

April 7, 2010

VIA EMAIL AND FIRST-CLASS MAIL

Mr. David Wayne Johnson
Associate Planner
Jefferson County
Dept of Community Development
Development Review Division
621 Sheridan Street
Port Townsend, WA 98368

Re: Iron Mountain Quarry - Proposed New Shine Quarry
Response to County's Determination of Significance

Dear Mr. Johnson:

This letter is in response to your notice that the County has issued a Determination of Significance ("DS") for the New Shine Quarry project (the "Project") and to your request for comments on the scope of an Environmental Impact Statement ("EIS").

Iron Mountain Quarry ("IMQ") has filed a lawsuit in Jefferson County Superior Court challenging the County's issuance of a DS for this project. It is IMQ's position that the County's issuance of the DS was illegal, arbitrary and capricious. IMQ is asking the court to reverse the County's unlawful action.

Given the pending court review of the County's action, IMQ believes that it is inappropriate for the County to proceed with an EIS scoping process. By this notice, IMQ formally objects to the County's proposed EIS scoping and asks the County to suspend such work immediately. IMQ will not fund an unlawful EIS scoping process. If the County proceeds with EIS scoping, it will do so at the County's risk and cost.

Notwithstanding its objections to the EIS scoping process, IMQ is willing to discuss SEPA issues with the County. Because the County did not seek information or otherwise communicate with IMQ about SEPA issues prior to issuing a DS, IMQ would like to know whether there are any changes to its Project application or any additional mitigation measures that would address the environmental issues alleged by the County. IMQ would like to know if any such changes or additional mitigation measures would be sufficient to allow the County to withdraw its DS and issue a Determination of Non-Significance (DNS) or a Mitigated Determination of Non-Significance (MDNS). The County's EIS scoping notice has listed various issues that the County apparently contends should be addressed in an EIS. IMQ assumes that these issues represent the County's determination of potential significant adverse impacts.


Additionally, IMQ would like the County to respond to the following two questions:

1. Are there any specific requirements or regulations that the County concluded IMQ's Project as proposed will not meet, where compliance with the requirements or regulations would reduce impacts to below a level of significance?
2. Are there specific revisions to IMQ's Project application or voluntary conditions IMQ could propose that would allow the County to conclude that impacts from the Project are below a level of significance?

IMQ looks forward to your reply.

Very truly yours,

GORDONDERR LLP



Keith Moxon

cc: David Alvarez
IMQ
Pope Resources