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6 **OFFICE OF THE HEARING EXAMINER**
7 **SKAGIT COUNTY**

8 *In re:*)
9 Application for Mining Special Use) Cause Nos.: PL16-0097, PL16-
10 Permit and Forest Practices Permit by) 0098, PL22-0142
Concrete Nor'West/Miles Sand and)
Gravel,)
11 and) PERMIT HEARING 9-8-22 1:30 PM
Appeal of Mitigated Determination of)
12 Significance by Central Samish Valley)
Neighbors)
13 _____

14 Transcription Date: May 3rd, 2024

15 Present: Andrew Reeves, Kyle Loring, John Day, Bill Lynn, Tom Ehrlichman,
16 Unidentified Female 1, Jason D'Avignon, Brian Bowser

17 REEVES: Okay. We're back on the record and it is September 8th, uh, 2022.

18 And, uh, we just concluded with Mr. Mahaffie. And I believe Mr. Loring is
19 ready to call his next witness.

20 LORING: I am. We call John Day.

21 REEVES: Okay. Um, John Day. Do you swear or affirm to tell the truth in
22 the testimony you give here today?

23 DAY: Yes, I do.

24 REEVES: Thank you. And can you just state and spell your name for the
25 audio, please?

1 DAY: My name is John W. Day, J-o-h-n, initial W, D-a-y.
2 REEVES: Thank you. Go ahead, Mr. Loring.
3 LORING: Thank you, Mr. Examiner. Hello, Mr. Day.
4 DAY: Good afternoon, Mr. Loring.
5 LORING: We're going to spend, uh, this aft-, well, a portion of this
6 afternoon discussing, uh, some concerns that you have about the mine and then
7 some, uh, the transportation route aspects that you've looked into. So, I'm
8 going to jump, uh, sorry, jump right in. Uh, where do you live?
9 DAY: I live at 6368 Erwin Lane, uh, Sedro Woolley, about, uh, two
10 miles from the mine site.
11 LORING: Okay. How long have you lived there?
12 DAY: Since 2005.
13 LORING: All right. And, uh, you're a part of the group known as the
14 Central Samish Valley Neighbors?
15 DAY: That's correct.
16 LORING: Okay. Are you familiar with the Miles Sand and Gravel mining
17 proposal that, uh, we've been discussing in this hearing?
18 DAY: Yes, I am.
19 LORING: And how did you learn about the proposal?
20 DAY: Uh, my wife, Martha Bray, and I saw the, um, public notice in the
21 Skagit Valley Herald of the first MDNS in, uh, 2016.
22 LORING: Okay. And, uh, are you familiar with the current mitigated
23 determination of non-significance that Skagit County issued in February of
24 2022?
25 DAY: Yes.

1 LORING: And, uh, have you reviewed that MDNS?

2 DAY: Yes, I have. Extensively.

3 LORING: Okay. Have you reviewed other application materials for this

4 project?

5 DAY: Yes. I, I think I can safely say that I've received practically

6 all of the documents, including a large number that we obtained through the

7 public records, uh, request process.

8 LORING: Okay. Well, we'll ask you about a few of those along the way. Uh,

9 but also, just, again your understanding of the route as well. So, do you

10 know where the mine would operate?

11 DAY: Yes. Uh, it would operate about, uh, two and a half miles north

12 of Grip Road, next to the, very close to the Samish River, again it's about

13 two miles as the crow flies from, from where I live.

14 LORING: Okay. And, uh, I understand that you have some concerns about the

15 mine, can you list them at a high level, summary level?

16 DAY: You bet. Uh, traffic safety, with the addition of, uh, the large

17 number of combination dump truck trailer trips. The impacts to our County

18 roads from those trucks, uh, impacts to critical resources like the Samish

19 River and Swede Creek, the wetlands, uh, both on and off the property, as

20 well as to wildlife, that, uh, that use this area. I'm concerned about the

21 noise impacts on the neighbors of the property, uh, from both mine operations

22 and hauling, uh, trucks operating on County Roads. And I'm concerned about

23 the air pollution that will be, uh, that will result from the hauling, uh,

24 and operations, in particular the amount of CO2, as well as the diesel

25 particulates and other pollution that will be, that affects people's hauling.

1 LORING: Okay. With regard to transportation impacts from the mine, from
2 the mine, sorry, can you summarize some of the concerns that you have about
3 those?

4 DAY: Sure. Yeah. The, as it's already been extensively reviewed, the
5 mine entrance is accessed by, uh, Prairie Road and Grip Road. Which are very
6 narrow twisting roads with no shoulders and in key locations with, uh, very
7 little, uh, sight distance for drivers to be able to take evasive action in
8 case of an oncoming vehicle or, or approaching, uh, a cyclist from behind,
9 for example. Um, it, and I don't believe that this proposal has addressed the
10 costs that, that would be borne by the taxpayers from damage to the roads by
11 this additional heavy traffic. Uh, and it doesn't, uh, adequately ev-,
12 evaluate the risk to public safety, uh, from, as well as the environmental
13 risks from the transportation. It doesn't provide for adequate mitigation of
14 those impacts and it doesn't require the Applicant to pay its share of the
15 costs for all of the needed improvements.

16 LORING: Okay. And, uh, thank you, Mr. Lynn, there's some feedback
17 sometimes in joining. Uh, you, have you heard any testimony about proposals
18 for more, uh, more roadwork or roadwork to address some of the impacts of the
19 travel?

20 DAY: Uh, yes.

21 LYNN: Mr. Examiner, I want to, sorry, this is Bill Lynn, I just, this
22 is the first time I've been able to enter the meeting, I haven't been on...

23 REEVES: Oh.

24 LYNN: Until this point, so I don't know if I missed anything exciting.
25

1 REEVES: Sorry, okay. I was actually just wondering a minute ago if, uh,
2 you were here to the extent that I'm like, I can see you. Excuse me. And..
3 LYNN: And now my, now my computer screen just went blank completely, so
4 if you'll...
5 LORING: And you're frozen on ours, or mine anyway.
6 LYNN: Let me just, I'm going to, uh, turn off the computer and turn it
7 back on and then I'll try to join you as soon as I can. Sorry.
8 REEVES: Yeah. We'll, we'll pause while that's happening.
9 LYNN: Okay. Thank you.
10 LORING: And, Mr. Examiner, I think Tom Ehrlichman had been on the screen
11 at the same time as Bill Lynn, when they both seemed to pop off. He may still
12 be able to participate. I do see a, a little circle with his name. I just
13 wanted to make sure, okay, that somehow it hadn't kicked off people.
14 EHRLICHMAN: Thank you. Thank you.
15 REEVES: [Inaudible] are you there? That sounds like it, but sounds like..
16 LYNN: Well, uh, yeah, I'm back on. Thank you.
17 REEVES: Okay. Your screen is still frozen. I don't know.
18 LYNN: [Pause] well, I can hear, so I guess, uh, we should probably keep
19 going and maybe I'll unfreeze.
20 REEVES: Sure. And so just to clarify, you did miss the first few minutes
21 of Mr. Day's testimony?
22 LYNN: Yes, I did. Sorry.
23 REEVES: No, no. Uh, I guess, my apologies for not, normally I do try to
24 make sure we have everybody. I don't know if I saw you and I thought we had
25

1 you there. But, uh, is there anything in particular, Mr. Loring, in your
2 mind, that would be helpful to, to have Mr. Day repeat?

3 LORING: I could provide a brief summary. He, he was identifying his
4 concerns, his overall, over-arching concerns with the mine. He did go through
5 a list of that and then was talking about, uh, transportation impact concerns
6 that he had. And I can summarize those, too. And, and that's roughly what we
7 had done, uh, in addition to his background and the fact that he lives about
8 two miles from the site.

9 LYNN: Okay. I...

10 LORING: As the crow flies.

11 LYNN: I'll, I can always refresh myself later, if need be.

12 REEVES: There we are. Okay. You're moving again.

13 LYNN: Well, that's good.

14 REEVES: And I don't know if it would helpful, now it seems okay. Okay. I
15 think we're okay. Uh, we'll, we'll give this a try. And now, um, now I'm
16 worried Mr. Day is...

17 DAY: I'm not frozen up, I don't think.

18 REEVES: Okay. Okay. Uh...

19 DAY: I may look that way, but I'm just old.

20 REEVES: Uh, I think, I think we're hopefully okay, tech-wise, at this
21 point. It's, uh, you know, it's always a little, little bit of a challenge.
22 But, Mr. Loring, are you ready to keep going?

23 LORING: I am. I'm, I'm happy to resume. Thank you, Mr. Examiner.

24 REEVES: Go right ahead.

1 LORING: Okay. Uh, Mr. Day, I, I believe you were wrapping up by stating
2 that you were concerned about, uh, the, the, that the Application didn't
3 provide adequate mitigation and cost sharing. And I had asked you a question
4 about whether you had heard any testimony from the Applicant's witnesses
5 about proposed improvements to the Grip Road curves we've been calling them,
6 I believe?

7 DAY: Yes.

8 LORING: Have you heard that?

9 DAY: I believe we first heard mention of that from Mr. Barton and then
10 we fol-, there was follow up on that with Mr. Norris from DN Traffic.

11 LORING: Okay.

12 DAY: Um, my understanding was that they, uh, were willing to analyze
13 the potential, uh, crossover of com-, combination gravel truck and trailer,
14 uh, rigs on those curves and conduct, uh, appropriate mitigation of that
15 issue.

16 LORING: And have you seen any documentation of that, uh, proposal?

17 DAY: Uh, nothing other than, uh, the basic geometry of the vehicle
18 that was used in their auto-turn, um, analysis.

19 LORING: Okay. And, and so you, uh, you aren't familiar with any aspect of
20 that proposal being in an application document that was reviewed as part of
21 the, um, mitigated determination of non-significance issuance?

22 DAY: That's correct.

23 LORING: Okay. Uh, let's talk briefly about, uh, the, where the, uh,
24 material will be hauled along the route here. And, uh, I'm going to pull up
25

1 an Exhibit here, just so that we're on the same page, share my screen of what
2 is Ex-, Exhibit A10. Are you seeing that, at this point?

3 DAY: Yes, I am.

4 LORING: Okay. And, uh, this is, uh, you put this together, right, just to
5 show what was, uh, likely to haul, the preferred haul route that we've heard
6 about for the mine?

7 DAY: That's correct.

8 LORING: Okay. Um, does the Application discuss other routes that might be
9 used?

10 DAY: It does. Uh, it mentions that some of the traffic could, uh, or a
11 large portion of the traffic could continue to the east on Bow Hill Road then
12 travel south on Interstate 5 to the Cook Road intersection, that's north on
13 Old Highway 99 to the Applicant's Bellville Pit. It also mentioned that an
14 estimated 5% of the traffic could go east from the mine entrance, on Grip
15 Road, and, uh, another 5% could go west on Bow Hill, uh, past Interstate 5.

16 LORING: Okay. I, I think you initially said east on Bow Hill Road, uh,
17 and maybe you were thinking about, uh, F and S Grade, is that right?

18 DAY: Um, my, my mistake...

19 LORING: West and south?

20 DAY: Uh, I don't, I haven't seen any mention, I believe, of F and S
21 Grade Road as a possible route.

22 LORING: Okay.

23 FEMALE 1: West on Bow...

24 LORING: So...

25 DAY: Yeah. So west on Bow Hill Road, I'm sorry.

1 LORING: Okay. Thank you. That's great. Um, and does the mine application
2 identify, um, maximum daily truck or trip limit on these roads?

3 DAY: Not that I can understand.

4 LORING: Okay. I, I know that there has been a bit of testimony about
5 that, uh, to date and I know you have independently, throughout this process,
6 uh, investigated that. Um, let me just ask, is there, uh, is there a maximum
7 number of hourly trips based on your review of the Application materials?

8 DAY: Uh, my understanding is that it, the hourly trips are limited,
9 yes.

10 LORING: Uh, limited for, uh, under what scenario would they be limited?

11 DAY: Un-, only und-, well, it's only specified under what's referred
12 to, I think, as the extended hours scenario. Uh...

13 LORING: Okay.

14 DAY: Where by, yeah, production could go on over a long period of
15 time, more days, more hours and more quantity.

16 LORING: Okay. And I know you reviewed the MDNS closely, uh, did you find
17 that there was some confusion about the number of trips that could occur
18 under that extended hour scenario?

19 DAY: I did. Uh, I inquired about that of, uh, Mr. Cricchio, by email,
20 uh, he then forwarded my questions to Mr. Forest Jones [phonetic] of, uh, the
21 Public Works Department. Um, and I asked Mr. Jones specifically what the
22 meaning of the word trucks was in the MDNS and how, what the actual limit on
23 the, uh, number of hourly trips was and the, he was unable to answer my
24 question. Uh, or at least the answer that he provided did not make any sense

1 to me in, in relation to anything that I had read before. He actually stated,
2 I believe, if you want to bring up that Exhibit A9, um...

3 LORING: Uh, yes, I'm showing Exhibit A9, and is this when you were
4 talking about corresponding with, uh, Forest Jones, is this the document you
5 were thinking of?

6 DAY: That's correct. Yeah. The whole exchange would start from the
7 bottom. But, uh...

8 LORING: Okay.

9 DAY: I, I was about to refer to that last statement by Mr. Jones at
10 the top, if you wanted to, I mean, um, I might as well, um, well, he's saying
11 that it has to be verified. I think in his previous statement to that, he
12 said that there would be 30, 30 trips per day.

13 LORING: Okay.

14 DAY: Would be the maximum, in his understanding.

15 LORING: And, uh, so, was it your understanding and initially c-, uh,
16 reaching out Kevin Cricchio, that he wasn't clear on the number of trips, uh,
17 that was referred to with this 30 trips and 30 trucks language.

18 DAY: Uh, well, if we could scroll down to his answer, I, I, I don't
19 believe he said anything in his email response to me to indicate that he, uh,
20 understood that. He k-, he passed it onto Mr. Jones at Public Works.

21 LORING: Okay. Um, so, I'm trying to, to find this here, I, I don't know
22 that it's helpful for us to go through all of this exactly right now. But I
23 think...

24 DAY: Sure.

1 LORING: We have seen, uh, Forest Jones at Public Works and his response
2 up at the top. Um, so, we have that in the record. And, uh, and I see what
3 you mean, yes, about the 15 and then the 30. So, let's move on from that. Um,
4 and I'll stop sharing that one. But we have the email showing this. And would
5 you say there was confusion about the number of trips, uh, on behalf of the
6 County, that the County was confused about the number of trips that it was
7 referring to in the MDNS?

8 DAY: Yes.

9 LORING: Okay. Speaking of, uh, communications with Mr. Cricchio and, uh,
10 with, uh, Forest Jones review of transportation documents, do you know
11 whether the County had any internal conversations about whether they should
12 obtain third-party review of the traffic impact analysis?

13 DAY: Yes, I do recall, uh, from our public records requests, uh,
14 seeing an email chain, uh, between Mr. Cricchio and, um, hmm, Mr. Black,
15 Brandon Black and, uh, uh, perhaps other personnel at Public Works, per-
16 perhaps Forest Jones or, and/or others at Public Works.

17 LORING: And is it your understanding that staff were making that
18 recommendation to obtain thirty p-, third party review of the TIA?

19 DAY: Um, it was my understanding that, that they were asking Mr. Black
20 if that, suggesting that that should happen. But, uh, Mr. Black indicated
21 that it would not.

22 LORING: Okay. You mentioned, uh, a moment ago that the Application, uh,
23 contemplates hauling gravel east of the mine, is that right?

24 DAY: That's correct.
25

1 LORING: And, uh, I'm going to pull up Exhibit A26 to briefly discuss this
2 with you here. Uh, here we go. Let me see about sharing that with you. Are
3 you familiar with, uh, the document that I'm sharing right now?

4 DAY: Yes, I am. I created that Exhibit.

5 LORING: Okay. Uh, why did you create this Exhibit?

6 DAY: I created it to illustrate the, uh, some of the problems
7 associated with traffic, particularly heavy truck traffic, uh, traveling east
8 from the mine entrance on Grip Road, uh, assuming it would then go by, via
9 Mosier Road to Highway 9 north or south and, uh, that there are on the order
10 of five corners of 90 degrees or less that the trucks would have to navigate.
11 And we are well aware that the trucks are unable to navigate those corners
12 without blocking the opposite lane of traffic almost completely. Um, there's
13 just no room for other vehicles to navigate when the truck is going through
14 there. Uh, I'm also concerned about the, the potential numbers of trucks that
15 could be going that route, despite the statement of an estimate of 5% going
16 that way.

17 LORING: Okay. Did, uh, is there any actual limitations on the number of
18 trips that can travel this way based on your review of Application materials
19 or the MDNS?

20 DAY: No, there's not.

21 LORING: Okay. And your review of all of the transportation documents, uh,
22 did they analyze the potential impacts, including crossover, lane crossover
23 of using this route?

24 DAY: Not at all.
25

1 LORING: Okay. And have you heard testimony that the mine will supply
2 demand for its material during...

3 DAY: Yes.

4 LORING: During this hearing? Yeah.

5 DAY: Yes.

6 LORING: Okay. Does, uh, do you believe that would have any impact on
7 where the material would be shipped?

8 DAY: I certainly believe it could. The main point that I took away
9 from Mr. Barton's testimony, um, was that, uh, Miles Sand and Gravel finds
10 direct sales to be advantageous. And I assume that that would mean material
11 being transported, uh, from the pit by Miles Sand and Gravel trucks to
12 customers as well as private sales, where customers come to the pit and pick
13 up the material themselves. That that amount of traffic could, very
14 significantly, could be up to, I think he used the figure of 80% of trips
15 could be, uh, for direct sales, uh, from the pit. And that there was no, no
16 limits on the direction that those trips could take, uh, in this proposal.

17 LORING: Okay. And in your review of the Application materials, or the
18 MDNS, uh, is it clear whether the numbers that have been used for trips
19 include, uh, the private access and, and private, uh, hauling of material
20 away from the, the mine? Non-Miles trucks?

21 DAY: It is not.

22 LORING: Okay. Are you familiar the intersection of Prairie and Old
23 Highway 99?

24 DAY: Yes, I am.
25

1 LORING: All right. Sorry, I was looking, I thought I had pulled up that,
2 uh, that Exhibit. I want to pull up Exhibit, an Exhibit briefly here. Okay.
3 Uh, I'm now sharing that screen. Do you see that, uh, is that an image
4 showing that intersection?

5 DAY: Yes, it is.

6 LORING: Okay. Uh, did you put this together?

7 DAY: Yes, I did. As you can see, it came from the County's iMap
8 application.

9 LORING: Okay. Uh, do you have concerns about this intersection?

10 DAY: I do. Um, the traffic on Old 99 tends to be fairly high speed,
11 the speed limit there is 50 miles an hour, but people are often traveling
12 quite a bit faster than that. And, um, there's quite a bit of traffic, uh,
13 going from Interstate 5 to Old 99, as well as across Old 99 onto Prairie
14 Road, that the Applicant's own traffic impact analysis identifies this as a,
15 uh, a high risk intersection. Uh, but does not, there's no, um, mitigation
16 provided in the document for this, uh, or real evaluation of the risk with,
17 uh, the addition of mine traffic. Or mitigation of same.

18 LORING: Okay. I want to turn your attention now to another intersection.
19 I know we've had a couple here and, uh, the Grip Road and the Prairie Road
20 intersection, are you familiar with that intersection?

21 DAY: Yes. I pass through it, oh, practically daily.

22 LORING: Okay. And, and do you have any concerns about the mine hauling in
23 that intersection?

24 DAY: I do. Uh, the main concern is the lack of sight distance to the
25 north on Prairie Road, from the stop line on the intersection, for someone

1 who is going to be turning left from Grip Road onto Prairie Road, westbound.
2 Uh, this has already been spoken about to some extent, the, uh, the Applicant
3 has identified a mitigation measure for that, in the form of a flashing
4 yellow beacon system, traffic actuated, flashing yellow beacon system and the
5 County recently cut back the bank, to some extent, to, which slightly
6 improved the sight distance issue there, but was a long way from really, um,
7 fixing it. And it's a place where we regularly feel like our, we're taking
8 our lives in, in our steering wheel hands as we turn onto Prairie Road from
9 Grip Road. Things, people come around that corner. The corner shown in, in
10 this Exhibit.

11 LORING: Yeah. I've pulled up Exhibit A18.

12 DAY: Yeah.

13 LORING: And this is a, is this a photo you took of that intersection and
14 looking towards the area where the bank was cut?

15 DAY: That's correct. Yeah, that was to show that, how, what you can
16 see from the intersection now that the bank has been cut back to some extent.

17 LORING: Okay. And did you hear any testimony from others about, or, I,
18 strike that, did you hear testimony from any witnesses from Miles, uh,
19 discussing exploring expanding that bank cut further?

20 DAY: Uh, no, I did not.

21 LORING: Okay.

22 DAY: Could I correct that slightly?

23 LORING: If you have a correction, uh, you may, yes.

24 DAY: Sorry. Well, in the original, uh, traffic information memo, I
25 don't remember the date, from DN traffic, it was the document that was

1 submitted as a part of the original application package, um, the author, Mr.
2 Norris, states that the issue could be mitigated by cutting back the bank,
3 but he states that it's impractical or too expensive to do that.

4 LORING: Okay. Uh, does he explain, is your, do you have an understanding
5 for why that is?

6 DAY: Uh, no, I, I don't.

7 LORING: Okay. And have, have you looked into whether there, well, let me
8 ask you another question first, I apologize, uh, has Central Samish Valley
9 Neighbors position been that this bank should be cut back further to improve
10 the sight lines there?

11 DAY: Yes. I feel that that should happen regardless of whether this
12 mine proposal goes ahead.

13 LORING: Okay. And do you know if there is adequate public right-of-way at
14 that intersection to do within existing public right-of-way?

15 DAY: I am not certain of that, but I know that there is a
16 significantly larger right-of-way on the inside radius of that curve and the
17 rest of the, of the highway on the, practically double the usual right-of-way
18 and by, I believe you have an Exhibit that, uh, I, where I show that? That's,
19 it's...

20 LORING: Yes. I, I'm...

21 DAY: A little bit hard to see, but if the, the blue line in the middle
22 represents us-, the use of the built in measuring tool in iMap and it shows
23 that the distance between the edge of the, uh, south or westbound lane of
24 Prairie Road is approximately 51 feet from the outside edge of the County's,
25 uh, road easement in that location. Um, and in looking at that, in terms of

1 the potential line of sight, it appeared to me, from my rough, um, you know,
2 using, using the line tool to, to see how far north one might be able to
3 view, uh, Prairie Road from the Grip Road intersection, it appeared that it
4 would, uh, provide enough, I, I forget what the standard is, uh, it would, it
5 would meet the County's, uh, Code requirements for, um, sight distance, uh,
6 stopping and intersection sight distance for that location. But, I, I can't,
7 that's just my opinion from looking at the, uh, the aerial photos and the
8 map.

9 LORING: Okay. Thank you for that. I'm going to stop sharing that
10 document. And I'd like to ask you a little bit about, uh, cycling. Have you
11 ever cycled along Grip and Prairie Roads?

12 DAY: Yes. I do so frequently.

13 LORING: Okay. And, and what is your experience in doing so, uh, today?

14 DAY: Um, well, we certainly enjoy it, uh, it can be, because there
15 are, uh, often no shoulders or very little in the way of shoulders, and, uh,
16 the narrow lanes and w-, as well as the, the, uh, sight distance issues that
17 we've already mentioned, uh, it can be a little, um, a little scary
18 sometimes, especially if you have a large, uh, truck coming up behind you and
19 passing you, and especially if there's traffic coming the opposite direction
20 at the same time. Uh, there's just no place to go, uh, as a cyclist, except
21 in some cases, there are some, some, uh, narrow gravel shoulders. But going
22 onto a gravel shoulder with a ditch on the other side, is, uh, no place to
23 go. And there are places where there...

24 LORING: Okay.

1 DAY: There are guardrails, oh, I, okay. I'll stop there for now, thank
2 you.

3 LORING: I, I'm going to show you an Exhibit, uh, this is Exhibit A21.
4 And, uh, this is a document that you prepared, right?

5 DAY: Yes.

6 LORING: Okay.

7 DAY: Yeah. I...

8 LORING: And what are you showing with this, yeah, what are you showing
9 with this map here?

10 DAY: I'm showing the location of the guardrails along the portion of
11 Prairie Road, uh, to the west, or excuse me, to the east of the second, um,
12 corner on Prairie, east of Old 99. Um, in g-, this is using Google Earth. I
13 was able to, to zoom in on Google Earth where I could clearly see the
14 guardrail in the aerial photo. And then I used the mark, uh, the road marking
15 tool in Google to mark the, uh, entire location of the, uh, guardrail as well
16 as measure it. Um, and I have little red marks there to indicate where
17 there's a couple of farm access breaks, narrow breaks in the, uh, yeah, thank
18 you.

19 LORING: Okay. And as a cyclist, uh, d-, how do guardrails effect you?

20 DAY: Well, in this case, uh, the guardrails for much of that length
21 are within inches of the, the fog line. Or the edge of the paved road. So,
22 they're, is, is no place, whatsoever, to go, uh, if, uh, for example, there
23 were a, uh, a vehicle coming up from behind that wasn't paying attention and,
24 well, or vehicle coming the opposite direction that force someone over,
25

1 further over towards the, the shoulder, there's just no room for a cyclist
2 there or pedestrian, either, for that matter.

3 LORING: Okay. And is that a concern for you as you cycle through that
4 area?

5 DAY: Yes, it is. It's already a, it's already a concern, much less
6 without the amount of additional traffic that this mine proposal would
7 unleash on the roads.

8 LORING: Would, would adding that, uh, the transportation to haul the
9 gravel impact, uh, the concern you have already?

10 DAY: Absolutely. Yeah. I mean, I find it, the thought of having a, uh,
11 dump truck with trailer passing me, uh, once every two minutes, if you read
12 it one way, or tw-, uh, tw-, once every minute, if you read it another way, I
13 find that, uh, terrifying. It...

14 LORING: Okay. And, and you're talking about the extended hours scenario,
15 uh, trips?

16 DAY: That's correct. That's correct.

17 LORING: Yeah. Uh, and do, did the mine Application evaluate the impacts,
18 uh, to cyclist?

19 DAY: It did not.

20 LORING: Okay. I want to talk just a little bit about that internal haul
21 road. Uh, are you, are you familiar with the internal haul road that would
22 transport...

23 DAY: Yes.

24 LORING: Material? Yeah.

25 DAY: Yes.

1 LORING: Mine property. Okay. And have you looked into that haul road
2 itself and tried to done an examination of any changes that might have
3 occurred as part of the 2018 roadwork that we've discussed in this hearing?

4 DAY: Yes, I have.

5 LORING: Okay. I'm going to pull up an Exhibit, this one is Exhibit A32.
6 And I've already started scrolling. Is this, uh, an Exhibit you prepared?

7 DAY: Yes, it is, yeah. As you can see, it was using the County's iMap
8 application.

9 LORING: Okay. And what is that little, uh, red square there in the middle
10 of...

11 DAY: The red square shows the, uh, uh, approximate location of, uh,
12 images that follow that image, where I zoom in on the, uh, the road corridor
13 to...

14 LORING: Okay.

15 DAY: Uh, look at the, some of the dimensions.

16 LORING: Okay. And so I've scrolled down, it has three pages, we're on the
17 second page there, uh, what is this page, what does this map show and have
18 you, what are you portraying on this?

19 DAY: In this map, I, as you can see from the left, uh, layer list, I
20 selected the 2017 aerial coverage, which was prior to the road work being
21 done on the internal haul road. And, uh, I used the measuring tool in iMap to
22 estimate the width of the, the apparent width of the roadway, which, as you
23 can see, is 20 feet in this view.

24 LORING: Okay. And I'm going to scroll down to the next one. And what does
25 this, uh, map purport to show that you've prepared?

1 DAY: In this map, I left the extent of the view the same, so it's
2 showing exactly the same area, um, and scale of the previous, uh, view. All
3 did was turn off the 2017 coverage and turn on the 2019 coverage. Um, and
4 both of these are, uh, geo-referenced, um, uh, aerial images, you know, that
5 have basically been conformed to the underlying map coordinates. Uh, this one
6 shows, with the measuring tool, that the, since the road work was done, um,
7 it is now at that exact same location. I did not change anything about the
8 measuring tool, I left it or, right where it had been on the previous one and
9 the width is now 29 feet.

10 LORING: Okay. So you concluded that b-, from 2017 to 2019 the width of
11 the road was different?

12 DAY: Uh, from, from the aerial photos, I...

13 LORING: Sure.

14 DAY: I'm not able to access it on the ground to determine that, but
15 that's what I see.

16 LORING: Okay. And let's see, we don't have a lot more to go through with
17 you. I do want to discuss a few other items here. Actually, just related to
18 this a wrap up question, are you familiar with any review that Skagit County
19 conducted for any road activity and road development that occurred in that
20 2018 time period?

21 DAY: No, I, no, I am not.

22 LORING: Okay. Uh, do you think you would be aware if the County had
23 reviewed that work?

24 DAY: Yes. I'm, I'm sure I would be.

25 LORING: Why is that?

1 DAY: Well, in, in the first place, when we learned that, uh, Miles was
2 conducting work on the road, we heard from a number of, of neighbors, people
3 in the neighborhood who were seeing, uh, Miles trucks and heavy equipment
4 going in and out of the entrance. And, uh, we contacted Mr. Cooper, who was
5 the Lead, uh, Planner for this project at the time, at the County, uh, to ask
6 him whether the County had, had any knowledge of this or had conducted any
7 review. And, uh, he, uh, indicated he didn't really know anything about it.
8 And, uh, then later, he, well, I also would say that we noted, at that time,
9 that Miles had stated in its, uh, previous application materials that it had,
10 it didn't need to conduct any work on the, their existing network of forest
11 roads in order to be able to use them for hauling gravel from the mine. And
12 that this appeared to contradict that statement. Uh, right.

13 LORING: So...

14 DAY: Okay. I think...

15 LORING: So, uh, you were, you were told that this work was being done in
16 conjunction with forest practices?

17 DAY: That's correct. Yes. Mr. Cooper forwarded a letter from Mr. Lynn,
18 um, where he stated that, uh, the work was being done a-, as a requirement
19 of, uh, the Department of Natural Resources under a Forest Practices
20 Application.

21 LORING: Okay. Uh, had, but the Application materials you had reviewed
22 indicated there's no need to do that work for the mining, to use it for
23 mining?

24 DAY: Um, to that, up to that date, that was my understanding, yes.
25

1 LORING: Okay. Okay. Uh, two other quick topics here for you. Uh, you
2 mentioned that you've reviewed all of the Application materials to date, and
3 did you find any evidence in those materials that the Applicant had studied
4 impacts of increased operations at the Bellville facility from processing the
5 material that would be excavated at the Grip Road site?

6 DAY: No, I did not.

7 LORING: Okay. And are you familiar with any other, uh, Miles Sand and
8 Gravel operations?

9 DAY: Well, I know where some are located, I, I purchased materials
10 from, um, some of their locations, including their, uh, pit off of, uh,
11 Kelleher Road.

12 LORING: Okay. Are you familiar with any other operations where there are,
13 say, um, hauling limitations on the number of trips that can be made to and
14 from other Miles Sand and Gravel mines?

15 DAY: I'm aware that there, there is a, uh, I think it's a daily trip
16 limit on the, um, their private access road to, from, uh, Old Highway 99 to
17 the Bellville pit.

18 LORING: Okay. Okay. Well, I don't have any further questions for you here
19 today. Do you have anything else you'd like to share with us?

20 DAY: I would just like to share that from my review of the, uh,
21 Application materials and the MDNS, uh, the Applicant and the County have
22 failed to, uh, evaluate and provide mitigation requirements for a range of
23 critical impacts, both to public safety, uh, to road infrastructure and to
24 environmental, uh, resources, uh, and thus, it, this, uh, MDNS should be
25 reversed and the, uh, Permit Application denied.

1 LORING: Thank you, Mr. Day. Uh, at this point, you'll be hearing from the
2 Hearing Examiner and other lawyers. And I may speak with you again for a few
3 moments before you go. Thank you very much.

4 DAY: You're welcome.

5 REEVES: Okay. Um, just to clarify, Mr. Day, uh, you were not testifying
6 as a, as an expert witness today, is that right?

7 DAY: That's correct.

8 REEVES: Okay. So, Mr. Ehrlichman, I just want to clarify, the Hearing
9 Examiner rules sort of explicitly state that members of the public are not
10 subject to cross examination through this process. But did you have a
11 question you wanted to ask this witness?

12 EHRLICHMAN: Thank you, Mr. Examiner. As, as I've stated in my, my recent
13 communique to you, we're putting on our record in this case by calling
14 various witnesses and by agreement or our understanding with the Hearing
15 Examiner and the other Attorneys, rather than schedule those witnesses again,
16 separately, as part of our presentation, we're being allowed to ask questions
17 of those witnesses as they appear in the other parties' presentations. So,
18 the nature of my questions are not cross-examination, uh, so I appreciate the
19 opportunity to ask, uh, the witness just...

20 REEVES: I, I just want to clarify that point, so, the, the point you're
21 making is you believe that I agreed, well, I'm confused. I, my understanding,
22 and I did re-review, uh, sort of my, you know, previous orders and everything
23 when, was that Cougar Creek was seeking to, you know, question and cross-
24 examine, uh, witnesses that were specifically identified as experts by other
25 parties in terms of traffic. And then, obviously, you would be able to call

1 your witnesses. Are you essentially saying this is a witness you, yourself
2 would have called, and so this is just part of the case you're putting on, is
3 that...

4 EHRLICHMAN: That, that's correct, Mr. Examiner. And that was true with the,
5 um, the, uh, woman that appeared this morning, as I was asking her questions
6 about, uh, conflicts with bus traffic. I, I realized after that, well, maybe
7 I should have just waited and called her during my presentation. That would
8 have avoided, um...

9 REEVES: Well...

10 EHRLICHMAN: Any, any kind of disruption. And I apologize...

11 REEVES: Sure.

12 EHRLICHMAN: For that. Um...

13 REEVES: I'm just confused. I didn't realize you were affiliated or knew
14 these witnesses and, and had intended on calling them.

15 EHRLICHMAN: Well, we, we have a right to call witnesses during our
16 presentation, as I understand the law, and, uh, as the, as the hearing
17 evolved...

18 REEVES: We'll just move on. I'll let you ask your questions.

19 EHRLICHMAN: I'm sorry, Mr. Examiner, I was in the middle of a sentence I'd
20 like to complete, if that's okay.

21 REEVES: Go ahead, Mr. Ehrlichman.

22 EHRLICHMAN: Thank you. Um, it, it's my understanding we have a right to, uh,
23 present witnesses to create our record in this case. And as the hearing
24 evolves on the Special Use Permit, um, I may be calling a witness that I
25 didn't know at the beginning was necessary to the presentation of our record.

1 And, so, uh, I would like some leeway, uh, from you on that, if what you're
2 asking me is to produce a witness list, I'll work on that and distribute. I
3 have tried to be...

4 REEVES: [Inaudible.]

5 EHRLICHMAN: Fairly transparent with the, uh, the other Attorneys and with the
6 Examiner on, on what we're doing in this case. And I, I sense that...

7 REEVES: I...

8 EHRLICHMAN: We, we have somehow muddled the, muddled the water more than I
9 thought we would. So, thank you for your, your curtesy. Um, I, I just have a
10 very brief, um, question for, uh, this witness. And that is, um, based on
11 your years of review of this record, and based on the public records, uh,
12 request, documents that you reviewed, um, Mr. Day, is it your opinion that
13 the addition of the project traffic is likely to increase the number of
14 vehicle accidents on Grip Road?

15 DAY: Yes, it is.

16 EHRLICHMAN: Thank you. Uh, I'll stop there.

17 REEVES: Okay. Mr., uh, D'Avignon, do you have questions of this witness?

18 D'AVIGNON: I do not, Mr. Examiner, thank you.

19 REEVES: Okay. Mr. Lynn?

20 LYNN: Uh, yes. Thank you. Just one question. Um, you were asked a
21 question about changes, whether or not changes were analyzed to the Bellville
22 operation, are you under the impression that somehow the conditions of the
23 Bellville operation are going to change or would you assume that the
24 conditions that currently limit the Bellville operation would remain in
25 place?

1 DAY: Um, my understanding of the question that I answered previously
2 was not that it pertained to changes in the Bellville operation, but that it
3 pertained to, as you stated, uh, conditions currently in place.

4 LYNN: Okay. That's all I have. Thank you.

5 REEVES: Mr. Loring, anything based on, on that?

6 LORING: No, I, I have no redirect. Thank you, Mr. Examiner.

7 REEVES: Great. Thank you. And, thank you, uh, for your, your testimony
8 today, Mr. Day. Okay. Mr. Loring, you ready for your next witness?

9 LORING: I am, thank you, Mr. Examiner. Uh, Central Samish Valley
10 Neighbors call Brian Bowser.

11 BOWSER: I'm here.

12 REEVES: All right. Thank you. I'll get you sworn in. Mr. Bowser, do you
13 swear or affirm to the truth in the testimony you give here today?

14 BOWSER: Yes, I do.

15 REEVES: And can you just state and spell your name for the recording?

16 BOWSER: It's Brian Bowser and it's B-r-i-a-n B-o-w-s-e-r.

17 REEVES: Okay. Thank you. Go ahead, Mr. Loring.

18 LORING: Thank you, Mr. Examiner. Uh, hello, Mr. Bowser, how are you
19 today?

20 BOWSER: Good.

21 LORING: Good. Uh, as you know, I want to ask you some questions, again,
22 about the haul route that would occur as part of this mine and, uh, get a
23 better understanding so that we can get a feel for it here. Uh, we do have,
24 uh, some videos, uh, that I'm going to ask you to, they're brief videos I'm
25 going to ask you to go through. Uh...

1 BOWSER: Okay.

2 LORING: I'm hoping that you can, you can share those because I, I may
3 have a little more challenge with my bandwidth here. Uh...

4 BOWSER: Okay.

5 LORING: And so we'll just jump right in. Uh, where do you live?

6 BOWSER: Um, currently I'm living in Burlington, 886-, or, uh, 884 South
7 Pine Street. Um, I'm in the process of, of moving from, uh, Parson Creek
8 Road.

9 LORING: Okay. And Parson Creek Road, is that out in the vicinity of the,
10 uh, Grip Road gravel mine...

11 BOWSER: Yeah. Um...

12 LORING: That's proposed?

13 BOWSER: Half to three-quarter of a mile away as the crow flies, pretty
14 close.

15 LORING: Okay. Uh, did you grow up near the mine site?

16 BOWSER: Yeah. I've been in that area basically since 1972. Very familiar
17 with the whole entire area, including the property.

18 LORING: Okay. Very good. Uh, where do you work?

19 BOWSER: Um, uh, ACM is the name of the company. I'm a, a, uh, Senior
20 Consultant for them, uh, mostly handling, right now, industrial, uh,
21 manufacturing facilities.

22 LORING: Okay. And, uh, do you have experience managing construction
23 projects?

24

25

1 BOWSER: Yes. It's mostly been my, my whole career on the industrial side,
2 lot of oil refinery work, managing turnarounds, larger projects, um,
3 consulting with various different clients, Navy base, other people.

4 LORING: Okay. And are road projects part of that experience that you
5 have?

6 BOWSER: Uh, limited. Some.

7 LORING: Okay. And you're also part of the group known as Central Samish
8 Valley Neighbors, right?

9 BOWSER: Yes.

10 LORING: Okay. Great. Uh, you, and you are familiar with Miles Sand and
11 Gravel mining proposal?

12 BOWSER: Yes.

13 LORING: How did you inform yourself about that Proposal?

14 BOWSER: Uh, first found out about it, was attending a, a meeting at the,
15 uh, Hoogdal, uh, Community Center. And then from there, reading their
16 documents, a lot of the public request information that came through, reading
17 through that. Reading County specs and standards, um, just continuous review.

18 LORING: Okay. And are you familiar with the mitigated determination of
19 non-significance that Skagit County issued in 2022 for the mine proposal?

20 BOWSER: Yes.

21 LORING: All right. Have you reviewed it, uh, reviewed the whole MDNS?

22 BOWSER: Uh, yes.

23 LORING: Okay. Great.

24 BOWSER: Not in the last week, but, yes.

25 LORING: Yeah. Sure. This, this has been going on a little bit.

1 BOWSER: Yes.

2 LORING: I understand. Uh, I'd like to ask you a little about your
3 concerns about the mine, uh, do you know where it would operate?

4 BOWSER: Yes.

5 LORING: I believe you have essentially answered that. Um, uh, do you know
6 what kind of vehicles would haul gravel from the mine?

7 BOWSER: Uh, basically, they've, uh, stated, uh, uh, dump truck with a pup
8 configuration, um, with them hauling to and from was the initial, um, never
9 mention of other options of, uh, your belly dumps, your side dumps or any of
10 those other configurations you might see in and out of there.

11 LORING: Okay. Have you seen any schematics for the trucks that would, uh,
12 any schematics or drawings that show the trucks and the configurations that
13 would be used for hauling gravel?

14 BOWSER: Uh, the only one came up through, I think, this, uh, testimony
15 here. Um, and it showed, uh, the truck and pup configuration dimensions
16 around 63 foot or so. If I...

17 LORING: Okay.

18 BOWSER: Interpreted the drawing correctly.

19 LORING: Okay. When you say the drawing, uh, which drawing do you have in
20 mind when you say that?

21 BOWSER: Uh, it was one sent to me in an email the other day.

22 LORING: Okay.

23 BOWSER: I can find it.

24 LORING: That was, that was my question, whether it was that or, or a
25 different drawing, uh...

1 BOWSER: No. It's the one that was in the email that was sent to me.

2 LORING: Okay. Let me see if I can, uh, pull that up. So, you mentioned

3 that was, that was the document that had come up during the, the testimony

4 here?

5 BOWSER: Yeah.

6 LORING: And it was circulated to you? Okay.

7 BOWSER: Yes.

8 LORING: All right. Okay. I'm going to share the screen, uh, and see if

9 we're looking at the, the same one here. I'm having a little trouble getting

10 this to rotate.

11 BOWSER: Yep.

12 LORING: Okay.

13 BOWSER: That's it.

14 LORING: Okay. This is the one. Uh, there you go.

15 BOWSER: Yep.

16 LORING: Okay. So this is the document. Is, is this the first time that

17 you or was that email and that attachment the first time you had seen a

18 schematic for the truck and pup?

19 BOWSER: Yes, it was.

20 LORING: Okay. And, uh, I think you mentioned 63 feet, uh, is that what

21 you're seeing with this, uh, this truck and pup here?

22 BOWSER: Sixty-three, 63.5 something in, drawing doesn't have the overall

23 dimension of the combination. You have to do some math in between and, uh,

24 but, yeah.

25 LORING: Okay.

1 LYNN: Excuse me, Kyle, could we get an...

2 LORING: Yeah.

3 LYNN: Exhibit number?

4 LORING: I, uh, do we, I'm sorry, you know, this wasn't marked with an

5 Exhibit number and I can't recall the number that we ended up giving this

6 one. I believe we did enter this as an Exhibit, right, when it was

7 circulated?

8 REEVES: So, Mr. Lynn, I...

9 LORING: This is from Miles.

10 REEVES: Yeah. I thought you sent this out, at some point, I'm trying to

11 remember when.

12 LYNN: Uh, why don't, uh, so we don't take time, why don't I look for

13 the exact time so we can, uh, keep moving and then we'll, I'll tie it in in a

14 few minutes.

15 LORING: Sure.

16 REEVES: Okay.

17 LORING: Great. Thank you. Okay. Uh, thank you, Mr., Mr. Bowser, for

18 explaining the, the length on that.

19 BOWSER: Yeah.

20 LORING: Um, I want to ask you, okay. I don't know that I need to spend a

21 lot more time on this, um, but does this look consistent with the turn

22 documents that you had seen for this Application before seeing this specific

23 schematic?

24 BOWSER: Um, all I've seen was just some, some drawings that show how

25 trucks can navigate the, the, uh, the turns and, and like this truck here is

1 not like what I've seen typically from Miles and other, other contractors
2 that have dump trucks, uh, you know, truck and pup. A lot of them are a
3 three-axle configuration that don't have a steer dolly up front there. Um,
4 and, and so, like, that, that truck and trailer combination would handle
5 through a turn much different. And I don't know if that's just symbolizing
6 the length that you would typically see or, I mean, it's, the other style
7 that I'm used to seeing is going to, going to travel through a corner a lot
8 differently than, than that combination. Plus, they are extended out when
9 they're loaded. Um, and I think once they're out, they stay out most of the
10 time, unless they're going to be running around unloaded for a bit. But,
11 they're, uh, out another seven feet. So you're going to be closer to 70 feet
12 and that's going to tract through your corners a lot differently than that
13 configuration right there.

14 LORING: Okay. So, it's your understanding this may not be the
15 configuration that they're running with all of the trucks, uh, just based on
16 what you've observed from Miles' trucks before?

17 BOWSER: I've never seen a dump truck combination look like that here
18 locally. That doesn't mean it doesn't exist, but they're going to be three
19 and four axle pups, depending, um, and a little bit different style truck
20 which doesn't probably make a whole difference with the, depends on the axles
21 and where they are and that kind of thing. But, the, the trailer definitely
22 makes a difference in how far away it is from the truck.

23 LORING: Okay. Scrolling through my, my questions, you've been answering a
24 few, uh, all at one time. So, thank you for, for that. Um, so, you have some
25 concerns about the mine and its transportation impacts, why?

1 BOWSER: Because the, the haul system, the, the trucks, the, the road
2 system has never been designed to, to carry that kind of traffic, that kind
3 of weight, uh, that configuration of vehicles. Um, it, it's, I mean, the site
4 distance at your intersections is a problem, the quality of your road and
5 being able to stay in your lane is a problem. Um, it's, it wasn't designed
6 for that.

7 LORING: Okay. And do you travel on roads near the proposed mine site?

8 BOWSER: I have all my life. And I still am because I still have my house
9 there and I'm out there daily.

10 LORING: Okay. Uh, uh, we're going to use now the next opportunity to go
11 through a few of these, uh, videos, just to show us portions of the travel
12 route that the, that the tr-, trucks, sorry, would take from the mine
13 entrance out to Highway 99. Um...

14 BOWSER: Okay.

15 LORING: I'm going to ask you, can you pull up Exhibit A11?

16 BOWSER: Yes, I will do that and then I'll start sharing in just a second
17 here.

18 LORING: Great.

19 BOWSER: Go back over. All right. Here's the 11th. So, we have a, uh, uh, a
20 truck and trailer combination, um, in, coming down Grip Road, uh, down the
21 hill, um, this has the steer dolly on the front. So, when you see it go out
22 of the lane a couple, three times, um, and then also off to the side of the
23 road on the right-hand side, uh, into the grave, this truck is handling it
24 better than a typical truck would handle it coming down there. So, there he's
25 over the, over the yellow line.

1 LORING: And, Brian, can you pause this for a quick second? I just want to
2 make sure we're clear on, on where we are, uh, with this, so, can, can you
3 tell us where we are, roughly, from the entrance of the mine onto Grip Road?

4 BOWSER: So, I don't know, a few hundred feet. Uh, it's not very far down
5 from the, the entrance to the mine. So, you would have, uh, loaded the truck,
6 come to the mine, at the mine haul route to Grip Road, taken a right and, uh,
7 um, the, you ju-, we just went past the driveway of, uh, the Voyle's house
8 that's on the right and we're approaching the S-curves coming down the hill
9 on Grip Road, towards Prairie Road.

10 LORING: Okay. So this is near the, the top of that hill there, that
11 we've, that has been discussed and the S-curves there may be some pledge to
12 do some work on?

13 BOWSER: Yes. Yes. And I...

14 LORING: Okay.

15 BOWSER: I think the, I can't verify in this, but it feels like the pup
16 distance on this truck combination, which would tie to how the extra axle is
17 up front and stuff, but it feels, it feels a little shorter, um, and maybe
18 it's unloaded, too, I don't, I don't know. I can't tell form, from the video.

19 LORING: Sure. Okay. Okay. If you can continue and, and then just, uh,
20 yeah, give us a little more information as you watch it?

21 BOWSER: Okay. So, they're out over the line there, coming back in,
22 cutting the corner, tires in the gravel, back out over the line, little dip
23 in the road there and now they're going to cut the, over the line again,
24 making that next corner. So, it doesn't fit and that's a good configuration
25 for that.

1 LORING: When you say it's a good configuration for that, what, what do
2 you mean by that?

3 BOWSER: Out of the truck and trailer combinations, that, that combination
4 is going to handle that route better than a typical truck and trailer with a
5 three-axle, um, set up and no, no steer dolly up front.

6 LORING: Okay. Uh, and that, that means it's a shorter configuration?

7 BOWSER: It's going to stay in its lane. One, I think it's shorter, but
8 mostly it's going to stay in its lane better because the front axle actually
9 pivots on that trailer as it's going through corners, gives it a little bit
10 of steering so that it, that it handles the corners at a tighter radius.

11 LORING: Okay. Uh, did you see anything else in that video that you'd like
12 to point out about the conditions there, uh, on those hills, on that hill?

13 BOWSER: They're just narrow lanes, no fog line, limited sight distance
14 as you're, as you're coming down around all the corners, you don't have a lot
15 of sight distance for people cutting corners and, and, and you don't have a
16 lot of options coming down with that kind of weight.

17 LORING: Okay. Great. Uh, can you pull up Exhibit A12 for us now and, and
18 show us that, too. There's another video...

19 BOWSER: Yeah.

20 LORING: In roughly that same area.

21 BOWSER: Let me, uh, hit pause, yep, so, they start right away. So, it's
22 coming down the hill in the exact same area, um, couple of bi-, bicycles
23 coming down the hill, um, and shows how difficult it is. There's no, no
24 shoulder there, there's a ditch right off the edge, some broken, uh,
25

1 pavement, no place to go. So, encountering something coming down is not, not
2 what you want to do.

3 LORING: Uh-huh. Okay. And then we get down to the flat area there, headed
4 towards Prairie?

5 BOWSER: Yep.

6 LORING: Okay.

7 BOWSER: There you run into flood issues a lot.

8 LORING: Okay. And we'll, we've got a photo, we'll, we'll talk about that
9 briefly here in a moment. Um, can you al-, can you now pull up Exhibit A13?
10 This is a video...

11 BOWSER: Yeah.

12 LORING: And, uh, if you could tell us what this one is, too?

13 BOWSER: So, this is not a professional driver, it's someone who has a
14 horse trailer and I assume they're trying to smooth out their ride for their
15 horses. But, if you sit and watch vehicles go up and down there, you'll see
16 people drive similar to this. And some of it pertains to it, it's a narrow
17 road, um, it's not wide enough and this is a smaller configuration and
18 there's some difficulty there. So, as it's going up the hill, they swing wide
19 to be able to cut the corner here. Um, you're going to notice some bouncing
20 on the inside tire there, right there, where they got off the road, into the,
21 into the gravel there. Now, they cut the lane again, they're over in the
22 other lane coming up the hill, staying there. Now, there's no, notice the
23 sight distance, also, if, if something was coming down there, they didn't
24 have, for a good chunk of that, I mean, it would be a surprise and they'd
25 have to get over in their lane in a hurry. Um, so, they're going to also cut

1 the, cut the lane here again. As they're going around the corner, cut this
2 corner also. So, that's, Neil's driveway right there and then you're going to
3 see the entrance to the gravel mine up here on the left.

4 LORING: Okay. And when you say, uh, Neil's driveway, uh...

5 BOWSER: Yep.

6 LORING: Who is that again?

7 BOWSER: Um, blank on last name, testified the other day. Um...

8 LORING: Is it, is it Mcleod?

9 BOWSER: Yes.

10 LORING: I, I'm not sure, yeah, I think that's how you say his last name,
11 yeah. And testified here. Okay.

12 BOWSER: Yes.

13 LORING: Okay. Let's take a look at a, a couple of photos now and, and I'm
14 going, I can pull these up here on...

15 BOWSER: Okay.

16 LORING: On mine. Thank you for sharing those with us and showing us how
17 those curves function and, and, uh, with those types of vehicles on them. Uh,
18 I'm going to share a photo with you here. This is, uh, Exhibit A14, we've got
19 an A and a B...

20 BOWSER: Yeah.

21 LORING: Of the different photos there. We'll go over A. Do you know where
22 this is, are you familiar with this location?

23 BOWSER: Yes, this is right across from the Voyle's. Their driveway is,
24 uh, just right there. It's the house that's on that hill at the S-curves.

1 LORING: Okay. And, uh, this is the S-curves at the top of the, that Grip
2 Road hill?
3 BOWSER: Yeah. Yep.
4 LORING: And, uh, do you, what's going on in this photo?
5 BOWSER: Uh, ground is cracked and sluffing and starting to slide off down
6 the hill, off to the side.
7 LORING: Okay. Do you, uh, do you know why this happened?
8 BOWSER: Uh, no.
9 LORING: Okay.
10 BOWSER: No, I do know, uh, from being a kid and being in the area, that
11 that hill has had some of that, uh, through history, that's not, that's not a
12 surprise to see that.
13 LORING: Okay. And I'm going to scroll down to that, uh, Exhibit A14B. Um,
14 so it looks like it also j-, it's a different angle on that area?
15 BOWSER: Yeah. It's a, a bigger slide, bigger area and I think the, the
16 County put a bunch of, dug some stuff out and put a bunch of rock in there to
17 try and stabilize that.
18 LORING: Okay. And, and this is not how it looks today, is that right?
19 BOWSER: No, no.
20 LORING: Okay. Um, but you have seen it, these conditions occur over the
21 course of your lifetime living in that vicinity on that stretch of road?
22 BOWSER: Yeah. And I think if you went there right now, further down, you
23 can find a small crack in the, in the pavement where there's, there's some
24 movement also.
25 LORING: Did you observe that recently?

1 BOWSER: Uh, within the last few months, yeah.

2 LORING: Okay. Okay. I'm going to turn now to, uh, a different photograph.

3 Um, and this refers to, uh, sorry, I've got to pull that up really quickly

4 here. Uh, you were mentioning that there is sometimes flooding on the road.

5 And, uh...

6 BOWSER: Yes.

7 LORING: I believe that we have a photograph of that that I'd like to pull

8 up here really quickly. Okay. I'm going to share the screen here. And you

9 should be able to see Exhibit A15...

10 BOWSER: Yeah.

11 LORING: Here. Uh, do you know where this is?

12 BOWSER: Yes. So, that's, uh, the flat area between the bottom of the S-

13 curves and the Samish River bridge.

14 LORING: Okay. Uh, which way am I looking if I'm, you know, if I were to

15 keep driving, where would I, what would I encounter next around that curve?

16 BOWSER: You'd go across the Samish River and come to the intersection

17 with Prairie Road.

18 LORING: Prairie Road. Okay.

19 BOWSER: If you're heading west.

20 LORING: Okay. Heading west, behind me...

21 BOWSER: Yep.

22 LORING: Is up towards the, uh, the mine entrance there?

23 BOWSER: Yes.

24 LORING: Yeah. Okay. Um, are you familiar with, uh, flooding along the

25 Grip Road area down there?

1 BOWSER: Yes.

2 LORING: In your experience, living in that area, and traveling along
3 those roads regularly. Uh, for decades, how frequently would you say that
4 occurs?

5 BOWSER: Uh, um, boy, I don't, I don't know if I have a number for it, but
6 seeing something like that, that wouldn't shock me to have that on a monthly
7 basis. I mean, that, have the ditches full and be lapping up and in this
8 case, it looks like it actually came over the roadway, it does go over the
9 roadway several times a winter, just depends on what kind of winter we have
10 and how much r-, rain we receive. But, but that's, that's common and it'll
11 eat out at the edge of the road and have to get repaired by the County,
12 sometimes more than once in, in a calendar year. And notice the telephone
13 pole in the ditch, because that's where there's room for it.

14 LORING: Okay. And when you said it looked like it was out in the road,
15 are, are you thinking about this area along the side here or is there
16 something else you were thinking...

17 BOWSER: There's the, there's a, looks like a wave of water at the bottom
18 of the picture that was being pushed forward.

19 LORING: Okay.

20 BOWSER: By driving through it, that's what it looks like.

21 LORING: Uh-huh.

22 BOWSER: I can't verify, but it looks like that.

23 LORING: Sure. I just wanted to understand what, yeah, what your basis was
24 for saying that. Uh, have you ever traveled this road and had the flooding
25 completely cover the road?

1 BOWSER: Oh, yeah. Yeah. It will get closed.

2 LORING: Okay. Closed?

3 BOWSER: It, it has, yes. So will F and S Grade Road.

4 LORING: And what happens when that happens?

5 BOWSER: Uh, I mean, they, they put signs up at either end and, and it's

6 closed and you're not traveling through there.

7 LORING: Okay. Uh, in your experience, how long does something like that

8 last?

9 BOWSER: Um, usually, it's a, the water being that high over the roadway,

10 um, because it's, its, it's rain-driven so you're going to have a few days

11 and then it's going to, it's going to recede. It's not going to stay over the

12 roadway for an extended period of time. It will for, for a day or two and

13 then typically it's going to go down. But it's, it's rain-driven so you're

14 going to have to have multiple days of, of rain to get it up there high

15 enough.

16 LORING: Uh-huh. Okay. Uh, are you familiar with, uh, well, let me ask

17 again, you have received the Application materials that relate to, uh,

18 transportation issues for the proposed mine, right?

19 BOWSER: Yes.

20 LORING: Yeah. And you've reviewed all of them that are in the record, as

21 far as you know?

22 BOWSER: As far as I know, I've reviewed a lot.

23 LORING: Yeah. And are you aware of any Application materials that address

24 this flooding issue?

25 BOWSER: No. None.

1 LORING: Okay. And are you aware of anything in the MDNS that addresses
2 this flooding issue?

3 BOWSER: No.

4 LORING: Okay. Okay. And, uh, that's good. Uh, let me ask you a little bit
5 now about the Grip Road intersection with Prairie Road. We spent a few
6 minutes on this with John Day earlier.

7 BOWSER: Yep.

8 LORING: And, and, uh, if you can pull up Exhibit A16, this is another
9 video of that stretch of road, I'll stop sharing here.

10 BOWSER: Okay. [Inaudible] here. Here we go. Check. All right. So, dump
11 truck is coming up to the intersection, uh, at, uh, Grip and Prairie Road.

12 LORING: Okay. This is heading westbound?

13 BOWSER: Yes. So, right there is the driver's best, well, right there is
14 probably their best view of around the corner, with sight distance. And as
15 you get up closer to the intersection, you lose, you lose sight distance
16 between of the hillside and...

17 LORING: Uh-huh.

18 BOWSER: In this scenario, it's a, a, uh, single dump truck, doesn't have
19 a pup and truck, it's not loaded. Uh, it's my understanding it's going to
20 take around 22 seconds for a truck and trailer combination to clear that
21 intersection and be fully out into the, the, uh, westbound lane there.

22 LORING: Okay. Have you ever observed, uh, evidence of traffic problems in
23 this intersection?

24 BOWSER: Yes. I've observed, uh, stop signs gone. I've observed, uh,
25 broken, uh, glass and car parts, uh, marks in the ditch. Um, I observed my

1 grandma's car on the other side of the road as she went in the snow, crossed
2 the intersection. Uh, so, yes, multiple times.

3 LORING: Okay.

4 BOWSER: There's guardrail up on the corner because a girl died there
5 going off the edge. My dad was a, a fire fighter and then a fire, uh,
6 district chief and then they, um, uh, fire commissioner for Fire District 8
7 so I'm fairly familiar with a lot of issues that have happened.

8 LORING: Okay. So, you've actually responded as a, as a fire fighter to
9 that area or...

10 BOWSER: I didn't.

11 LORING: Volunteer?

12 BOWSER: My dad did.

13 LORING: Okay.

14 BOWSER: My dad did. Yeah.

15 LORING: That's what you said? Okay.

16 BOWSER: Yep.

17 LORING: Okay. And, uh, are you familiar with the Applicant's
18 determination that there is inadequate sight distance at that intersection?

19 BOWSER: Yes.

20 LORING: And what are they proposing to do to address that sight distance
21 issue?

22 BOWSER: Uh, flashing beacon light, is my understanding, to warn, uh,
23 oncoming traffic on Prairie Road that there's a truck at the intersection.

24 LORING: Okay. And do you believe that will adequately address the issues
25 that you observed?

1 BOWSER: No. No, I do not.

2 LORING: Um, what should be done instead?

3 BOWSER: Um, my opinion is they should cut the hillside back and eliminate
4 the problem of the sight distance issue. Um, I know it was brought up
5 earlier, but the, the DNN, uh, traffic consultants had, uh, indicated that it
6 was too costly. And I look at that and I, I mean, that's what I do for a
7 living is industrial type projects and I, and I see it's not a big job to
8 take out the hillside, they own most of the right-of-way already. Um, right-
9 of-way isn't terribly expensive based on what I saw on Parson Creek Road,
10 where I live. Puget Sound Energy just went through and upgraded a bunch of
11 power poles there and bought right-of-way from a number of people all up and
12 down Parson Creek Road and it's not cost-prohibitive. Um, from the industrial
13 side that I come from, your first goal is it eliminate, uh, whatever a hazard
14 is. And then, if, if it's not feasible or if it's cost-prohibitive or some
15 other issues, then you go to an engineered-solution. And to me, this is not
16 cost-prohibitive to eliminate this and not need a flashing light.

17 LORING: Okay. When you say not cost-prohibitive, uh, you're referring
18 both to the work and to the possibility of purchasing additional right-of-way
19 if needed?

20 BOWSER: Yes.

21 LORING: And, uh, when you talk about the right-of-way, do you have any
22 understanding of how much that would cost to purchase additional right-of-way
23 along that area?

24 BOWSER: Um, like, my neighbor, I think he, he got \$2200 for a small piece
25 of land. The person across the street that gave us some trees and a bigger

1 chunk of land and ended up with three large power poles and transformers, so
2 a chunk of land, I think total was, like, \$8,000. So, I can't imagine it
3 being, you know, maybe \$30,000. I mean, I...

4 LORING: Well, and I, and I w-, yeah, I won't ask you to speculate about...

5 BOWSER: Yeah.

6 LORING: How much it would be.

7 BOWSER: Yeah. It's...

8 LORING: But I, I, I know you had, you've done some work into
9 investigating how much other...

10 BOWSER: Yeah.

11 LORING: Other right-of-way purchases have been, so, okay.

12 BOWSER: Yeah. It just doesn't seem like a lot of money compared to fixing
13 the problem, having it go away and not be an issue.

14 LORING: Okay. And, and you said that in your experience, in your work,
15 you fix the problem first, mechanically if you can, and then if not, then you
16 have an engineered-solution?

17 BOWSER: Yeah. That's always your second line of defense if the
18 engineered-solution. The goal is to eliminate it. And I, I haven't, from oil
19 refineries to manufacturing facilities to wherever I've been, that's, you,
20 you get rid of the problem first and then if you can't do that, then, then
21 you go to engineered-solution. Because those can fail. Where if you get rid
22 of the problem, it doesn't fail.

23 LORING: Okay. And that's not what you've seen proposed here?

24 BOWSER: Correct. There's, there was no investigation done to, it was just
25 a hand wave, it's too expensive. And...

1 LORING: Okay.

2 BOWSER: That's not what [inaudible] do.

3 LORING: Sorry, I almost cut you off. Thanks. And when you say that you,

4 you, so you haven't seen any dollar figures assigned to, uh, fixing the

5 problem?

6 BOWSER: No. Nope.

7 LORING: Okay. Okay. Uh, let's, actually, I've, I've got another Exhibit

8 I'd like to show you. You're familiar with the intersection of Prairie Road

9 and F and S Grade Road, right?

10 BOWSER: Uh, yes.

11 LORING: Okay. I'm going to show you, uh, a photo of that intersection,

12 uh, here. Let's see. Okay. And, uh, just want to know, yeah, do you recognize

13 this image here?

14 BOWSER: Yep.

15 LORING: Okay. And this is that intersection, uh, where are we, uh, which

16 way are we headed and what are we encountering with this intersection?

17 BOWSER: We are headed for Old Highway 99, so we're westbound. Um, we've

18 just gotten, if, if we're coming from the gravel pit, um, we would have just

19 gotten onto Prairie Road, crested a hill, we're, we're moving downhill. F and

20 S Grade Road is on your left, um, school bus sign is now not there, which is

21 good because it does further impede our, our sight distance as you come

22 around the corner.

23 LORING: Okay. And, uh, and so trucks could go F and S Grade Road to get

24 to the Bellville pit, is that right?

25 BOWSER: They could.

1 LORING: Okay. The preferred..
2 BOWSER: Or [inaudible] to market route or something like that, they could
3 go that way also.
4 LORING: Okay. The preferred route is to go generally straight ahead?
5 BOWSER: Yeah.
6 LORING: Okay. I think I have, uh, I think we have a video that picks up
7 roughly from this photo and shows traveling a little bit, uh, west of here.
8 And that's Exhibit A22. If I can have you pull that up.
9 BOWSER: Okay. Oh, A-, A22, you said?
10 LORING: Sorry, A20. I got a little ahead of myself, thanks.
11 BOWSER: Let me, there we go. Get that rewind and go back to sharing. All
12 right. So, it's the same truck we saw earlier with the, uh, dolly wheel on
13 the front. Um, they've just come around the corner and they're headed towards
14 F and S Grade Road here.
15 LORING: I..
16 BOWSER: See here..
17 LORING: I'm not seeing, I'm not seeing it right now, Mr. Bowser. Are
18 other people seeing it?
19 REEVES: No.
20 LORING: Okay.
21 REEVES: No.
22 LORING: I think maybe it didn't take on the share screen.
23 BOWSER: Okay. No, it didn't. So, I guess that makes a difference, that's
24 a lesson for today. Don't share, you don't see it.
25 LORING: That's great.

1 BOWSER: Are you seeing it now?

2 LORING: We are, yes.

3 BOWSER: Okay.

4 LORING: And where is this in relation to that photo we were just looking

5 at?

6 BOWSER: Uh, we have not got to that exact location, we're just, um, we're

7 to the east of that.

8 LORING: Okay.

9 BOWSER: So, we're in between Grip and F and S. So, they, notice how they

10 swing wide, get onto the yellow line there to cut the corner to keep their,

11 keep their trailer in the, in the lane without it going over the, into the

12 gravel. And right there, you have traffic coming, so, and, and you can't see

13 that until you're right there.

14 LORING: Uh-huh. Okay. Uh, anything else that we should observe, uh, from

15 that video as we're coming around that corner there?

16 BOWSER: Um, at, at times, there, this is a school bus stop right here

17 where the garbage can is. And then the next house down can be another school

18 bus stop. And, uh, it's a little bit further down the road here, uh, not f-,

19 much further, that dump truck and pup should be up to, uh, full speed from

20 after getting on, after pulling onto Prairie Road.

21 LORING: Okay. And, uh, you mentioned those could be, uh, school bus

22 stops. Is it your understanding that, uh, the driveways in that vicinity,

23 generally each one can be a school bus stop?

24 BOWSER: Yes. And they have been through time.

25

1 LORING: Okay. So, wherever you see a house with a driveway, that is a, a
2 potential bus stop for the school?

3 BOWSER: Yes.

4 LORING: Okay.

5 BOWSER: Part of my concern with this intersection, uh, kind of going back
6 to the last picture, if those trucks want to make a left-hand turn there, you
7 literally have a 50 foot, uh, 50 feet before you get to where you need to
8 turn is where you can see whether it's okay to make the left-hand turn or
9 not. And the, the entrance to F and S Grade Road is not set up correctly. The
10 truck can't make that corner and stay in its lane. And it's also sloped, uh,
11 down to the right, towards the...

12 LORING: Okay.

13 BOWSER: The farmer's field there. And, uh, that's going to be a problem
14 if, if trucks are actually going to navigate the way on any kind of a regular
15 basis.

16 LORING: Okay. Okay. So, it's sloped in the way you're actually turning,
17 in the same direction kind of?

18 BOWSER: Yeah. It, it pulls you towards the field.

19 LORING: Okay.

20 BOWSER: Trying to, in your lane there.

21 LORING: All right. Let's pull up Exhibit A22 and I think we're almost
22 through, yeah, the videos that we've put together here. Uh, and this is going
23 to be farther down the road, I believe. Actually, I think it's headed the
24 other way. Uh, do you, are you familiar with this one?

25 BOWSER: Yes. Yes.

1 LORING: And what is this showing here?

2 BOWSER: So, in this scenario, we're, we're coming from the, uh, Bellville
3 pit, going up to Grip Road. Um, we've just gone through the S-curves on, on
4 Prairie Road, um, and entered the area where we have the guardrail that's
5 been recently installed.

6 LORING: Okay.

7 BOWSER: So, a couple of things this is going to illustrate. So, we're
8 coming up, there's no space, uh, now, the truck is going to go around, notice
9 it's a double yellow line there. Uh, there's a car coming, so we waited,
10 double yellow line and it's going to go around. They can see, but, um, the
11 problem is, you've got the road on the left, a bunch of people live up there.

12 LORING: Uh-huh.

13 BOWSER: And you're going to end up in a scenario where you have people
14 that don't want to be behind a dump truck and trailer. Um, and they're going
15 to try to pass as soon as they can to get around it. Um, one other thing that
16 I'd like to illustrate, I don't know if you'll be able to see if I go back
17 here, um, you, the truck is going to dip down on the right-hand side here.
18 Um, right, I think it was right there, oh, right there. It dips to the right...

19 LORING: Yeah.

20 BOWSER: The road basically between here and F and S Grade Road, both
21 directions has that same properties where there's those kind of, uh, changes
22 in the contour of the road that just make it a little bit more challenging
23 when you're, you're driving a truck like that that's fully loaded, it tends
24 to move you around on the road itself because it's not, it's not smooth and
25 set up for that kind of traffic.

1 LORING: Okay. Uh, and then you were saying that the guardrails are there
2 as well in that same location?

3 BOWSER: Yes. It makes it very uncomfortable. I've ridden my bike there. I
4 won't ride that direction anymore. It's not, I'm not comfortable with it.

5 LORING: Okay. All right. Um, thank you for sharing that one as well,
6 coming back from the other direction. Uh, I'd like to pull up a photo for you
7 now, I think we have one photo and one video that I'd like to go through
8 here. And so this is going to be, uh, let me see, okay. Let me share this
9 screen here. I'm showing this is Exhibit, uh, A23.

10 BOWSER: Yes.

11 LORING: And there we go. Uh, do you know what this, uh, depicts here in
12 this photo?

13 BOWSER: Yeah. You've got basically from Old 99 through the two S-curves
14 at, at the beginning of Prairie Road there.

15 LORING: Okay. And, uh, have you ever experienced vehicles having
16 difficulty negotiating the curves in this area?

17 BOWSER: Yeah. I've, I've followed the Skagit County truck and pup that
18 they were testing the route, uh, to see if they fit. And they don't.

19 LORING: Okay. Was, was it close?

20 BOWSER: Um, the, the upper corner, they, they can do better, the, the one
21 that's closest to the mine, but the lower one there's no way you can get
22 through that in either direction and stay in your lane. The, they, uh, the
23 pup trailer splashed mud out into the guy's yard, um, and then on the, uh, if
24 you're going the other direction, there's a, uh, a pot hole that you can
25

1 observe today because vehicles swing wide there to get through that corner
2 and they're into the gravel.

3 LORING: Okay. And have you heard, uh, that the Applicant is proposing to
4 address those curves and traffic issues related to those curves and the, the,
5 uh, trucks, gravel trucks?

6 BOWSER: It's my understanding they're going to do something. I don't know
7 what they're doing, but there, there, there is some sort of improvements
8 that's supposed to mitigate those issues.

9 LORING: Okay. And the MDNS, does that reference some of those, or does
10 that reference that same thing?

11 BOWSER: I believe it does.

12 LORING: Okay. But have you seen a written document that shows how it
13 would occur?

14 BOWSER: No, I haven't seen anything. I've just seen some words that
15 indicate that there is acknowledgement there's an issue.

16 LORING: Okay. If there were, uh, a written document to describe what was
17 going to happen and, and how this was going to be addressed, and it were in
18 the record, do you feel you would have seen it, given your review?

19 BOWSER: Yes.

20 LORING: Okay. Um, and do you, uh, did you hear any of the public comment
21 that was provided as part of the, this hearing the first day?

22 BOWSER: No, I did not.

23 LORING: Okay. Okay. And I believe I've already asked you and you've
24 confirmed that, well, I'll just ask it again, the Application, uh, no, strike
25 that, the MDNS doesn't require a limited route, or one route for the...

1 BOWSER: No.

2 LORING: Hauling, right?

3 BOWSER: There is no limitations anywhere, that I can see. And we don't

4 address any other routes. We only address that haul route for an average

5 number of vehicles, not, not any peaks or anything else, just an average.

6 LORING: Okay. Let's pull up the last video I want to discuss with you.

7 Now, this is a, and this is Exhibit A2-, A27.

8 BOWSER: Okay. Oh, that one. Um, let me get to the sharing part. Can you

9 see it?

10 LORING: Yes.

11 BOWSER: Okay.

12 LORING: I can see it here. And, uh, can you just preview what this video

13 is going to show us?

14 BOWSER: Yeah. So, this...

15 LORING: What, what we're looking at?

16 BOWSER: Uh, in this scenario, uh, a truck and trailer would have went,

17 um, uh, east from the gravel pit. So they've gone up, further up Grip Road,

18 up the hill. And, again, this has a steerable wheel up front, in this

19 configuration. Uh, so it's going to do better than, than a lot of other

20 trucks will with this route. So, it's going to go through the first two, uh,

21 90 degree corners, uh, railroad tracks and then the last 90 degree corner.

22 LORING: Okay. And just before you start it, actually, or if you can pause

23 it just for a second. I just want to make sure we're really clear. When you

24 talk about a steerable wheel or axle, you're talking about the front axle of

25 the pup, the trailer, is that right?

1 BOWSER: Yes. Yes. You'll notice, in, if, in the detail, you can see the
2 wheels are turned slightly through the corners. That helps with the steering,
3 it's going to track better through the corner.

4 LORING: Okay. And, and a lot of trucks have a fixed front axle that
5 doesn't steer at all and so that handles a little bit more, with more
6 challenge around corners?

7 BOWSER: So, they'll have three axles in the back of the trailer, uh,
8 nothing up front.

9 LORING: Uh, okay. I got it.

10 BOWSER: Yep.

11 LORING: Okay.

12 BOWSER: And then that, that wheel up front also allows for a little bit
13 more capacity.

14 LORING: Right. Okay. Thanks. Let's take a look.

15 BOWSER: So, we're going to cut the corner here, big time. Several feet
16 over. And it is a tight corner. Now, here they're going to swing out and cut
17 the corner. Taking up both lanes all the way through. And then here's the
18 railroad tracks. These are very difficult to maneuver. And, you know, when
19 he's going slow and he's all the way over into the other lane, 100% with the,
20 with the truck itself. And then cuts, cuts inside again. So you can't see
21 through that whole intersection. And you just got to go for it. And it
22 doesn't show the next 90-degree corner coming up. But there's another 90-
23 degree corner that, that's, that's pretty nasty.

24 LORING: Okay. Uh, and so the, uh, the Application anticipates some level
25 of traffic, uh, hauling heading that direction, right?

1 BOWSER: Yes, it does.

2 LORING: Does it provide any study whatsoever of, uh, crossing over that
3 center line, in that direction?

4 BOWSER: I've seen nothing to address traffic anywhere else.

5 LORING: Okay. And so, that video illustrates potentially the type of
6 crossing that would occur with a truck and trailer, gravel truck and trailer?

7 BOWSER: Yes.

8 LORING: Okay. Well, thank you for that, Mr. Bowser. I don't have any
9 other questions for you. Do you have anything else you'd like to share with
10 us today?

11 BOWSER: Um, the only thing, I mentioned the whole process has just been
12 frustrating and what's been addressed and, and not addressed through this,
13 this process. The, the whole road system is, has not been, been looked at,
14 it's just a few bits and pieces here and there. And then being able to go off
15 of average traffic. I've never been in a situation where I got to use the
16 average to calculate anything. The, the peaks matter. And, and for how long
17 that duration. And that's not anything that's been addressed in this process.
18 I also don't feel the Old 99 intersection has been addressed adequately. Um,
19 part of the challenge there is, uh, people that stop at, at 99 and, or at,
20 uh, Prairie Road and on the other side of Bow Hill Road, if they sit there
21 very long, they're usually not very good anyway, but they sit there very long
22 and then they don't remember who's going first and creates more problems with
23 the intersection with, with, with turning. And when you have dump truck and
24 pup going to take 22 seconds to clear the intersection, it's going to be a
25 challenge. So, it's just, uh, what we have right now. That's it.

1 LORING: Okay. Well, thank you for that. I appreciate that. Uh, and thank
2 you for your time testifying. Well, uh, gasoontite, uh, by the way.

3 REEVES: Sorry.

4 LORING: And these things happen.

5 REEVES: [Inaudible.]

6 LORING: I know. Uh, it happens. Uh, so, as with others, you're going to
7 hear from, uh, the Hearing Examiner and then, uh, other Attorneys and then
8 I'll probably have a chance to follow up with you at the end of that.

9 BOWSER: Okay.

10 LORING: Thanks.

11 REEVES: I'm going to suggest a five-minute bathroom break because...

12 LORING: This would be good timing.

13 REEVES: I need a minute to deal with my sinus infection and then we'll
14 come back to conclude the day. Thanks, everybody.

15 LORING: All right.

16 LYNN: Thank you.

17 [The tape ends.]

18 **The undersigned being first duly sworn on oath, deposes and says:**

19 I, Janet Williamson, declare under penalty of perjury, under the laws of the State of Washington
20 that the following statements are true and correct: I am over the age of eighteen (18) years and not a party
21 to this action. That on May 3rd, 2024, I transcribed a Permit Hearing, conducted by Andrew Reeves, that
22 took place on 9/8/22 at 1:30 p.m., regarding the above-captioned matter.

23 I certify and declare under penalty of perjury under the laws of the State of Washington that the
24 aforementioned transcript is true and correct to the best of my abilities.

25 Signed at Mount Vernon, Washington, this 3rd, May of 2024.

Janet Williamson

Janet Williamson

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