

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

Revised¹
SEPA Determination of Nonsignificance (DNS) and
Use of Phased SEPA Determination (WAC 197-11-060(5))

File: SEP2011-00060

Project Description: Expand Mineral Resource Land (MRL) Overlay to include most of the remainder of Government Lot 3, Lummi Island, excluding a 200' setback along shoreline and the point off the east side of Smugglers Cove. Size of expansion area is approximately 27.5 acres.

Proponent: Lummi Rock LLC

Address and Parcel #: Lummi Island Quarry, #1 Smugglers Cove, Lummi Island, WA
98262, parcel #370124191084

Lead Agency: Whatcom County Planning & Development Services

Zoning: Rural Forestry (RF) **Comp Plan:** Rural Forestry (RF)

The lead agency for this proposal has determined that no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This revised threshold determination is a phased SEPA decision pursuant to WAC 197-11-060(5) (b) & (c)(ii). Phased review is appropriate when the sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts). In addition, phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues not yet ripe for a SEPA determination.

There is no comment period for this DNS.

Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by December 27, 2011 and should be sent to: Joshua Fleischmann.

Responsible Official: Tyler Schroeder

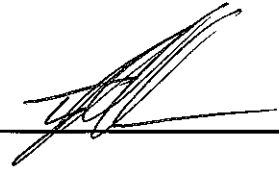
Title: Current Planning Supervisor

Telephone: 360-676-6907

¹ This threshold determination is a revision to a previously issued DNS on September 6, 2011 to incorporate the use of a phased SEPA decision pursuant to WAC 197-11-060(5) for any future permits associated with mineral extraction on the land proposed for the addition of a Mineral Resource Lands (MRL) zoning overlay and re-designation from Rural Forestry to MRL. The underlined sections of this document represent the revised portions.

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: December 13, 2011 **Signature:** _____

A handwritten signature in black ink, consisting of several overlapping, fluid strokes, positioned above a horizontal line.

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding January 6, 2012.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.

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J.E. "Sam" Ryan
Director

SEPA Distribution List
SEP2011-00060
Date of Issuance: December 13, 2011

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 676-6907. Please submit your response by the comment date noted on the attached notice of determination.

SEPA Unit, WA State Department of Ecology, Olympia via email
sepaunit@ecy.wa.gov

WA State Department of Archaeological and Historic Preservation

WA State Department of Fish and Wildlife

WA State Department of Natural Resources

WA State Department of Transportation, SEPA Unit
Mr. Roland Storme

U.S. Army Corps of Engineers

Lummi Nation
Attn: Natural Resources Department
Attn: Cultural Resources Department

Nooksack Indian Tribe
Attn: Natural Resources Department
Attn: Cultural Resources Department

Ferndale School District

Fire District #11

Applicant:
Matt Vaughn

Other:
Lummi Island Conservancy

STARKENBURG – KROONTJE
Attorney at Law, P.S.
313 4th Street
P.O. Box 231
Lynden, WA 98264
(360) 354-7822
Fax: (360) 354-6929
Email: starkenburgkroontje@msn.com

November 29, 2011

Via Delivery

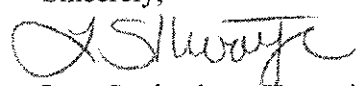
Whatcom County Planning &
Development Services
Planning Division
Attn: Josh
5280 Northwest Drive
Bellingham, WA 98226

Re: MRL Expansion, Lummi Island Quarry

Dear Josh:

Please find enclosed, per your request, the updated SEPA checklist for Lummi Rock, LLC's MRL Comprehensive Plan / Zoning change.

Should you have any questions or require any additional information, please feel free to contact my office.

Sincerely,

Lesa Starkenburg-Kroontje

enc.
cc: Client

Though this checklist is a different format than the official checklist, we have reviewed the questions and found they are accurate.

WHATCOM COUNTY PLANNING & DEVELOPMENT SERVICES
ENVIRONMENTAL CHECKLIST

-Josh
Fleischmann

NOV 29 2011

A. BACKGROUND

1. Name of proposed project, if applicable:

MRL Expansion, Lummi Island Quarry

2. Name of applicant:

Lummi Rock, LLC
PO Box 544
Sumas, WA 98295
(360) 966-3641

NOV 29 2011

3. Contact name, phone number and address:

Matt Vaughn
PO Box 544
Sumas, WA 98295
(360) 966-3641 x 107

4. Date checklist prepared:

December 15, 2010 (with update information prepared on November 23, 2011)

5. Agency requesting checklist:

Whatcom County Planning & Development Services

6. Proposed timing or schedule (including phasing, if applicable):

2011 docket schedule

7. Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal?

Yes.

If yes, explain:

In the event the site is designated MRL/MRL Overlay, there will be possible permits for mineral extraction applied for in the future.

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8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

Water quality from run-off from proposed area and the adjoining active mining site is monitored daily and is reported quarterly to the Department of Ecology.

Previous SEPA determinations were completed for adjacent property. Whatcom County has general information on critical areas and potential location of water courses.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal?

No.

If yes, explain:

- The applicant has applied for a water right through the Department of Ecology.
- Whatcom County has required the applicant apply for a Conditional Use Permit + shoreline Substantial Development Permit for existing developments

10. List any governmental approvals or permits that will be needed for your proposal, if known.

An amendment to Whatcom County Comprehensive Plan map and amendment to Whatcom County zoning map to include an expanded Mineral Resource Land Overlay.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Expand MRL Overlay to include most of the remainder of Government Lot 3, Lummi Island, excluding a 200' setback along shoreline and the point off east side of Smugglers Code. Size of expansion area is approximately 27.5 acres.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

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Lummi Island Quarry
#1 Smugglers Cove
Lummi Island, WA 09262
The property is located in S24, T37N, R1E.
See attached location map, (map 1) to application.

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. General description of the site: Flat, rolling hilly, steep slopes, mountainous, other.

Steep slopes.

- b. What is the steepest slope on the site (approximate percent slope)?

Vertical.

- c. What general types of soils are found on the site (for example: clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Grey wacke and black shale mudstone are the predominant rock types. Some areas of overburden soils exist on site consisting of gravelly – silty loam, from 0 to 40” thick. No prime farmland exists on site.

- d. Are there surface indications or history of unstable soils in the immediate vicinity?

No.

If so, describe.

No unstable surface soils. Mining conditions on the adjacent parcel could create temporary unstable slopes.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.

This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

previous checklist indicated 20 million tons avail. for extraction

Indicate source of fill.

This is a non-project action. Future SEPA review will be completed for

previous check list states all soils will be preserved for regrade + reclamation purposes

pg 3 

any future mineral extractions proposals.

- f. Could erosion occur as a result of clearing, construction, or use?

No.

If so, generally describe. *Previous checklist states insignificant quantities of erosion will take place*

- g. About what percent of the site will be covered with impervious surfaces after construction (for example: asphalt or buildings)?

None.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

None. This will be addressed in future mining permit applications and will be consistent with existing erosion control measures.

2. **AIR**

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors or industrial wood smoke) during construction and when the project is completed? *Previous checklist states "dust"*

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

If any, generally describe and give approximate quantities if known.

This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals. *Previous checklist states that emissions would remain the same as existing conditions which currently comply with Northwest Clean Air regulations.*

- b. Are there any off-site sources of emissions or odors that may affect your proposal?

No. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

If yes, generally describe.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None. This will be addressed in future mining permit applications.

3. **WATER**

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)?

Yes.

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

A salt water body named Smugglers Cove off of Hales Passage. There may be drainage courses to the water body.

Also possibility of wetlands based on staff site visits.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?

No. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

If yes, please describe and attach available plans. *Previous checklist states a 200 foot mining setback will be preserved along shoreline.*

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

None.

Indicate the source of fill material.

None.

4) Will the proposal require surface water withdrawals or diversions?

No.

Give general description, purpose, and approximate quantities if known.

Does the proposal lie within a 100-year floodplain?

No.

If so, note location on the site plan.

5) Does the proposal involve any discharges of waste materials to surface waters?

No.

If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

Will ground water be withdrawn, or will water be discharged to ground water?

No.

Give general description, purpose, and approximate quantities if known.

1) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A.

c. Water runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Near natural drainage conditions will be maintained on site. Most stormwater seeps into fractures in rock. Excess water will be channeled to flow into settlement ponds.


Where will this water flow?

Into the ground.

Will this water flow into other waters?

Yes.

If so, describe.

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Water will eventually seep into ocean following normal course.

2) Could waste materials enter ground or surface waters?

No.

If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any.

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist states run-off from excess storm water flows will be addressed with settlement ponds in future mining permit applications

4. **PLANTS**

a. Check or circle types of vegetation found on the site:

deciduous trees: alder, maple, aspen, other

evergreen trees: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other (Kelp) *in Smugglers Cove, based upon Whatcom County GIS*

b. What kind and amount of vegetation will be removed or altered?

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist stated that deciduous trees, evergreen trees, shrubs and grass will be removed in mining areas

c. List threatened or endangered species known to be on or near the site.

None known to the Applicant.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist stated all landscaping and re-vegetation will be addressed in future reclamation permit applications

5. **ANIMALS**

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

BIRDS:

Hawk, Eagle, Bald Eagle, Band Tailed Pigeon, Pileated Woodpecker, Turkey Vulture, Peregrine Falcon, Common Loon, Great Blue Heron

MAMMALS:

Deer

FISH:

Salmon, Rockfish, Harbor Seal, Sea Lion *Sand lance larvae, Hardshell clam, sea urchin, + Herring spawning, according to Whatcom County GIS*

- b. List any threatened or endangered species known to be on or near the site.

Bald Eagles are seen periodically on or near site as well as Peregrine Falcon (federally protected), Sea Lion (ESA threatened), Puget Sound Chinook and Puget Sound Steelhead (ESA threatened).

- c. Is the site part of a migration route?

Yes.

If so, explain.

Some migratory birds fly overhead. *Pacific Flyway*

- d. Proposed measures to preserve or enhance wildlife, if any.

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist stated Preservation and enhancement will be addressed in future mining permit applications as applicable

6. **ENERGY AND NATURAL RESOURCES**

- a. What kind of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A.

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- b. Would your project affect the potential use of solar energy by adjacent properties?

No.

If so, generally describe.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

N/A.

7. **ENVIRONMENTAL HEALTH**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

No.

If so, describe.

- 1) Describe special emergency services that might be required.

N/A.

- 2) Proposed measures to reduce or control environmental health hazards, if any.

N/A.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There will be no noise created or related to this submission, however noise

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will be addressed in any future mining permit applications as applicable.

- 3) Proposed measures to reduce or control noise impacts, if any.

N/A.

8. **LAND AND SHORELINE USE**

- a. What is the current use of the site and adjacent properties?

Forestry, mining and marine transport.

- b. Has the site been used for agriculture?

No.

If so, describe.

- c. Describe any structures on the site.

None.

- d. Will any structures be demolished?

No.

If so, what?

- e. What is the current zoning classification of the site?

Rural Forestry (RF)

- f. What is the current comprehensive plan designation of the site?

Rural Forestry

- g. If applicable, what is the current shoreline master program designation of the site?

N/A -- Expansion of MRL will remain above the 200 foot shoreline setback.

- h. Has any part of the site been classified as an "environmentally sensitive" area?

The Whatcom County Critical Areas Ordinance maps this area as a potential "Environmentally and Biologically Sensitive Area" for local

Whatcom County GIS labels area as having a primary association for Bald Eagle (HCA-2). Latest PHS information from WDFW labels the area as Biodiversity Areas and Corridor.

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permitting purposes.

If so, specify.

- i. Approximately how many people would reside or work in the completed project?

N/A. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

- j. Approximately how many people would the completed project displace?

N/A – employment will likely increase.

- k. Proposed measures to avoid or reduce displacement impacts, if any.

N/A.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist states the MARL expansion is a precursor to continue land uses that have existed for the last 80 years.

9. **HOUSING**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low-income Housing.

N/A.

- c. Proposed measures to reduce or control housing impacts, if any.

N/A.

10. **AESTHETICS**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the Principal exterior building material(s) proposed?

N/A.

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

MRL expansion is maintaining a 200 foot buffer along shoreline.

11. **LIGHT AND GLARE**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A.

- c. What existing off-site sources of light or glare may affect your proposal?

None.

- d. Proposed measures to reduce or control light and glare impacts, if any.

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist stated any future lighting impacts will be addressed in future mining permit applications where applicable.

12. **RECREATION**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

None. Mining areas are closed to public due to safety concerns.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including

recreation opportunities to be provided by the project or applicant, if any.

None.

13. **HISTORIC AND CULTURAL PRESERVATION**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

None.

- b. Generally describe any land marks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None.

- c. Proposed measures to reduce or control impacts, if any.

None.

14. **TRANSPORTATION**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.

See map 1.

Access is through 1,500 feet of private property to meet with the south end of the Lummi Island road network.

- b. Is site currently served by public transit?

No.

If not, what is the approximate distance to the nearest transit stop?

Approximately 1 mile.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

None. Any future changes in parking requirements will be addressed in future mining permit application where applicable.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways?

No.

If so, generally describe (indicate whether public or private).

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Water transportation. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist stated barge transportation is situated 250 ft from proposal

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None. This is a non-project action. Future SEPA review will be completed for any future mineral extractions proposals.

Previous checklist stated no change is perceived over existing conditions. Any future changes would be addressed in mining permit application where applicable

- g. Proposed measures to reduce or control transportation impacts, if any.

None.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

No.

If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Telephone.

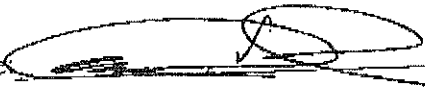
- b. Describe the utilities that are proposed for the project, the utility providing the

service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Date Submitted: ~~12-29-30~~ 11/29/11 *JK* _____

REVIEWED
12/8/11
TKS

pg 15 *JK*

C. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

There would likely be no increases, since this nonproject action only involves the redesignation of acreage to now include the MRL overlay. Any future permits sought will address the impact to water, air and the production of noise.

Proposed measures to avoid or reduce such increases are:

Mitigation will take place through the permit process. In addition, any permits sought will need to meet the regulations adopted by DNR, DOE and Whatcom County.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This proposal to amend the Comprehensive Plan would not likely affect plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Mitigation will take place through the permit process. In addition, any permits sought will need to meet the regulations adopted by DNR, DOE and Whatcom County.

3. How would the proposal be likely to deplete energy or natural resources?

The Proposal will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

N/A.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Under State law local jurisdictions are to protect both forest resources and mineral resources. This proposal recognizes the existence of both on the site to ensure both resources are properly protected and managed.

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This proposal would make land use plans more consistent with the available natural resources on site. The proposal specifically provides an area 200 feet in width adjacent to the shoreline that will not be included in the MRL designation.

Proposed measures to avoid or reduce shoreline and land use impacts are:

In the event mining permits are sought the proposal will adhere to all regulations and will be designed to limit impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This proposal is not likely to have any impact on transportation or public service/utility demands.

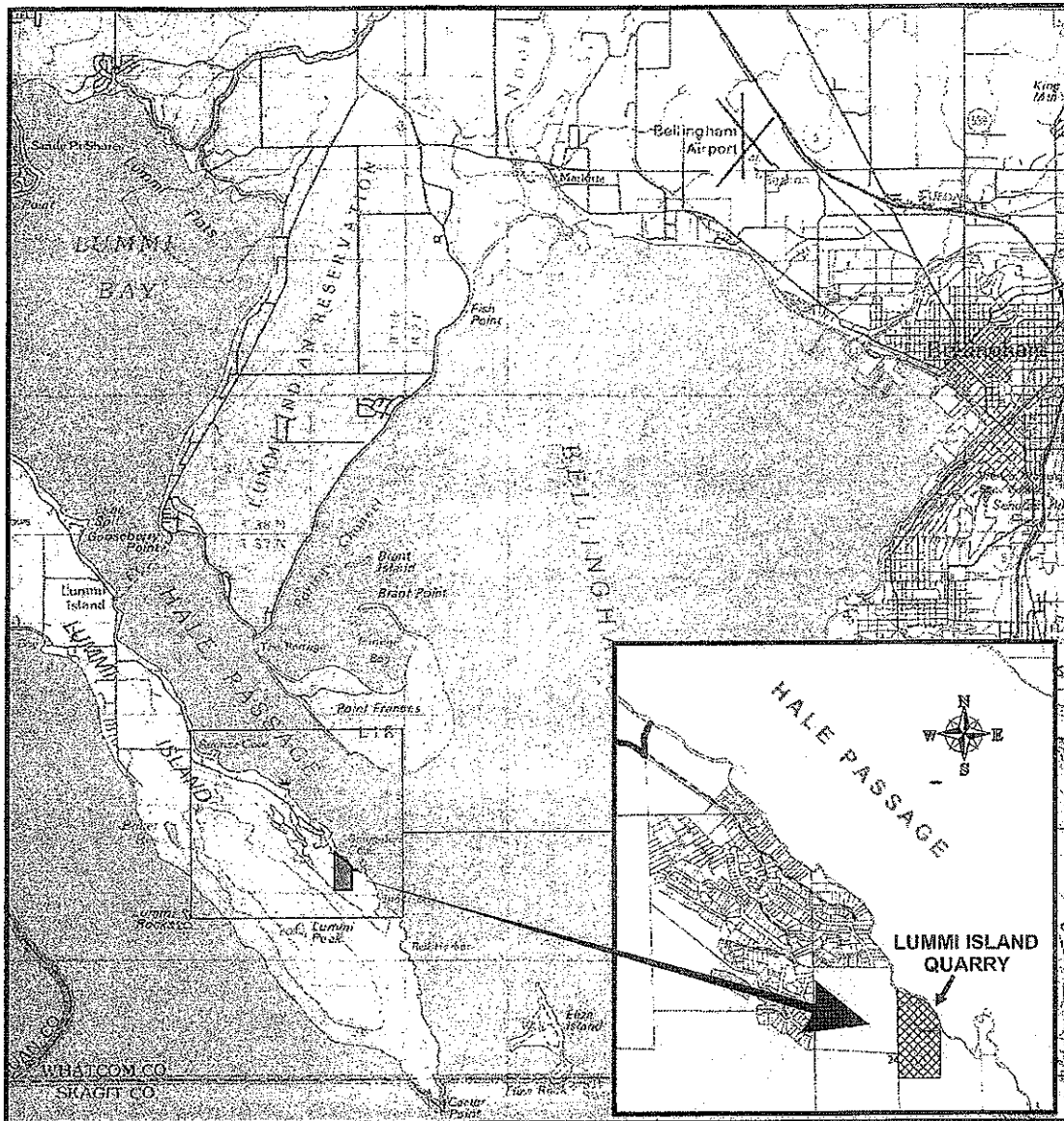
Proposed measures to reduce or respond to such demand(s) are:

N/A.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This proposal is not likely to conflict with any local, state or federal laws regarding environmental protection.

MAP 1: LUMMI ISLAND QUARRY LOCATION MAP ...



OWNERS:

LUMMI ROCK LLC
 SMUGGLERS COVE
 LUMMI ISLAND, WA 98262

OPERATOR:

AGGREGATES WEST INC.
 PO BOX 1466
 SUMAS, WA 98295
 360-966-3641

LEGAL DESCRIPTION:

SW ¼ OF SECTION 24, TOWNSHIP 37 N,
 RANGE 1 E, GOVERNMENT LOT 3

EXISTING & PROPOSED MRL OVERLAY:

NE ¼, SW ¼ SECTION 24 (GOVERNMENT LOT 3)
 SE ¼, SW ¼ SECTION 24 (GOVERNMENT LOT 3)

PROPOSED MRL EXPANSION AREA:

REMAINDER OF GOVERNMENT LOT 3 NOT
 COVERED BY A MRL OVERLAY AND EXCLUDING
 AREA WITHIN 200' OF SHORELINE

pg 18 *[Handwritten signature]*



Revised
SEPA Determination of Nonsignificance (DNS)
and Use of Phased SEPA Determination (WAC 197-11-060(5))
Legal Notice

To be published one time only on: **December 13, 2011**

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #048867

WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD CONCLUDING ON December 27, 2011.

File: SEP2011-00060

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This revised threshold determination is a phased SEPA decision pursuant to WAC 197-11-060(5) (b) & (c)(ii). Phased review is appropriate when the sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts). In addition, phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues not yet ripe for a SEPA determination.

Proponent: Lummi Rock LLC

Address and Parcel #: Lummi Island Quarry, #1 Smugglers Cove, Lummi Island, WA 98262, parcel #370124191084

Lead Agency: Whatcom County Planning & Development Services

Zoning: Rural Forestry (RF)

Comp Plan: Rural Forestry (RF)

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY CURRENT PLANNING DIVISION LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.