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

7 In the Matter of the Appeal of  
8 **Central Samish Valley Neighbors**

9 of a Mitigated Determination of  
10 Nonsignificance,  
11

No. PL16-0097; No. PL16-0098  
Appeal No. PL22-0142

**APPELLANT CENTRAL SAMISH  
VALLEY NEIGHBORS’  
WITNESS AND EXHIBIT LISTS**

12 Pursuant to the Pre-Hearing Orders entered by the Skagit County Hearing Examiner on  
13 May 13, 2022, Appellant Central Samish Valley Neighbors (“CSVN”) hereby submits these  
14 Witness and Exhibit Lists (“Lists”).

15 **I. WITNESS LIST**

16 CSVN may call any or all of the witnesses identified below to provide testimony in this  
17 matter:

- 18 A. Martha Bray, mbray1107@gmail.com, 360-856-0644;  
19 B. Linda Walsh, walshL2006@hotmail.com, 360-708-7736;  
20 C. John Day, jday0730@gmail.com, 360-856-0644;  
21 D. Brian Bowser, cmsinc@myfrontiermail.com, 360-202-3084;  
22 E. Phil McLoud, phil.mcloud@gmail.com, 336-392-0641. Mr. McLoud will testify to his  
23 experience as a cyclist on a variety of roads in Skagit County and beyond and to his  
24 expert opinion that the project will impact cycling on Prairie and Grip Roads;  
25 F. Ross Tilghman, ross@tilghmangroup.com, 206-577-6953. Mr. Tilghman is an  
26 independent transportation planning consultant with 37 years of professional experience  
in Washington and beyond. Based on his experience preparing traffic impact analyses

1 and transportation master plans, he will provide his expert opinion about the lack of  
2 review likely project impacts in issuing the Mitigated Determination of  
3 NonSignificance. He will testify to deficiencies in the applicant's Traffic Impact  
4 Analysis like its failures to fully evaluate traffic impacts on the substandard Prairie and  
5 Grip Roads, include the required Safety Analysis, and identify full traffic impacts. Mr.  
6 Tilghman will testify that Skagit County issued the MDNS without fully examining  
7 traffic impacts and without establishing conditions designed to fully address the  
8 project's impacts. Mr. Tilghman will also testify to the volume of carbon emissions that  
9 mine traffic would emit and the impact of those emissions.

10 G. Dan McShane, mcshanedan@gmail.com, 360-714-9409. Mr. McShane is a licensed  
11 engineering geologist with over 25 years of geologic and environmental consulting  
12 experience. Mr. McShane will apply his experience from conducting hundreds of slope  
13 stability assessments to provide his expert opinion as an engineering geologist about  
14 deficiencies in the applicant's review of landslide and erosion risks associated with use  
15 of the internal haul road for the mine. Mr. McShane will testify to the potential risks of  
16 landslides and erosion from use of the road as a haul road by loaded gravel trucks and  
17 trailers to the stability of the steep slope areas of the road in the vicinity of Swede Creek;  
18 and

19 H. Matt Mahaffie, skagitwetlands@hotmail.com, 360-391-9571. Mr. Mahaffie has been a  
20 critical areas consultant since 2006 and has performed hundreds of site assessments in  
21 Skagit County, all of which have been approved. He will deliver his expert opinion  
22 about deficiencies in application materials that discuss critical areas like streams, rivers,  
23 and wetlands and the appropriate size of their buffers and likely impacts to them. He will  
24 also deliver his opinion that Skagit County's State Environmental Policy Act review was  
25 incomplete due to both a lack of adequate information and lack of review of that  
26 information. In addition, Mr. Mahaffie will opine about project impacts to the wildlife  
corridor on the site and the project impacts on that corridor and the species that rely  
upon it.

1 CSVN reserves the right to call any witnesses offered by any other party to this matter.

2 II. EXHIBIT LIST

3 In addition to the documents already in the record that may be exhibits at the hearing,  
4 CSVN may use any or all of the exhibits identified below in this matter:

- 5 A-1. CSVN Notice of SEPA Appeal;
- 6 A-2. CSVN Comments on SEPA Review of Grip Road Gravel Mine PL16-0097 (Nov. 24,  
7 2020).
- 8 A-3. M. Bray & J. Day letter re: Mitigated Determination of NonSignificance for proposed  
9 Grip Road Gravel Mine File #s PL16-0097 & PL16-0098 (April 29, 2021);
- 10 A-4. CSVN letter re: Mitigated Determination of NonSignificance for proposed Grip Road  
11 Gravel Mine File #s PL16-0097 & PL16-0098 (March 9, 2022);
- 12 A-5. Loring Advising letter re: File No. PL16-0097 & PL16-0098 (April 30, 2021);
- 13 A-6. Loring Advising letter re: File No. PL16-0097 & PL16-0098; Concrete Nor'West Grip  
14 Road Gravel Mine Critical Areas Review (Feb. 7, 2022);
- 15 A-7. Loring Advising letter re: File No. PL16-0097 & PL16-0098 (March 9, 2022);
- 16 A-8. Grip Road gravel mine permitting timeline;
- 17 A-9. J. Day correspondence w/ B. Black et al. re: truck/trip discrepancy;
- 18 A-10. Haul Route Maps;
- 19 A-11. Video clip of truck with trailer descending Grip Road hill;
- 20 A-12. Video clip of truck descending Grip Rd w cyclists;
- 21 A-13. Video clip of horse trailer negotiating Grip Rd curves;
- 22 A-14. Photographs of Grip Road undermining;
- 23 A-15. Photograph of floodwaters on Grip Road;
- 24 A-16. Video clip of truck at Grip Rd and Prairie Rd intersection;
- 25 A-17. Map depicting Prairie Rd right-of-way width at intersection with Grip Rd;
- 26 A-18. Photograph of bank reduction near intersection of Prairie Rd and Grip Rd;
- A-19. Photograph of intersection of Prairie Rd and F&S Grade Rd;

- 1 A-20. Video clip of truck with trailer at intersection of Prairie Rd and F&S Grade Rd;
- 2 A-21. Map depicting guard rail constraints on Prairie Rd;
- 3 A-22. Video clip of truck passing cyclists on Prairie Rd;
- 4 A-23. Aerial photograph of Prairie Rd curves east of Old Highway 99;
- 5 A-24. Images depicting truck/pup vehicle paths Prairie Rd;
- 6 A-25. Image of intersection of Old Highway 99, Prairie Rd, Bow Hill Rd;
- 7 A-26. Map showing haul route east of mine entrance on Grip Rd;
- 8 A-27. Video clip of truck and trailer east of mine entrance on Grip Rd;
- 9 A-28. Tilghman transportation study report;
- 10 A-29. Skagit County Bicycle Map;
- 11 A-30. McCloud statement;
- 12 A-31. Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020);
- 13 A-32. Internal haul road expansion map and photos;
- 14 A-33. Mahaffie critical areas report;
- 15 A-34. Letter from John Cooper, Skagit Planning & Development Services to Dan Cox (July 6, 2017);
- 16 A-35. Oregon Spotted Frog critical habitat map;
- 17 A-36. D. Gresham comments re: PL16-0097 and PL16-0098 (April 7, 2016);
- 18 A-37. D. Gresham, Ecology Comments on the Grip Road Gravel Mine; Project File # PL16-0097 and PL16-0098 (June 1, 2016);
- 19 A-38. D. Gresham, Ecology Comments on the Grip Road Gravel Mine; Project File # PL16-0097 (Dec. 23, 2016);
- 20 A-39. C. Luerkens, Ecology Comments on Grip Road Gravel Mine; Project File # PL16-0097 (March 11, 2022);
- 21 A-40. Bartelt Timber Management Plan for Trillium Corp Lands (Nov. 5, 2009);
- 22 A-41. WDNR Forest Practices Application for Lisa Inc. (8-27-2015);
- 23 A-42. WDNR Forest Practices Application for Lisa Inc. (4-5-2018);

- 1 A-43. J. Wiggins Fish and Wildlife, and Water Quality (regulated Critical Areas) review,  
2 comments and questions (Nov. 2020);
- 3 A-44. Semrau survey map and drawings with 300-foot buffer (7-31-18);
- 4 A-45. Graham-Bunting Associates' Fish and Wildlife Site Assessment: Parcels 50155, 125644,  
5 125645 (Aug. 20, 2015);
- 6 A-46. Graham-Bunting Associates Addendum to Fish and Wildlife Site Assessment: Parcels  
7 50155, 125644, 125645 (April 18, 2017);
- 8 A-47. Graham-Bunting Associates letter re: Samish River (Ordinary High Water  
9 Mark/Wetland Edge) (May 18, 2015);
- 10 A-48. NW Ecological Services, Impact Assessment & Mitigation Plan (Dec. 2021);
- 11 A-49. NW Ecological Services, Critical Areas Assessment (Wetland Delineation & Fish and  
12 Wildlife HCA Assessment (Dec. 2021);
- 13 A-50. McShane haul road geological report;
- 14 A-51. Semrau Engineering & Surveying, Grip Road Gravel Mine Access Road as built  
15 drawings (Sept. 13, 2018);
- 16 A-52. Associated Earth Sciences Inc. Response to Skagit County Geologic Hazard  
17 Requirement letter (Dec. 16, 2021);
- 18 A-53. Ramboll US Corp. Grip Road Mine Updated Noise and Vibration Study (Nov. 21,  
19 2018);
- 20 A-54. Skagit River System Cooperative letter re: Concrete Nor-West gravel pit (March 9,  
21 2022);
- 22 A-55. Resume of Ross Tilghman;
- 23 A-56. Resume of Matt Mahaffie; and
- 24 A-57. Resume of Dan McShane.

25 CSVN reserves the right to use any exhibit offered by any other party to this matter.

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1 RESPECTFULLY SUBMITTED this 13th day of June, 2022.

2 LORING ADVISING PLLC

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4 By



5 Kyle A. Loring, WSBA No. 34603  
6 Attorney for Appellants  
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## DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington, that on the date and in the manner indicated below, I caused the following:

- **Appellant Central Samish Valley Neighbors' Witness and Exhibit Lists**
- **Exhibits**

to be served on:

Hal Hart  
Skagit PDS Director  
hhart@co.skagit.wa.us

☐ By United States Mail  
☒ By Electronic mail (witness and exhibit lists)  
☒ By web portal (exhibits only)

Jason D'Avignon  
Skagit County Civil Deputy  
Prosecuting Attorney  
jasond@co.skagit.wa.us

☐ By United States Mail  
☒ By Electronic mail (witness and exhibit lists)  
☒ By web portal (exhibits only)

William T. Lynn  
Reuben Schutz  
Attorneys for Miles Sand and Gravel  
blynn@gth-law.com  
rschutz@gth-law.com

☐ By United States Mail  
☒ By Electronic mail (witness and exhibit lists)  
☒ By web portal (exhibits only)

and filed with:

Cori Russell  
Skagit County Hearing and Records Management Coordinator  
corir@co.skagit.wa.us

DATED this 13th day of June, 2022, at Friday Harbor, Washington.

  
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Kyle A. Loring