

Exhibit C-49 S-1: McLeod Letter dated
Sept. 2, 2022, submitted on behalf of the
McLeod Family and Cougar Peak LLC

Neil McLeod
21454 Grip Road
Sedro Woolley, WA 98284
(360) 303-4831

Exh. 49, S-1

September 2, 2022

Skagit County Hearing Examiner
c/o Planning and Development Services
1800 Continental Place
Mt. Vernon, WA 98273

Re: McLeod/Cougar Peak, LLC Exhibits and Testimony for the Record at Public Hearing –
Concrete Nor'West Gravel Mine, File No. PL 16-0097, PL 16-0098

Dear Examiner Reeves,

I am writing to you for entry of evidence into the record in support of my live testimony at hearing on the above-referenced matter, offered on behalf of myself and my family, individually, and on behalf of Cougar Peak, LLC. I appreciate having the opportunity to testify.

As rural residents, we are not opposed to the proposed gravel mine as a general concept. We understand the value of mineral resources and the need for extraction. But we feel very strongly that this proposal and the proposed conditions governing road safety do not do nearly enough to protect our daily use of Grip Road, particularly as it travels southwest and west out toward Prairie Road, approximately .7 miles away.

Our driveway is located within 500 feet of the mine entrance. We feel we have a unique concern and perspective on Grip Road traffic safety, including the level of existing uses on Grip Road, and therefore on the dangers this mine poses. We respectfully request that you require additional study and impose more stringent conditions on the level and timing of truck traffic under this proposal, prior to granting any approvals. This may require more study by the applicant, but the delays related to enhancement of traffic safety conditions on the project are critical to the public interest. Frankly, further delay to protect the public would be the fault of the applicant for failing to address the obvious threat of death and injury to me, my family, our workers and our neighbors. As hardworking as they are, County staff also bear responsibility for not recommending the mitigation needed to reduce the truck traffic risks.

I would like to provide some background on who I am and why I am so concerned about the proposed degradation of road travel safety on Grip Road.

BACKGROUND

- For the past ten and one half years, my family and I have lived at the above address. We built this residence and various outbuildings. My wife, Delight, and I plan to live here the rest of our lives if possible.
- During this time, I have been the Caretaker of approximately 800 acres owned by Cougar Peak, LLC. This is a beautiful rolling property comprised of a mix of forest and meadow, with outstanding views from the hilltop of Mt. Rainier to the South, the upper Skagit Valley to the east, and Mt. Baker to the north.

- The Cougar Peak LLC property is used for a variety of uses, including:
 - Residential
 - Construction and maintenance of recreational trails and viewpoints
 - Managed forestry under a forest management plan with a goal of maximum conservation of natural habitat
 - Maintenance of an extensive internal road system to serve the recreational, forestry and maintenance uses
 - Construction and maintenance of company accessory structures for equipment

OUR USE OF GRIP ROAD

- Our residential use and operation of the Cougar Peak, LLC property involves daily and repeat use of Grip Road in both directions.
- Grip Road is the only way to access or live on this property adjacent to the proposed mine entrance. It is used daily by my wife and I, by employees and contractors working for Cougar Peak LLC, and regularly by our children and grandchildren.
- Cougar Peak, LLC depends on Grip Road as its lifeline link for daily operation of the property maintenance to achieve the above-listed goals. It serves as the only access for multiple routine visits by tradesmen and as the delivery route for propane, diesel, and many other delivery trucks.

EXISTING CONDITIONS

- In our ten and one half years of living here, we have never seen Grip Road used by any company as a routine industrial route. The Concrete Nor'West proposal will transform that existing condition, which is a rural two-lane route with narrow passages, used primarily in support of surrounding residential uses.
- We know from personal experience that the local school district utilizes Grip Road for school bus pickups in the morning and drop offs throughout the afternoon. Our neighbors depend on the safety of that school transit system.
- It is my understanding that two families living on Grip Road still currently utilize that bus system route between the proposed mine and Prairie Road to the west, with the bus turning around at the bottom of the hill about halfway to Prairie Road. As we understand it, bus stop locations can change over time, depending on families present and types of schools attended.
- I have personally witnessed a car accident on Grip Road, when a car went off the road and into a ravine on the corners going down the hill to the west from the mine entrance.
- This accident typifies our safety concerns on Grip Road under existing conditions. In our daily travels, we have seen cars or trucks *crossing the center line numerous times*. Vehicles do go over the 40 mph speed limit. We have taught our children to use great caution when traveling this stretch of road and entering Prairie Road, where there is a blind corner. *There have been many close calls there.*

RISK OF DEATH OR INJURY

- The roadway of concern is the .7 miles of Grip Road between the mine entrance and Prairie Road to the west, which has been identified as the primary haul route for the project.
- Grip Road in that stretch is a very narrow rural road without shoulders, with the road side going immediately to deep ditches or high banks with no escape in the event a gravel truck crosses the center line.
- Skagit County has a duty to study the increase in the potential for death or injury resulting from the maximum proposed heavy truck traffic travelling to and from the mine along this stretch of Grip Road. We are not aware of any studies by this applicant that analyze road safety history or projected increases in harm.
- As mentioned, our driveway is situated approximately 470 feet southwest from the mine entrance on Grip Road.
- The mine operation and conditions on truck hauling will put heavy gravel trucks and trailers onto this portion of Grip Road at a level that is beyond comprehension, ranging from one truck every 13 minutes to one truck every minute apparently depending on market conditions for the next 25 years – as currently proposed and as recommended by County staff. Surprisingly, no restrictions are proposed to prevent conflicts with school bus pickup or delivery, which we understand can change location from time to time on Grip Road.
- At those levels, my wife and I personally fear for our safety and that of our children, grandchildren, and Cougar Peak employees and contractors. *This proposal presents a very real increase in risk to us of possible injury or death.*
- I also have deep concern for the safety of neighbors and drivers travelling Grip Road in service of Cougar Peak, LLC operations.

EXHIBITS

I am offering the following attached exhibits in support of my testimony.

1. Attached is a map prepared with our attorney of record showing the location of the Cougar Peak, LLC driveway in proximity to the mine entrance; the location of some recent school bus stops and turnarounds known to me and my wife, and the location of the accident mentioned above. (Exhibit 47, S-1A)
2. Attached are several photographs that I took on Saturday, July 9, 2022 along Grip Road to show various features mentioned above. (Exhibit 47, S-1B)
3. Also attached are measurements that I took at two locations on Grip Road, providing road widths and estimated crossover distances by trucks at those locations, using methodology the applicant used on Prairie Road. (Exhibit 47, S-1C)

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Thank you for considering my testimony and what I believe is a well-grounded, specific fear

Sincerely,

/s/

Neil McLeod

Caretaker, Cougar Peak, LLC

(original signed letter to be submitted by mail)

Exhibit S-1A Illustrative Map From Testimony of Neil McLeod and Cougar Peak, LLC

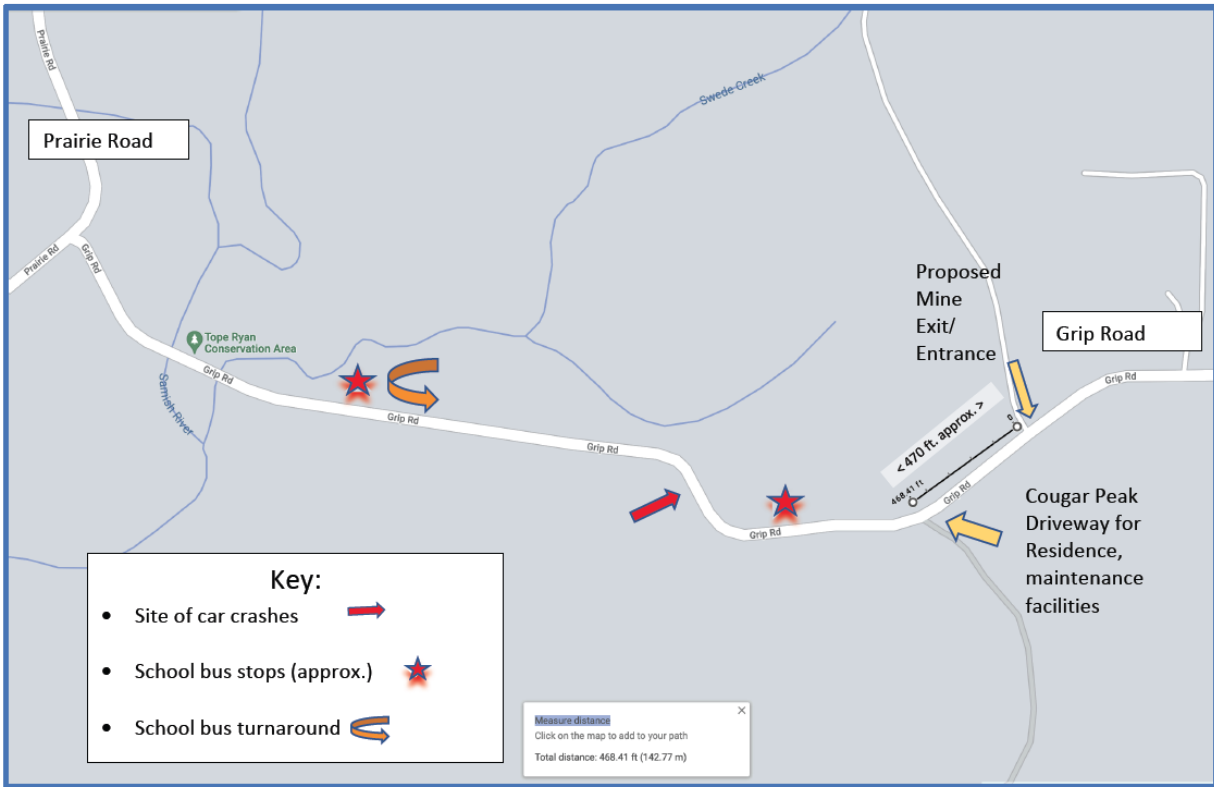


Exhibit 47, S-1B



Exhibit S-1C
Potential for Collision at Two Grip Road Locations
From Gravel Truck/Pup Trailer Crossovers

Location of curve or outlet	Degree of turn	Width heading from Prairie Road (Entering and exiting the curve)	Width heading to Prairie Road (Entering and exiting the curve)	Estimated intrusion across center line From TIA model	Space remaining in opposite lane for oncoming Car or truck
21804 Grip Rd	90	Enter = 11' Exit = 11'6"	Enter = 12' Exit = 11'6"	2 ½ to 3 ½ feet 2 ½ to 3 ½ feet	7'6" to 8'6"
21993 Grip Rd	90	Enter = 11'6" Exit = 12'	Enter = 12' Exit = 10' 6"	2 ½ to 3 ½ feet 2 ½ to 3 ½ feet	7' to 8'6"

Notes:

- Points of measure are located at the point where a curve begins or ends from a straight-away. Measurements are taken perpendicular to the road, from the inner pavement edge of the curve to the outer pavement edge.
- From Prairie Road = heading southeast travel. To Prairie Road = northwest travel.
- Intrusion is estimated crossover from the pup trailer, using standard estimated crossover width from the applicant's Traffic Impact Analysis on Prairie Road crossover points (Sept. 2020) (on the two Prairie Road curves approaching Hwy 99 at 19287 and 19353 Prairie Road). Grip Road is assumed to be more restrictive for turning due to less available pavement for turns.
- Lane width measurement uses entire pavement from center line to asphalt edge and none of the unstable gravel shoulder.
- Gravel truck wheel base is 8 feet wide and does not include extended side mirrors. Any remaining width less than 8 feet is a collusion hazard.