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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’
AMENDED 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 Amended 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 I. Nora Kammer, nkammer@skagitcoop.org, 360-391-8472. Ms. Kammer serves as
2 technical staff for Skagit River System Cooperative and has 15 years of experience in
3 natural resource protection, restoration, and management, with a background and
4 training in aquatic habitat restoration and civil engineering. She will testify to the
5 preexisting and current status of the internal haul road that extends from Grip Road to
6 the location of the proposed quarry, and will provide her expert opinion about the
7 impacts of the road's improvement to fish and wildlife habitat along that road and to the
8 impacts of the road within the site's inner gorge features.

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

10 II. EXHIBIT LIST

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

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

- 1 A-12. Video clip of truck descending Grip Rd w cyclists;
- 2 A-13. Video clip of horse trailer negotiating Grip Rd curves;
- 3 A-14. Photographs of Grip Road undermining;
- 4 A-15. Photograph of floodwaters on Grip Road;
- 5 A-16. Video clip of truck at Grip Rd and Prairie Rd intersection;
- 6 A-17. Map depicting Prairie Rd right-of-way width at intersection with Grip Rd;
- 7 A-18. Photograph of bank reduction near intersection of Prairie Rd and Grip Rd;
- 8 A-19. Photograph of intersection of Prairie Rd and F&S Grade Rd;
- 9 A-20. Video clip of truck with trailer at intersection of Prairie Rd and F&S Grade Rd;
- 10 A-21. Map depicting guard rail constraints on Prairie Rd;
- 11 A-22. Video clip of truck passing cyclists on Prairie Rd;
- 12 A-23. Aerial photograph of Prairie Rd curves east of Old Highway 99;
- 13 A-24. Images depicting truck/pup vehicle paths Prairie Rd;
- 14 A-25. Image of intersection of Old Highway 99, Prairie Rd, Bow Hill Rd;
- 15 A-26. Map showing haul route east of mine entrance on Grip Rd;
- 16 A-27. Video clip of truck and trailer east of mine entrance on Grip Rd;
- 17 A-28. Tilghman transportation study report;
- 18 A-29. Skagit County Bicycle Map;
- 19 A-30. McLoud statement;
- 20 A-31. Traffic Impact Analysis for Grip Road Mine (Sept. 10, 2020);
- 21 A-32. Internal haul road expansion map and photos;
- 22 A-33. Mahaffie critical areas report;
- 23 A-34. Letter from John Cooper, Skagit Planning & Development Services to Dan Cox (July 6,
- 24 2017);
- 25 A-35. Oregon Spotted Frog critical habitat map;
- 26

- 1 A-36. D. Gresham comments re: PL16-0097 and PL16-0098 (April 7, 2016);
- 2 A-37. D. Gresham, Ecology Comments on the Grip Road Gravel Mine; Project File # PL16-
- 3 0097 and PL16-0098 (June 1, 2016);
- 4 A-38. D. Gresham, Ecology Comments on the Grip Road Gravel Mine; Project File # PL16-
- 5 0097 (Dec. 23, 2016);
- 6 A-39. C. Luerkens, Ecology Comments on Grip Road Gravel Mine; Project File # PL16-0097
- 7 (March 11, 2022);
- 8 A-40. Bartelt Timber Management Plan for Trillium Corp Lands (Nov. 5, 2009);
- 9 A-41. WDNR Forest Practices Application for Lisa Inc. (8-27-2015);
- 10 A-42. WDNR Forest Practices Application for Lisa Inc. (4-5-2018);
- 11 A-43. J. Wiggins Fish and Wildlife, and Water Quality (regulated Critical Areas) review,
- 12 comments and questions (Nov. 2020);
- 13 A-44. Semrau survey map and drawings with 300-foot buffer (7-31-18);
- 14 A-45. Graham-Bunting Associates' Fish and Wildlife Site Assessment: Parcels 50155, 125644,
- 15 125645 (Aug. 20, 2015);
- 16 A-46. Graham-Bunting Associates Addendum to Fish and Wildlife Site Assessment: Parcels
- 17 50155, 125644, 125645 (April 18, 2017);
- 18 A-47. Graham-Bunting Associates letter re: Samish River (Ordinary High Water
- 19 Mark/Wetland Edge) (May 18, 2015);
- 20 A-48. NW Ecological Services, Impact Assessment & Mitigation Plan (Dec. 2021);
- 21 A-49. NW Ecological Services, Critical Areas Assessment (Wetland Delineation & Fish and
- 22 Wildlife HCA Assessment (Dec. 2021);
- 23 A-50. McShane haul road geological report;
- 24 A-51. Semrau Engineering & Surveying, Grip Road Gravel Mine Access Road as built
- 25 drawings (Sept. 13, 2018);
- 26 A-52. Associated Earth Sciences Inc. Response to Skagit County Geologic Hazard
- Requirement letter (Dec. 16, 2021);
- A-53. Ramboll US Corp. Grip Road Mine Updated Noise and Vibration Study (Nov. 21,
- 2018);
- A-54. Skagit River System Cooperative letter re: Concrete Nor-West gravel pit (March 9,

2022);

A-55. Resume of Ross Tilghman;

A-56. Resume of Matt Mahaffie; and

A-57. Resume of Dan McShane.

A-58. Kammer CV.

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


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RESPECTFULLY SUBMITTED this 13th day of June, 2022.

LORING ADVISING PLLC

By



Kyle A. Loring, WSBA No. 34603
Attorney for Appellants

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' Amended Witness and Exhibit Lists

to be served on:

Hal Hart [] By United States Mail
Skagit PDS Director [x] By Electronic mail (witness and exhibit lists)
hhart@co.skagit.wa.us [x] By web portal (exhibits only)

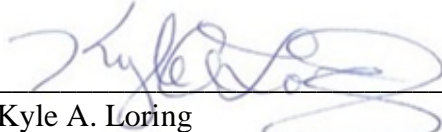
Jason D'Avignon [] By United States Mail
Skagit County Civil Deputy [x] By Electronic mail (witness and exhibit lists)
Prosecuting Attorney [x] By web portal (exhibits only)
jasond@co.skagit.wa.us

William T. Lynn [] By United States Mail
Reuben Schutz [x] By Electronic mail (witness and exhibit lists)
Attorneys for Miles Sand and Gravel [x] By web portal (exhibits only)
blynn@gth-law.com
rschutz@gth-law.com

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.



Kyle A. Loring