

October 14, 2010

**VIA EMAIL AND FIRST-CLASS MAIL**

Mr. Kenneth W. Harper  
Menke Jackson Beyer Ehlis & Harper, LLP  
807 North 39th Avenue  
Yakima, WA 98902

Re: Iron Mountain Quarry  
Proposed New Shine Quarry Threshold Determination

Dear Ken:

As you know, on October 5, 2010, the Jefferson County Superior Court vacated the Determination of Significance ("DS") for the New Shine Quarry project ("Project") issued by the Department of Community Development on March 22, 2010, and remanded the matter to Jefferson County for further action in compliance with the Court's ruling and the State Environmental Policy Act ("SEPA"). Iron Mountain Quarry ("IMQ") would like to propose that the County and IMQ establish and maintain effective means of communication and cooperation during the threshold review process.

Consistent with the requirements of SEPA and the Court's ruling, IMQ would like to have a constructive dialogue with DCD pertaining to the New Shine Quarry Stormwater Permit Application. In order to facilitate such a dialogue, IMQ requests that DCD respond to the following requests for information:

1. Please identify the specific issues of concern that the County believes could result in probable significant adverse impacts to the environment based upon the proposed Project. Such information should be in sufficient detail to allow IMQ to evaluate the concerns, provide an assessment to the County, and propose mitigation if necessary.
2. For each of the issues of concern identified in item 1 above, please identify any additional mitigation measures or Project conditions that the County believes would reduce the impacts to a level below "significance."
3. For each of the issues of concern identified in item 1 above, please state why compliance with applicable statutory requirements or regulations will not reduce impacts to a level below "significance" and state the basis for the County's conclusion.

IMQ requests that the County provide the information requested in items 1 thru 3 above within thirty days from the date of this request.

Furthermore, SEPA provides an opportunity for an applicant to receive prior notice in the event the County is considering issuing a DS. This constitutes a formal request for such notice with respect to the Project so that IMQ would have an opportunity to mitigate possible impacts pursuant to WAC 197-11-350.

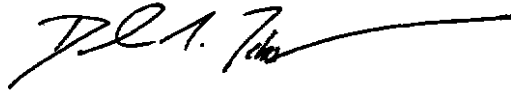
Finally, you recently raised a concern about the need to provide public notice of the Court's vacation of the DS. A review of WAC 197-11-360 suggests that no such notice is required. WAC 197-11-360 provides that if a DS is withdrawn and a DNS issued instead, the DNS shall be sent to all who commented on the DS. In the present situation, the DS has not been withdrawn. Rather, it has been vacated by a court order. Moreover, a DNS has not been issued. In effect, the threshold determination process will begin anew and no notice of the vacation of the DS is required. Nevertheless, IMQ has no objection should the County choose to take the additional step of providing such notice.

IMQ representatives are prepared to meet with DCD staff to discuss the threshold determination process, including a timeline for completion and IMQ's information requests.

IMQ looks forward to your reply.

Sincerely,

GORDONDERR LLP

A handwritten signature in black ink, appearing to read "Dale Johnson", with a long horizontal flourish extending to the right.

Dale Johnson

DNJ/aka

cc: David Alvarez (via email & U.S. mail)  
IMQ (via email)  
Pope Resources (via email)