

# MENKE JACKSON BEYER EHLIS & HARPER, LLP

Attorneys at Law

807 NORTH 39<sup>TH</sup> AVENUE • YAKIMA, WASHINGTON 98902  
(509) 575-0313 • FAX: (509) 575-0351

ANTHONY F. MENKE  
ROCKY L. JACKSON  
G. SCOTT BEYER  
KIRK A. EHLIS

QUINN N. PLANT  
DANA M. EVANS

May 5, 2010

Mr. Keith Moxon  
Attorney at Law  
GordonDerr LLP  
2025 First Avenue, Suite 500  
Seattle WA 98121

**EMAIL/U.S. MAIL**  
[kmoxon@gordonderr.com](mailto:kmoxon@gordonderr.com)

RE: *Iron Mountain Quarry – Proposed New Shine Quarry*  
*Your inquiry regarding Jefferson County's Determination of Significance*

Dear Mr. Moxon:

On April 7, 2010, you wrote to Mr. David Wayne Johnson, the Associate Planner on this matter, with respect to Jefferson County's Determination of Significance ("DS") for the New Shine Quarry Project (the "Project"). Your letter was forwarded to me for a reply.

In your letter, you described IMQ's pending lawsuit filed in Jefferson County Superior Court. You also described IMQ's objection to the County's proposed scope of an environmental impact statement. Further, you asked whether the County could advise IMQ on specific ways in which the project could be revised or mitigated to allow the County to withdraw its DS.

The County is certainly willing to engage in a dialogue with IMQ regarding the DS.

Jefferson County will carefully review either a revised proposal or additional information provided by IMQ regarding the DS topics. Ideally, such information will demonstrate how IMQ's project will use mitigation measures to reduce the impacts of the project below the threshold level of significance. Pursuant to WAC 197-11-360(4), the County is committed to working with IMQ to explore cooperative reduction or avoidance of adverse environmental impacts.

If IMQ elects either of these options, please let me know so that the County may coordinate matters and provide IMQ a timely response to any new proposal or submissions of information.

Finally, your letter also asks that the County advise IMQ of any specific requirements or regulations that the County has concluded the project will not meet, where meeting those requirements or regulations would reduce impacts below a SEPA level of significance. At the present time and based on the present record, the County is aware of no such specific regulatory requirements.

Mr. Keith Moxon  
May 5, 2010  
Page 2

But because of the absence of a more complete analysis of the project in IMQ's SEPA materials, and the resulting gaps in identified mitigation measures, this conclusion is only tentative. The County reserves all rights provided under SEPA or other applicable law to alter or amend its position.

Please do not hesitate to call with any questions you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kenneth W. Harper', enclosed within a hand-drawn oval.

Kenneth W. Harper

KWH:ksl

cc: Dale Johnson, Attorney at Law  
Client