems Coop, U.S. Army Corp., Applicant, L,B and S, Inc., Skagit County Health Department

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