

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
PL16-0556

PROJECT DESCRIPTION: On December 2, 2016, Lake Erie Pit 1, LLC filed an application for a mining special use permit (PL16-0556) to expand an existing gravel mining operation from 17.78 acres to a 53.5 acre operation. The gravel mining operation will remove approximately 2,250,000 cubic yards of gravel over an approximately 60 year period and extend to a depth of approximately 50 feet below existing grade. Gravel will be removed from the site by truck and trailer, generating an average of 13 loads per day or 26 truck trips per day. The mining operation will process material onsite with a screen and rock crusher. The site is accessed from Rosario Road on an existing private gravel driveway. No offices or structures are proposed to be built onsite. The subject site is located within the Rural Resource-Natural Resource Land and mineral resource overlay zoning/comprehensive plan designated area. For additional information contact Skagit County.

Proponent for Lake Erie Pit, LLC: McLucas & Associates, PO Box 5352, Lacy, WA 98509

Location of proposal: The subject site is located south of the intersection of Rosario Road and Marine Drive, within a portion of the northwest quarter of Section 11, Township 34 North, Range 1 East, Skagit County, WA (Parcels P19108, P19155, P19158, P19161, P19162, P19164, P19165, & P90028).

Lead Agency: Skagit County Planning and Development Services

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

1. The public right-of-way shall be kept clean. Tracking of mud and debris off site shall not be allowed. An asphalt apron, with rumble strips, shall be constructed from the asphalt edge of Rosario Road 100 feet into the property on the existing/proposed gravel mine access road to prevent tracking of mud and debris off site.
2. The applicant shall comply with Northwest Clean Air Agency (NWCAA) requirements, including all dust control requirements both on and offsite. Visible dust generation shall require immediate best management plan (BMP) implementation as described in the Lake Erie Pit air quality best management practices recommendation memorandum by Maul Foster Alongi dated September 15, 2016.
3. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, shall be in place prior to the initiation and maintained

for the duration of the project pursuant to Skagit County Code (SCC) 14.32, Stormwater Management Ordinance.

4. The project shall comply with noise, vibration, and light/glare limitations as per SCC 14.16.840. Noise control mitigation measures, consistent with the noise study, shall include:
 - a. Maintain a 100 foot mining setback from Rosario Road and all property lines,
 - b. No mining shall occur on parcel P19108,
 - c. Prior to mining on parcels P19158 and P90028, a 14 foot high earthen berm or equivalent noise barrier shall be constructed to shield the excavation equipment on the western side of the parcel,
 - d. Prior to mining on parcels P19161, a 16 foot high earthen berm or equivalent noise barrier shall be constructed to shield the excavation equipment on the northern and eastern side of the parcel,
 - e. Prior to mining on parcels P19164, a 12 foot high earthen berm or equivalent noise barrier shall be constructed to shield the excavation equipment on the northern and eastern side of the site,
 - f. Rock crushing and screening operations are limited to the processing area as indicated on the site plan,
5. The project is limited to those activities described in the SEPA checklist and supporting documents. Significant deviation from the proposal may require additional review and approval by Skagit County Planning and Development Services.
6. The site distance to the west of the access road to the mine does not meet AASHTO guidelines for intersection sight distance. The applicant shall clear parcel P19108 of brush, trees and perform site grading as necessary to increase the site distance to Marine Drive.
7. The applicant shall comply with the provisions of Washington State Administrative Code (WAC) 173-200 & 173-201A as required to prevent surface water quality and groundwater impacts. Best management practices shall be utilized to prevent interference and/or degradation of water quality.
8. Gravel mining operations shall not extend to a depth closer than 10 feet above the seasonal high groundwater table as established by the Hydrogeologic Site Assessment report by Maul Foster Alongi, dated September 28, 2016.
9. All soil imported for reclamation of the parcel must be certified as "clean soils", as defined by WAC 173-350-100, by a consulting environmental geologist and independent testing laboratory. Written certification of the clean soils for each source of soil shall be provided to Skagit County Planning and Development Services and the Skagit County Health Department prior to transportation and placement of the soil material onsite. The certification shall indicate the source of the soil tested, locations of the samples obtained, laboratory test results for each source of soil, and the soil sampling data forms.
10. All fill soil imported to the site for the purpose of raising the mine base floor elevation to 300 feet mean sea level shall be placed in lifts not to exceed 8 inches in depth and compacted to 95% of ASTM D- 1557 modified proctor. Soils compaction test reports from a licensed geotechnical engineer verifying compaction shall be provided to the Skagit County PDS annually. The report shall indicate the source of the soil tested,

locations of the compaction tests onsite, depth of fill at time of testing, proctor test results for each source of soil, and the soil compaction test data form.

11. A class IV general forest practice permit shall be obtained from the Washington Department of Natural Resource prior to harvest of any timber onsite.
12. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office to determine if a permit is required.
13. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours, of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

A Copy of this MDNS and special use permit shall be kept on site and made available to inspecting agencies during all phases of mining activity. Failure to comply with any of these conditions will result in all work on the site being stopped until the condition is remedied. This MDNS is issued under 197-11-350(2). The lead agencies will not act on this proposal for 15 days from the date of publication.

Written comments must be received no later than 4:30 pm on: **December 21, 2018**
Email correspondence will not be accepted, however comments may be submitted via the PDS website under the "current legal notices" tab. (www.skagitcounty.net/pdscomments).

You may appeal this threshold determination by addressing those criteria as set forth in SCC 14.06 and 16.12 and then by filing such with Skagit County Planning and Development Services for service to the SEPA responsible official within (14) calendar days after the date of the threshold determination.

Appeals must be submitted by **January 4, 2019**.

RESPONSIBLE OFFICIAL: Director of Planning and Development Services
CONTACT PERSON: John Cooper, Natural Resource Planner
MAILING ADDRESS: Skagit County Planning and Development Services, 1800 Continental Place, Mount Vernon, WA 98273

Phone: (360) 416-1334

Date: December 3, 2018 Signature John Cooper
On behalf of Hal Hart, PDS Director

cc: North West Clean Air Agency, Wash. Dept. of Archaeology & Historical Preservation, Wash. Dept. of Natural Resources, Wash. Dept. of Ecology, Wash. Dept. of Transportation, Wash Dept. of Fish & Wildlife, Wash Dept. of Health, Skagit Co. Public Works, Skagit Co. Fire Marshal, Fire District 11, Skagit River Systems Cooperative, Swinomish Tribal Community, Samish Indian Nation Tribal Council, Upper Skagit Tribal Council, Army Corps, Public Utility Dist #1, City of Anacortes, Anacortes School District, Applicant, Parties of Record.

Please publish December 6, 2018.