

# Exhibit C-61: Declaration of Ross Tilghman (CSVN)

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6 **BEFORE THE HEARING EXAMINER**  
7 **FOR SKAGIT COUNTY**

8 In the Matter of the Application for a  
9 Special Use Permit by

10 **Concrete Nor'West/Miles Sand and**  
11 **Gravel**

12 &

13 In the Matter of the Appeal of

14 **Central Samish Valley Neighbors**

15 of a Mitigated Determination of  
16 Nonsignificance,

PL No. 24-0222

No. PL16-0097; No. PL16-0098

Appeal No. PL22-0142

17 **DECLARATION OF ROSS**  
18 **TILGHMAN TO REPLACE LOST**  
19 **TESTIMONY**

20 I, Ross Tilghman, hereby declare as follows:

21 1. I am over the age of eighteen years, have personal knowledge of the facts set  
22 forth herein, and am otherwise competent to make this declaration.

23 2. I am familiar with the Skagit County Special Use Permit approval criteria,  
24 including the standard that a project can “not cause potential adverse effects on the general  
25 public health, safety, and welfare.”

26 3. In my expert opinion, the applicant’s materials do not provide sufficient  
information about the safety risks associated with the mine’s transportation of excavated  
materials in the absence of a conflict analysis, study of the peak hour volume of 29.4 trips,

1 information about school bus stops, pedestrian and bicycle usage, damage to road with slope  
2 failures, and noise from compression brake use.

3 4. In addition to a capacity analysis for the roads, the application needed to include  
4 a safety analysis that evaluated risks like the potential for a truck to lose its brakes while rolling  
5 downhill on Grip Hill's 8% grade, as well as the likelihood that heavy truck-and-trailer combos  
6 would cross the centerline of the 20-22-foot roads without shoulders, encroaching on travel in  
7 the opposite direction.  
8

9 5. For the TIA, the applicant used traffic counts that likely significantly  
10 underrepresented traffic volumes and operating conditions on Skagit County roads.

11 6. For example, the traffic counts shown in Exhibit B-63 for May, July, and August  
12 2020 would not have been typical. This timeframe extended through the height of Covid  
13 restrictions including school closures in May that would have dramatically dampened traffic on  
14 those roads.  
15

16 7. The December 16-20, 2019 counts also would have underrepresented traffic on  
17 those roads as December volumes typically run much lower than volumes in most other months  
18 of the year.  
19

20 8. Since witnesses for the applicant testified that mine operations are likely to  
21 generate less traffic from Thanksgiving to February/March, the winter traffic counts also do not  
22 provide an accurate accounting of the greatest potential traffic conflicts for hauling gravel.

23 9. I am familiar with the Grip Road / Prairie Road intersection after having visited  
24 it prior to the hearing and having observed inadequate sight distances for turns from Grip Road  
25 onto Prairie Road.  
26

10. The TIA does not propose to improve the sight distance at this intersection even

1 though the speed limit is 40 mph (with lower advisory limits). Instead, the applicant proposes to  
2 install a flashing beacon at this intersection that will flash when trucks-and-trailers approach it.

3 11. According to the Washington State Department of Transportation's Traffic  
4 Electric Equipment Manual, June 2019 draft, alternatives should have been explored before  
5 deeming the flashing beacon adequate. These alternatives include improving the sight distances,  
6 lowering speed limits, and improving signage.

7 12. The TIA did not explore these WSDOT-preferred alternatives.

8 13. I am aware that during the hearing, a witness for the applicant identified a new  
9 proposal to address road width issues on Grip Road by shoring up road edge failures on Grip  
10 Hill.  
11

12 14. However, the applicant has not provided any illustrations to show this  
13 improvement and has not described how it would be constructed.  
14

15 15. I do not believe that these measures would fully eliminate the risk associated  
16 with adding long gravel trucks and trailers to Grip Road as trucks would continue to track  
17 outside of their lane.

18 16. I am familiar with the "extended hours" scenario proposed for mine shipping of  
19 gravel. Under this scenario, the facility could use 30 trucks per hour at all hours of the day to  
20 haul gravel. The TIA did not evaluate the impacts of hauling over longer days or more days or  
21 during the hours of darkness.

22 17. The MDNS contemplates authorizing gravel hauling during extended hours but  
23 does not provide any criteria for reviewing or for approving the use of extended hours.  
24

25 18. Impacts associated with hauling during extended hours that were not reviewed in  
26 the application materials include additional noise impacts from compression brake use, conflicts

1 with school buses, and much higher volumes for daily and hourly truck trips.

2 19. It is important that the TIA did not evaluate the impacts of hauling over longer  
3 days because it did not specify how early or late the “extended” hours would go and so did not  
4 address potential conflicts with evening recreational traffic and cycling in the summer, or the  
5 extra noise generated over more hours of the day.

6 20. It is important that the TIA did not evaluate the impacts of hauling during  
7 darkness because it poses safety risks on the sub-standard width roads like Grip Road that lack  
8 shoulders and a fog line.

9 21. It is important that the TIA did not evaluate the impacts of gravel hauling by a  
10 truck trip every 2 minutes during the day because it ignored traffic conflicts with residents,  
11 school buses, and cyclists in addition to extra noise across the day.

12 22. In the absence of the information directly above, the application did not evaluate  
13 the full impacts of the proposal.

14 23. I am familiar with traffic speed data for Grip Road that show that traffic travels  
15 significantly faster on that road than the posted speed. This was not studied by the applicant  
16 because they assumed that traffic would travel at the posted speed, and the application therefore  
17 significantly underrepresents the safety risks created by hauling gravel with a large truck-and-  
18 trailer on narrow Grip Road.

19 24. I reviewed the MDNS and its proposed conditions and found that they:

- 20 a. do not address truck noise generated by the mining operation;  
21 b. do not specify a single haul route and instead allow the use of multiple  
22 options as haul routes without evaluating the impacts of those options. For  
23 example, the MDNS does not address impacts associated with truck and  
24  
25  
26

1 trailer hauling of gravel on F&S Grade Road, or on Grip Road east of the  
2 site.

3 25. I also found that the MDNS does not limit the number of daily trips to and from  
4 the mine, and instead relies on an average daily number that was calculated based on the overall  
5 number of trips anticipated to be needed to fully mine the property and the applicant's use of a  
6 25-year assumption for that mining without determining the actual amount and rate of mining  
7 likely to occur for the property.  
8

9 26. Because the MDNS does not limit the amount of gravel hauling that can occur at  
10 any given time, the applicant can haul as much gravel as desired between 9am and 5pm without  
11 conflicting with the MDNS conditions. Under the extended hours scenario that can occur  
12 through notification to the County, this can extend for 24 hours, 7 days per week.  
13

14 27. The MDNS also does not specify a mechanism for tracking the trip volume  
15 independently and instead relies on the applicant reporting the amount of truck volume that is  
16 occurring.  
17

18 28. The MDNS does not identify conditions that would apply in the "extended  
19 hours" scenario or a process that would be used to review a request to haul gravel over extended  
20 hours.  
21

22 29. I am familiar with the Skagit County Comprehensive Plan's requirement that  
23 cost sharing for road and bridge improvements be shared by an applicant and the County. The  
24 MDNS does not require any cost-share payments by the applicant to address the area of Grip  
25 Road west of the mine site that has experienced instability and repairs notwithstanding that  
26 Skagit County's Comprehensive Plan states that: "*New public roads and bridges accessing  
designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic*"

1 *for mineral extraction operations. Existing roads and bridges shall be improved as needed as*  
2 *each new extraction operations is developed. Cost sharing for the improvement of roads and*  
3 *bridges shall be negotiated between the permitting authorities and the applicant.”* Comp Plan  
4 Policy 4D-5.3.

5 30. I am familiar with sample agreements for cost-sharing, one of which is attached  
6 to my report at Exhibit -28, and did not see an agreement like that associated with the  
7 application.  
8

9 31. Last, the MDNS does not address the impacts of or risks associated with large  
10 truck-and-trailer combinations driving through dangerous road conditions like ice.

#### 11 **Carbon emissions**

12 32. The TIA does not calculate carbon emissions from mining or hauling the gravel.

13 33. I conducted a carbon emissions calculation for the mine based on the truck  
14 volumes that the application estimated for the mine.  
15

16 34. Through this calculation, I concluded that the mine would generate  
17 approximately 718.02 annual metric tons of carbon for the round trips estimated by the  
18 application.  
19

20 35. Exhibit A-28 is the expert report that I submitted as part of this hearing to  
21 summarize the opinions that I have shared today.

22 36. One of the points that I emphasize in that report is that the TIA did not  
23 adequately assess the traffic impacts of the mine project because it does not contemplate the  
24 narrow roads and evaluate conflicts between the mix of traffic on those roads that includes  
25 school buses and cyclists, as well as the slope and S curves on Grip Road.  
26

EXECUTED this 8<sup>th</sup> day of August, 2024 at Seattle, Washington

Ross Tilghman  
Ross Tilghman