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March 18, 2022

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

Attn: Kevin Cricchio, Senior Planner

RE: Reply to Washington State Department of Ecology's public comments regarding February 24, 2022
SEPA MDNS

Dear Mr. Cricchio,

We have reviewed the March 11, 2022 comment letter prepared by Washington State Department of Ecology relative to the February 22, 2022 SEPA MDNS prepared by Skagit County Planning & Development Services for File #'s PL16-0097 and PL16-0098 and are providing our reply to those three points below.

- 1. Wetland Delineation:** The method for wetland delineation was detailed by Graham-Bunting Associates (GBA) in the August 20, 2015 Fish & Wildlife Assessment, and further described in both the May 18, 2015 and April 18, 2017 reports by GBA. On December 27, 2016, Wetland Specialist Doug Gresham for the Washington State Department of Ecology commented to Skagit County regarding the GBA site assessment and had no issue with the delineation of the wetland edge. Finally, the wetland edge was marked in the field by GBA and later those points were picked up by Semrau Engineering and Surveying and are shown on the Mine Plan Set. This should address any confusion regarding the accurate delineation of the wetland edge. These documents are all available on Skagit County's website at <https://www.skagitcounty.net/Departments/PlanningAndPermit/gravelmine.htm>.
- 2. Wetland Rating:** Mining Special Use PL16-0097 was submitted on March 7, 2016 and the application was deemed complete on March 22, 2016 which vests it to the rules in effect at that time. Ecology is correct that the August 20, 2015 GBA Fish & Wildlife Assessment did use the 2004/2008 Wetland Rating Form, which was the form required by the Critical Areas Ordinance in effect by ordinance at the time of the submittal and determination of completeness. It wasn't until July 2016 under Critical Areas Ordinance Update 2006-0004 that the Critical Areas Ordinance was updated to require the use of the 2014 Wetland Rating System. Nonetheless in an attempt to avoid any debate on this issue, NW Ecological Services was able to apply the 2014 Wetland Rating Form to the subject wetland in time to be included in this reply and their results are attached. The subject wetland retains the Category II rating.
- 3. Critical Areas and Buffers / Medium vs. High Impact Land Use:** The definition of Land Use Impact can be found in Skagit County Code (SCC) 14.04.020. With regard to this application and the appropriate Land Use Impact under SCC 14.24.230(1)(a), we have previously presented our rationale for a Medium Impact Land Use in the August 20, 2015 Fish & Wildlife

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Site Assessment prepared by Graham-Bunting Associates (GBA). This Medium Impact Land Use has been previously accepted by Skagit County and relied upon in prior approvals for this project, including the Forest Practice Conversion PL16-0098. The Medium Impact Land Use and the associated 200' buffer will provide a high level of habitat protection to the wetland and riparian area as documented by GBA. The mining in the area closest to the wetland will occur for a relatively brief period. After mining and reclamation are complete, the topsoil will be replaced and the mine site will be replanted with trees, returning to a rural resource and forestry use.

We hope this addresses the concerns raised by Ecology in their letter. Please contact me if you require any additional information or to discuss any of the items above.

Sincerely,

A handwritten signature in black ink that reads 'Dan Cox' in a cursive script.

Dan Cox

General Manger

Encl: March 2022 NW Ecological Wetland Rating Update (2014 Wetland Rating Form)