

1
2
3
4
5
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
11 Concrete Nor'West/Miles Sand and)
12 Gravel,)
13) PERMIT HEARING 9-9-22 9:00 AM
14 and)
15)
16 Appeal of Mitigated Determination of)
17 Significance by Central Samish Valley)
18 Neighbors)

19 Transcription Date: May 5th, 2024

20 Present: Andrew Reeves, Kyle Loring, Jason D'Avignon, Bill Lynn, Tom
21 Ehrlichman, Ross Tilghman

22 REEVES: Okay. I'm told we're recording. So, get my gavel out and make it
23 official. And, good morning. I'm going to go ahead and call this session of
24 the Skagit County Hearing Examiner to order. For the record, today is
25 September 9th, 2022 at 9:00 a.m. This is number PL16-0097 and PL16-0098, along
with the Appeal number PL22-0142, involving a request for a Special Use
Permit. Uh, excuse me, along with an Appeal of a SEPA determination that was
made. And we're here on, I believe day 5, so the parties, uh, certainly know
what's going on. But for the record, this is Andrew Reeves, on behalf of
Sound Law Center, serving as the County Exam-, Hearing Examiner. And, uh,

1 we'll go ahead and dive right in. So, before diving in with witnesses, let's
2 just do a quick round robin. Uh, technically, we, we are, uh, in the portion
3 of the Hearing, hearing from the Appellant's, uh, witnesses, but I know with
4 scheduling, et cetera, sometimes things need to go out of order, so I just
5 wanted to check on that particular issue. So, Mr. Loring, do you have any,
6 anything thin you wanted to quickly address or would like to have addressed,
7 uh, before we get started?

8 LORING: No, I don't think so, Mr. Examiner. And it looks like we should
9 be able to finish with our three witnesses in, in the order that we had
10 anticipated today.

11 REEVES: Okay. And, uh, Mr. D'Avignon?

12 D'AVIGNON: I have nothing to raise this morning, Mr. Examiner.

13 REEVES: Okay. Mr. Lynn?

14 LYNN: Nothing from me.

15 REEVES: Okay. And Mr. Ehrlichman?

16 EHRLICHMAN: Um, nothing from us. Thank you.

17 REEVES: Okay. Uh, Mr. Loring, I believe at the end of the day, yesterday,
18 we had, uh, concluded with Phil McCloud. Uh, so, at this point, if you'd like
19 to call your next witness, go right ahead.

20 LORING: Thank you, Mr. Examiner. Uh, we'd like to call Ross Tilghman,
21 please.

22 REEVES: Okay. Hi, thank you for being here. Can you hear me okay?

23 TILGHMAN: Yes, I can. Thank you.
24
25

1 REEVES: Okay. I'm going to swear you in. Do you swear or affirm to tell
2 the truth in the testimony you give here today? Hello? We jumped the gun.
3 Ross Tilghman, are you there?
4 LORING: Ross, you froze for a second.
5 TILGHMAN: The sound is breaking up at the, yes.
6 REEVES: And it's early in the process. Just to be safe, Ross Tilghman,
7 I'm going to suggest, why don't you try to, uh, sign off the meeting and just
8 come back while we wait a minute. I'd rather try to get this right at the
9 beginning than have it interrupt us in the middle.
10 TILGHMAN: I appreciate that. Will do it.
11 REEVES: Okay.
12 TILGHMAN: Just a moment.
13 LORING: Thank you.
14 REEVES: All right. While we're waiting, I'm going to put my vote in for
15 favorite tie with Jason today. We can all independently vote. I'm just,
16 that's the one I'm personally going with. We'll check in whenever we have
17 tech problems, so, uh, all right. Mr. Tilghman, it seems a little better. Uh,
18 we'll try this one more time, okay? Uh, do you swear or affirm to tell the
19 truth in the testimony you give here today?
20 TILGHMAN: I do.
21 REEVES: Okay. So, if you could state and spell your name for the record?
22 TILGHMAN: It's Ross Tilghman [phonetic], and that's T as in Tom, i-l-g-h-m-
23 a-n.
24 REEVES: Great. Thank you. Go ahead, Mr. Loring.

1 LORING: Thank you, Mr. Examiner. And, uh, good morning, Mr. Tilghman, how
2 are you doing today?

3 TILGHMAN: Good morning. I'm well, thank you.

4 LORING: Thank you. Thank you for joining us. As you know, I want to ask
5 you questions about the, uh, transportation review, uh, review of
6 transportation impacts for the proposed Grip Road gravel mine. And so we'll
7 go a little bit through your background and then discuss the analysis that
8 you've put together for us today. Uh, so, I'll start right off and ask you
9 where you work?

10 TILGHMAN: Um, I work, uh, for myself, uh, sole proprietor of The Tilghman
11 Group, the Transportation Planning Consultancy.

12 LORING: And how long have you worked there?

13 TILGHMAN: Um, I have been, um, running Tilghman Group, um, for about, um,
14 17 years, since, uh, 200-, um, five.

15 LORING: Okay. And, uh, what do you do with your, uh, with Tilghman Group?

16 TILGHMAN: I do, uh, transportation plans. Um, traffic and parking studies.
17 I do master planning, um, I do specific parking plans, including, uh,
18 financial, uh, projections [inaudible] funds, um, it's a wide variety of, uh,
19 transportation projects, um, both here in the Puget Sound area and, uh,
20 elsewhere around the county on a project-by-project basis.

21 REEVES: And...

22 LORING: Okay.

23 REEVES: Did anyone else have kind of a weird cut in, cut out on that?

24 LORING: Little bit, I did a little.
25

1 REEVES: Okay. So, I mean, one suggestion, obviously, it's always better
2 to be able to see our witnesses, but, uh, you know, one suggestion is we can
3 turn the video feed off, that tends to free up a little bandwidth. Um, we
4 already tried the log off/log on...

5 TILGHMAN: Yeah.

6 REEVES: And beyond that level of expertise, not sure how much more I
7 could offer, but...

8 TILGHMAN: Yeah. Well, let me give it a try. Okay. Video is off, hope the
9 sound is smoother.

10 LORING: It is smooth, at this point.

11 REEVES: And I apologize in advance, uh, you know, I will jump in if
12 needed, if it seems that there is an issue with, with the, uh, quality of, of
13 the recording. I just want to make sure that that is not, uh, ultimately an
14 issue for us, so, with that, go ahead, Mr. Loring.

15 LORING: Okay. And Mr. Tilghman, we were exploring your background and,
16 uh, the work that you do with your consulting business and, and you were
17 describing some of the projects that you worked on or, or the areas in which
18 you work. Uh, do you have any educational requirements for the work that you
19 do?

20 TILGHMAN: Um, my background is an undergraduate degree in History and a,
21 um, Master's, in uh, Geography, with emphasis on transportation. And I have
22 been working in the transportation planning business since I was in graduate
23 school, um, in the early '80's.

24 LORING: Okay. That anticipated my next question exactly. Uh, and, uh,
25 you, you said you have experience preparing transportation master plans?

1 TILGHMAN: Um, yes. Master plans and a variety of, uh, transportation
2 traffic and parking studies, yes.

3 LORING: And generally, what do those types of studies entail?

4 TILGHMAN: Well, first and foremost, it's about anticipating travel demands.
5 Um, how people or goods, um, get places, um, what their patterns are by time
6 of day, day of week, um, month of the year, um, where they would be coming
7 from and going to, how they would get there, so the, uh, the mode of travel,
8 whether driving, walking, biking, um, and if it's freight, how much, uh, how
9 many truck trips it would be and the nature of those trips be. So, it's
10 anticipating demands and then it is determining, um, how much access needs to
11 be provided to a, if it's a site specific project to determine how much
12 access capacity is required, where those access points should be, how well
13 they would operate, um, once the project is built and occupied. It's an-,
14 basically anticipating what are the transportation demands and needs of a
15 given land use.

16 LORING: Okay. And as part of making that determination, do you evaluate
17 safety risks associated with the type of travel demand that would be
18 anticipated for those facilities?

19 TILGHMAN: Well, um, yes. One, obviously, wants safe operations, so the
20 geometry of intersections, the, um, adequate width and capacities of the
21 roadways is essential to, um, providing a safe travel environment. The
22 interaction of different modes where pedestrians and vehicles, um, must cross
23 paths. Um, same thing for bicycles. Understanding how those can be provided
24 in a safe way is essential to the task.

1 LORING: Okay. And have you conducted a traffic impact analysis, that
2 formal type of review in conjunction with, uh, transportation planning that
3 you've done?

4 TILGHMAN: Uh, yes. That, that's, uh, one of the most typical types of
5 products produced.

6 LORING: Okay. And you're familiar with different levels of traffic impact
7 analysis?

8 TILGHMAN: Yes. They vary by jurisdiction, but many jurisdictions have, um,
9 one or more levels of analysis.

10 LORING: Okay. Uh, do you have experience analyzing carbon emission
11 volumes associated with, uh, your traffic analysis?

12 TILGHMAN: Yes, I have done that.

13 LORING: Okay. And how many times have you testified about traffic issues
14 before?

15 TILGHMAN: Well, there have been a few dozen hearings over the last, um, 15
16 to 20 years. So, it's, uh, something that I do, um, a few times each year.

17 LORING: Okay. And I'm going to point out that your resume is in the
18 record as Exhibit A55 and my understanding is that those materials have been
19 admitted and, uh, we don't need to belabor that, but I'm pointing that out
20 for the record and for the Hearing Examiner, in the event he wants to review
21 that.

22 REEVES: Thank you.

23 LORING: So, let's talk about traffic, uh, impact analysis concerns, uh,
24 associated with the current project. Uh, you're familiar with the Miles Sand
25 and Gravel Proposal to mine, uh, that site off of Grip Road?

1 TILGHMAN: Uh, yes, yes, I am.

2 LORING: Okay. Uh, what information have you reviewed about the project?

3 TILGHMAN: Well, I reviewed the, um, the SEPA Checklist, um, I reviewed the,
4 uh, the project's Traffic Impact Analysis, um, I believe I reviewed the, um,
5 the Staff, uh, Recommendation, the Decision. Um, I have visited the site. Um,
6 I have talked with, uh, residents and users of the area. Um, and have, uh,
7 reviewed County Road Standards Applicable, um, to County Roads.

8 LORING: Okay. And, uh, you, you mentioned you visited the site, uh, s-,
9 have you visited the full, uh, proposed haul route?

10 TILGHMAN: Um, yes. From, uh, the site to the, uh, the processing location
11 down on Old Highway 99. Yes. So, I've driven, uh, Grip Road, Prairie Road,
12 Highway 99, Prairie Road up to I-5, I-5 between the two interchanges, um,
13 Prairie and, um, I believe Bow.

14 LORING: Okay. And, uh, did you, uh, have you visited, uh, all of the
15 routes that are identified in the traffic impact analysis and I'm, uh,
16 there's a preferred route and then there are some other roads that have been,
17 uh, anticipated to be used some of the time.

18 TILGHMAN: Um, well, I believe so. Um, additionally, I traveled Grip Road
19 east of the, uh, of the mine site. Um, I've traveled F and S Grade Road, um,
20 as well. So, I believe I've covered all the roads that have been identified
21 as, um, haul, haul roads.

22 LORING: Great. And you mentioned that you are familiar with the Skagit
23 County road standards?

24 TILGHMAN: Yes. I have reviewed them.

1 LORING: Okay. And you prepared a report that summarized your analysis of
2 the Application's Traffic Impact Analysis, I believe, is that right?

3 TILGHMAN: That's right.

4 LORING: Okay. And, uh, that's Exhibit A28 in the record. Uh, I'm not
5 going to take us line by line through your, through that Exhibit. Uh, we're
6 going to discuss it in your oral testimony here, but I did want to make sure
7 that was, uh, in front of people as well as if the other lawyers wanted to
8 pull that up or the Hearing Examiner here. Uh, let's go back to the
9 Application, um, does it, does it specify a single haul route that would be
10 used?

11 TILGHMAN: Um, no. It doesn't identify a, a specific haul, haul route, um,
12 it talks about a, um, a route between the, um, the mine and the, uh, the
13 processing location. It talks about an alternative, um, path should, um,
14 trucks not meet the weight limits of the bridge on Hi-, Old Highway 99. Um,
15 so it, it describes a route that it anticipates being used, um, though I did
16 not see reference to a, um, a dedicated or precise haul route.

17 LORING: Okay.

18 TILGHMAN: Identified roads that would likely be used.

19 LORING: And you said you had reviewed the mitigated determination of non-
20 significance from Skagit County?

21 TILGHMAN: Yes, that's right.

22 LORING: Uh, and, uh, did you, did that MDNS specify a single route, uh,
23 to your understanding?

24 TILGHMAN: No. It simply, uh, I think, uh, pretty much reiterated what was
25 in the, uh, traffic impact analysis and it had a con-, condition that, um,

1 again, addressed the weight limits on the, uh, the Highway 99 bridge. But did
2 not, uh, I, I did not see line reads that specified a haul route.

3 LORING: Okay. And I'm going to share with you, uh, just a map that shows
4 the preferred haul route that we've been discussing and that is in the
5 Application, uh, just so that we can run through this a little bit and I can
6 capture your understanding of, of that route. Let me just see here. Uh, are
7 you seeing that on your screen, Exhibit A10 and...

8 TILGHMAN: Yes.

9 LORING: The route here. Okay. Great.

10 REEVES: Sorry, real, real quick, just to clarify, uh, Mr. Loring, you had
11 said this is part of the Application, but...

12 LORING: I'm sorry. I...

13 REEVES: This is, there's sort of reference in that Application in words,
14 but this is an Exhibit that was prepared by one of your witnesses earlier, is
15 that an accurate clarification?

16 LORING: Yes.

17 REEVES: Okay.

18 LORING: It is, I was referring, yes, to the route that has been, uh,
19 discussed in the Application, the preferred route. But this visual
20 representation is from John Day, who...

21 REEVES: There you go.

22 LORING: Prepared this map, yeah.

23 REEVES: Go ahead.

1 LORING: Okay. Thanks. Uh, have you, uh, Mr., uh, Mr. Tilghman, have you
2 reviewed whether the roads that composed this preferred route, uh, are
3 consistent with, or meet current Skagit County Road Standards?

4 TILGHMAN: Well, Grip Road and Prairie Road do not meet current standards
5 if, um, if they were, if a new road were to be built, it would be built with
6 wider lanes and shoulders than exist on Grip and Prairie Roads.

7 LORING: Okay. Uh, how much wider would those lanes and shoulders be,
8 based on current road standards for those roads?

9 TILGHMAN: Well, Grip and Prairie are generally 20 to 22 feet in width and
10 basically with essentially no shoulders. Um, new roads would be, um, 22 to 24
11 feet of travel lane, plus another, uh, six to eight feet of shoulder on each
12 side. So, the roads, um, would be, um, 34 to, um, 40 feet wide, that, that
13 would be the total width of pavement. So, could be almost twice as wide as,
14 um, the existing sections at Grip and Prairie Road.

15 LORING: Okay. And what's your understanding of the, well, I was just
16 going, let me strike that. Um, you're familiar with the vehicles that will be
17 used to haul the gravel based on the Application?

18 TILGHMAN: Um, well, they indicate it as dump trucks with pup trailers.

19 LORING: Okay. And the Application materials that you reviewed that were,
20 uh, I guess, in the, in the County's record, before the issuance of the MDNS,
21 did they specify any dimensions for those vehicles?

22 TILGHMAN: Um, I don't recall a di-, a specific dimension being specified.
23 What I do recall is that the TIA noted, um, they could be right up to the,
24 um, maximum legal, uh, gross vehicle weight, uh, it's approximately 105,000
25 pounds in the State of Washington.

1 LORING: Okay.

2 TILGHMAN: Uh, so, it would be essentially the largest available, um,
3 vehicles and trailers, uh, for that type of use. Smaller vehicle wouldn't,
4 um, if those weight limits are achieved, a smaller vehicle wouldn't do it. It
5 would be the larger vehicle.

6 LORING: Okay. And in your opinion, does the Application's Traffic Impact
7 Analysis evaluate the impact associated with shipping gravel trucks and
8 trailer loaded to that legal, uh, maximum legal weight on these substandard
9 roads?

10 TILGHMAN: Um, the analysis did not, um, provide any, um, insight into the
11 effect, say, on, on pavement or the, uh, structural adequacy of the roads. It
12 was really about, um, capacity, um, the traffic capacity analysis, it wasn't,
13 um, a structural analysis of the pavement.

14 LORING: Okay. And, uh, based on your understanding of these fully loaded
15 trucks on these substandard roads, what are some of the impacts that would be
16 likely to be caused on them?

17 TILGHMAN: Um, well, one of the problems here with the narrowness of the
18 roads is the ability of the truck and trailer to stay within the travel way.
19 Um, there are a number of, um, slopes and tight curves here, to the extent
20 that the truck would track off the edge of the pavement, um, there could
21 obviously be damage to the edge of the pavement. And, in fact, um, given the
22 fact that there's little to no shoulder, uh, truck tracking off, even a
23 little bit off the road, um, risks, I think a greater chance of some sort of,
24 um, collision or accident with a roadside object or truck just going off the
25 road. Um, and the number of axles is what, um, really de-, determines the,

1 um, the load that, um, the impact to the, uh, the road surface. Um, so we
2 haven't seen any information about, um, how, how the trucks would be
3 configured to minimize, uh, damage to the roads. And then obviously, there is
4 the consideration of the, uh, weight limit on Old Highway 99 and then it's
5 unclear how many trucks, um, would satisfy the reduced weight limit and how
6 many would have to, uh, take another route to avoid that, uh, weight limited
7 bridge.

8 LORING: Okay. And do you think that some of these impacts are likely to
9 the road beds based on your understand of the substandard roads and also of
10 the vehicle traffic that would, that the mine would generate on them?

11 TILGHMAN: Well, I, um, yeah, there's a good chance there could be
12 additional damage to the roads. Um, the other part that was only partly
13 evaluated in the TIA, um, was the path of travel on the tight curves.
14 Improvements have been identified for such on Prairie Road, just east of Old
15 Highway 99, um, but there are similarly tight curves on Grip Road, um, there
16 are two sections, one immediately west of the site, which is, um, S and,
17 curves on a steep slope and there was no analysis of the, um, ability of the
18 truck to track within its lane, um, on that section of the road. And to the
19 east of the site, there are, again, a series of 90 degree curves, very sharp,
20 um, where truck traffic is expected to travel. And there was no analysis of
21 the truck's ability to track through those corners. I would expect that, um,
22 those corners being very similar to the ones, uh, further west on Prairie
23 Road, would also require improvements for the truck to be able to track
24 within the lane.

1 LORING: Okay. One of the things that you may not have heard, uh, during
2 this Hearing, because I, I know you haven't been, uh, able to participate the
3 whole time, is that there's a, we heard from, um, one of the Applicant's
4 representatives here, that there's a new proposal to do something about the
5 Grip Road curves. Have you seen anything in writing about addressing the
6 concerns that you just mentioned on the Grip Road curves along the hill west
7 of the mine site?

8 TILGHMAN: No, I have not, to date, no.

9 LORING: Okay. And if, well, I, I don't need to follow up with that. Um,
10 okay. Sounds good. Well, let's talk a little bit about some of the other
11 roads and, and you've already touched on, on one of these just now when you
12 were talking about, uh, Grip Road east of the mine. Um, you, I'll start
13 there. You were mentioning that the transportation impacts analysis did not
14 evaluate the impacts of hauling east of the mine entrance on Grip Road. And
15 are there any tra-, particular traffic concerns that, in your opinion, should
16 have been evaluated there?

17 TILGHMAN: Well, yes, there are. And as I, um, mentioned, there are, um, 90
18 degree curves that, uh, again, not far east of the, uh, the mine site. Um...

19 LORING: And I, I should, uh, hold on just a quick se-, I'm sorry, I did
20 switch to Exhibit A26, which is a map that, uh, another map that John Day
21 prepared, uh, as you're discussing this. This is the map that he testified is
22 the route, uh, going generally east from the site. That is anticipated,
23 although we don't know exactly what that route would be. Sorry. Uh, sorry
24 about, Mr. Tilghman, uh, please carry on.

1 TILGHMAN: Right. So, again, and the map illustrates, um, uh, two 90 degree
2 curves, um, just east of the site and, again, additional 90 degree curves,
3 uh, further on, uh, depending on the route that the trucks would take. Um, so
4 no analysis, the, um, the truck's ability to track, uh, thorough those
5 corners and what it would mean for either the, um, the edge of the road, the
6 physical edge, or for oncoming traffic in the opposing lane. Additionally,
7 there is a rail crossing, um, that also involves, um, another tight corner
8 and there's, um, no identification in the TIA of the rail crossing or of the,
9 uh, the impact of, uh, trucks turning, um, at that tight corner across the
10 tracks.

11 LORING: Okay. And in your opinion, should the Application have reviewed
12 those, uh, the potential impacts of turning, their trucks turning on those
13 corners?

14 TILGHMAN: Well, if trucks are assigned or assumed to use that, yes, they
15 should because it's obvious from, um, similar conditions west on Prairie Road
16 that road improvements are required so the trucks, um, still track on
17 pavement. Um, the, the concern here would be about the truck encroaching on
18 lanes for opposing traffic. Um, and with the 90 degree corners, uh, sight
19 distance is quite limited, um, drivers could well be surprised by, um, a
20 heavy vehicle coming at them in their own lane around the corner.

21 LORING: And in your opinion, does the Application, in the absence of any
22 information about those potential impacts, does that Application demonstrate
23 that it has reviewed, uh, safety impacts along that stretch of road?

24 TILGHMAN: Well, the Application simply didn't review any impacts along
25 that. It, the TIA simply noted a certain share, I think 5% of truck trips,

1 um, expected to go there. But that, that's the end of the story. There was no
2 additional assessment of what that, um, that 5% of trips would mean to, um,
3 the physical status of the road or to traffic, um, traffic safety.

4 LORING: Okay. And, uh, and, yes, you mentioned that 5%. Does the
5 Application limit the amount of truck traffic that would travel in that
6 direction to 5%?

7 TILGHMAN: Uh, no, I think that was simply an expectation. It's not a
8 limitation as I understand it.

9 LORING: Yeah. I, thank you. And, and I know I've asked these a little bit
10 different, I'm just trying to confirm some of these items. And, and the
11 mitigated determination of non-significance, uh, that also didn't include
12 such a limitation?

13 TILGHMAN: Uh, no. No limitations that I recall.

14 LORING: Okay. I'm going to go back to that Exhibit A10 on the screen
15 here. And, uh, we touched on this briefly, but I, I just want to follow up.
16 You mentioned the F and S Grade Road, um, is it your understanding that the
17 Application contemplates using this road as a potential route for hauling,
18 um, hauling gravel?

19 TILGHMAN: I do not believe it anticipates doing that, no. But the question
20 I had was if, um, if trucks are too heavy to cross the bridge on Old 99, and
21 if they opt not to stop at the weigh station on I-5 between the, um, Bow Hill
22 Road interchange and the next one that would allow them to get to the, um,
23 the gravel pit, the processing site, the only other choice would then be to
24 use F and S Grade Road. So, my concern was that it could be, even though it
25

1 wasn't anticipated to be used in the study, that it, um, it could be used by
2 default, um, if drivers opt not to use the other routes.

3 LORING: Okay. And you mentioned that it wasn't anticipated to be used by
4 the study, do you mean that the study didn't, uh, that, that Traffic Impact
5 Analysis did not actually study the, uh, impacts of using that route?

6 TILGHMAN: Uh, no, it did not.

7 LORING: Okay. Uh, there was some indication that some amount of shipping
8 might actually travel on that route, though, right, in, in the TIA, it just
9 didn't study the impacts?

10 TILGHMAN: Yeah. I don't, I don't recall that it identified them, no.

11 LORING: Okay. And would there be any traffic concerns for using, sorry,
12 I, I switched to, uh, I apologize for that, I forgot I was sharing the screen
13 and I pulled up Exhibit C18 and started to scroll, my apologies, Mr.
14 Examiner.

15 REEVES: I was going to ask if, uh...

16 LORING: Yes. Sorry about that.

17 REEVES: Sure.

18 LORING: Um, let me go back. This is what I had intended. I, okay. Uh,
19 I'll wrap up with this and then stop sharing screen so that I don't do that
20 sort of thing again. Um, Mr., Mr. Tilghman, we're looking at Exhibit A10
21 again. And are there any potential, uh, impacts of using that F and S Grade
22 Road, um, based on your travel along that and your understanding of the
23 Application's Proposal to haul, uh, potentially haul gravel along it?

24 TILGHMAN: Well, if that road were to be used, uh, one concern would be for
25 the, uh, trucks leaving the site. Um, they'll go down Grip Road, turn left

1 onto Prairie Road and then make a left turn onto F and S Grade Road. And
2 that's the, um, that left turn, uh, would be a concern, um, given having to
3 yield to opposing traffic. Um, the trucks are large and somewhat slow moving
4 and, and it's a relatively tight turn. That's one concern. Similarly, trucks
5 headed the other way, turning from F and S Grade onto Prairie, um, may well
6 need to swing wide onto Prairie into the opposing lane to complete the turn.
7 That's a concern. Um, and then at the other end, at the south end of F and S
8 Grade Road, um, trucks would then need to make a, um, an acute right turn
9 onto Kelleher Road, um, and that would require a very, um, very wide path
10 that they would have to travel, and most likely, um, encroaching into
11 opposing lane to complete the turn. Um, it's not a geometry that's well
12 suited to, um, the movement of such large vehicles.

13 LORING: Thank you. Okay. I, I will stop screen sharing so that when I'm
14 opening up other documents they don't automatically pop up on your screen.
15 And, uh, I'd like to talk a little bit about daily truck volume. Does the
16 Application, uh, specify a set daily truck volume for the, uh, for the Grip
17 Road travel mine?

18 TILGHMAN: Well, the, um, the Application derives an average daily volume
19 based on an anticipated annual total number of trips. Um, basically, the
20 process was, there's an expected amount of material to be extracted in a year
21 and then that tonnage was simply divided by the capacity of trucks and you
22 come up with an annual number of truck trips to haul that amount of material.
23 And then divide that annual total by 260 operating days to get an average
24 daily total.

1 LORING: Okay. And so your understanding of the, of the Application
2 materials is that they're looking at that average daily total?

3 TILGHMAN: Yes.

4 LORING: And, uh, and that's 46 trips?

5 TILGHMAN: Yes, it is.

6 LORING: Okay. Sorry, I just put that, we, this has come up a bit, uh, in
7 this Hearing, so far to date, so, uh, I'm just trying to put that out there.
8 And do you, uh, aside from that average daily volume, do you know if there's
9 a daily limit on the amount of truck traffic that would be generated by this
10 site?

11 TILGHMAN: No, I've not read of any prescribed limit, um, either volunteered
12 or, um, administered, um, in the MDNS.

13 LORING: Okay. And do you, have you read, um, an hourly limit?

14 TILGHMAN: Um, there was talk, again, um, there was mention of periods that
15 would be busier, when greater amounts of material would be extracted from the
16 mine and hauled off-site. Um, the so-called extended hours of operation. Um,
17 and that was used in the TIA, um, to come up with, um, a maximum hourly
18 volume of 30 truck trips in what, in an hour.

19 LORING: Okay.

20 TILGHMAN: So that, that number has been referenced.

21 LORING: Okay. Yeah. And does the MDNS reference that number as well?

22 TILGHMAN: Uh, I believe it does.

23 LORING: Okay. Uh, does it reference it as truck trips or trucks in the
24 MDNS, to your knowledge?

1 TILGHMAN: Um, I, I'd have to go back and look exactly, I believe it is
2 truck trips.

3 LORING: Okay. Why don't, uh...

4 TILGHMAN: Yeah. We...

5 LORING: Let me see if I can, um, find the most recent MDNS, I was a
6 little bit, there were a few in this one, and see if we can just briefly, uh,
7 pull that up here.

8 REEVES: This Exhibit 27, you're hoping...

9 LORING: Yes. Thank you. Yes. Thank you. It is Exhibit 27, uh, that we're
10 pulling up. And I am, uh, just taking a look at this here. Okay. Uh, let me
11 share my screen here, Mr. Tilghman. And we are, we should be looking at
12 Exhibit C27. I've scrolled down a little bit, just to show you where I am,
13 I'm on Page, uh, unnumbered page, but, uh, they don't have numbers. But I'm
14 at that Section 13. I'm looking at that Roman et vii on there and, uh, this
15 has, this is talking, I believe, about the daily truck traffic, um, under the
16 extended hours operations. I'm moving the curser under there, as well as the
17 average that it identifies there.

18 REEVES: Sorry, are we, are we likely down in the mitigation conditions
19 that were imposed?

20 LORING: We are. Yeah. This is...

21 REEVES: Okay.

22 LORING: This is there. Yes, I'll, I'll, yes. Uh, and, uh, Mr. Tilghman,
23 do you see how it describes the amount of truck traffic for, uh, extended
24 hours of operations?

1 TILGHMAN: Yes. It simply says, um, not to exceed 30 trucks per hour during
2 extended hours operations.

3 LORING: Okay. Um, is, is it your understanding that that could be a
4 different number than the number of trips per hour?

5 TILGHMAN: Um, well, it, it depends on how it's interpreted. It could be,
6 um, 30, 30 trips or 30 vehicles and then it's not clear how many trips those
7 vehicles are making.

8 LORING: Okay. Uh, if it's truck and trucks make a, you know, headed out
9 and back, uh, would you say it could be double that number for trips?

10 TILGHMAN: Well, if it's 30 trucks, making two trips each, yes, that would
11 be, uh, 60 truck trips in the hour. Um, if it means to say it's 30 truck
12 trips per hour, um, presumably that would be, um, 15 one way, 15 the other
13 way. So, it could be otherwise.

14 LORING: Okay. I'll stop sharing that for now. And, uh, return to the
15 questions about that truck traffic there. Um, is it possible to adequately
16 evaluate the traffic impacts generated by the mine based on that 46 average
17 trips per day?

18 TILGHMAN: Well, as I, um, argue in my report, that, um, that average and
19 deriving an average and the way that has been done, um, probably masks, um,
20 the true impacts of the mine. Um, it's, I...

21 LORING: And what do you, yeah, what do you mean by that?

22 TILGHMAN: Well, you could, um, you could get to that av-, mathematically,
23 you can get to that average many, many different ways. Um, and the likelihood
24 that the mine would operate at exactly the same level every day of the, of
25 the working year, um, seems highly unlikely. There are very few land uses,

1 um, that are so precisely consistent in their, their operations. Um, so,
2 there would be some maximum number of trips, there would be some minimum
3 number of trips and that could be, um, a very wide range around that average.
4 So, there could be days that have many, many more trips, uh, there could be
5 days that have many fewer trips. All of which could average, over some
6 period, 46 trips per day. But that average does not give the public, or even
7 decision-makers, a particularly clear view about the range of impact that had
8 occurred. Um, if you had a day where you had three times as many trucks, that
9 would be a very different experience than a day when you had, um, you know, a
10 total of five trucks or even no trucks. So the average masks the, um, the
11 actual experience, um, that is likely to occur as we go through, um, through
12 the year.

13 LORING: Okay. And, uh, you mentioned three times and is there any limit
14 on, uh, the number of truck trips per day on, uh, during regular operations,
15 any limit at all?

16 TILGHMAN: Um, there's no limit. I mean, there's this reference to not
17 exceeding 30, 30 trips or 30 trucks in an hour. Um, but the TIA considered
18 this extended hours of operations to have essentially just a tick under 300
19 daily, daily truck trips, um, but it also asserted it's simply ten hours of
20 operations, so that's, that's basically 30 trips an hour throughout the
21 working day. Um, but I didn't see that, what's so unclear about this extended
22 hours of operation is whether the hours and s-, there are actually more
23 operating hours in the day, um, or does it just mean more intense use during,
24 during those ten hours?

1 LORING: Uh-huh. And, and even with that extended, or I should mention
2 even that 30 trucks per hour limitation, uh, that, that only applies in the
3 extended hours scenario, right?

4 TILGHMAN: That's my understanding.

5 LORING: Okay. Yeah. Uh, and, okay. Let's talk a little bit about peak
6 hour, uh, traffic. Is it, uh, to your knowledge, does the TIA make any
7 assumptions about the amount of daily truck traffic that would occur during
8 the peak hour?

9 TILGHMAN: Well, basically, it's 10% is assumed to occur in the peak hour.

10 LORING: And what is that assumption based on?

11 TILGHMAN: Um, well, it is often the case for many land uses and traffic in
12 general, that about 10% of daily trips occur in the afternoon peak hour. Um,
13 that's a, that's a pretty good rule of thumb, um, for traffic in general.
14 But, um, the case here is, um, with ten hours of operation asserted each day
15 for, uh, for the haul trucks, um, the daily total is simply divided by ten.
16 So, every hour is essentially the same as peak hour. So, the TDIA does not
17 actually indicate any peaking tendency whatsoever. It just takes whatever the
18 daily total will be and divides it by ten. Uh, so, every hour has the same
19 volume. Um, that seems to me highly unlikely.

20 LORING: Okay. I, I think you're still there, I can't tell if you were
21 done or it cut out a little bit. Um, why do you say that's highly unlikely
22 here?

23 TILGHMAN: Well, again, um, it's hard to imagine that it's going to b-, that
24 the operation would be so regular as to have exactly the same number of truck
25 trips each hour of the day, um, every day it operates. Uh, there are just

1 very few land uses that, that work that day. Um, and it tends to be a, an ebb
2 and flow. Um, there will be busier hours, there will be slower hours. You may
3 get to this average, but my point is averages can be achieved many different
4 ways. The question is what is the distribution of, um, the trips by hour of
5 the day across the day. And then across the days of the week. Um, and it's
6 understanding the, the busier periods, um, to be able to understand what the,
7 uh, the real impacts are.

8 LORING: And did the traffic impact analysis understand those busier
9 periods or represent busier periods?

10 TILGHMAN: Uh, no. As I say, it, it, um, it assumed 10% in the peak hour,
11 um, it didn't identify patterns in any other hour, it basically appears
12 they're taking the daily total and divided by ten hours a day. So, every,
13 every hour is a 10% based on the way the TIA looks at it.

14 LORING: And, uh, similarly, did the TIA discuss seasonal variation for
15 hauling frequency?

16 TILGHMAN: Uh, no, it did not.

17 LORING: Would you have expected to see that?

18 TILGHMAN: I generally would. Um, particularly, uh, these are essentially
19 materials that will be used in construction, um, you know, roads and
20 concrete, um, and there are certainly strong seasonal swings in construction
21 volume. Um, I would not expect, um, to see as much activity in the winter
22 months. I would expect to see more activity in the, uh, summer and fair
23 weather months.

24 LORING: Uh, okay. And, uh, would you have expected the TIA to, to discuss
25 that? No, I already asked you that. Sorry about that. So, thank you for that

1 answer. Um, let's talk a little bit about traffic impact analysis generally.

2 Is it your understanding that there are different types of traffic impact
3 analysis that can be conducted?

4 TILGHMAN: Uh, yes. Depending on the jurisdiction.

5 LORING: Sure. And in Skagit County, do they have, uh, different levels of
6 TIAs?

7 TILGHMAN: Yes. Yeah. They've got a Level 1 and, uh, a Level 2.

8 LORING: Okay. And what level did, uh, TIA did the Applicant conduct here?

9 TILGHMAN: Um, essentially a Level 1.

10 LORING: And, in your opinion, was that the appropriate level of TIA?

11 TILGHMAN: No. Uh, I, as I indicated in my report, I think a Level 2 would
12 have been appropriate, given the particular nature of, um, the mine traffic,
13 so many heavy vehicles.

14 LORING: Okay. And, okay. So, the, the vehicles, uh, do the trip numbers,
15 uh, would those also make a Level 2 TIA more appropriate, in your opinion?

16 TILGHMAN: Well, the, um, the County has a threshold of, um, 50 peak hour
17 vehicle trips, uh, to trigger a Level 2 TIA, um, that's, that's one criteria.

18 Um, and the TIA, again, um, looking at what it assumed the busiest period

19 would be, would be, um, essentially a tick under 30, I think at a 29.4, uh,

20 truck trips, um, in one hour, in the peak hour. Um, that, at face value,

21 would not trigger a Level 2 TIA, but the County's concern, the way those

22 numbers are set up seems to reflect a concern about, um, use of road

23 capacity. And heavy vehicles, such as the dump truck with pup trailer, um,

24 would generally be considered, um, the equivalent of about two, uh, passenger

25 cars for, uh, road capacity purposes. When you do capacity calculations,

1 there's a factor for heavy vehicles. If you have a high proportion of heavy
2 vehicles, they count as, um, you know, approximately two passenger car
3 equivalents. So, from a capacity perspective, um, yeah, the, um, the pr-, the
4 29.4 hourly truck trips, I think would exceed the threshold for Level 2 TIA.

5 LORING: Okay. And, and if the, uh, the extended hours language in the
6 MDNS referring to 30 trucks, if that refers to 60 trips, uh, then are we
7 talking about 120 for capacity purposes, based on that same, uh, logic?

8 TILGHMAN: Um, 60, uh, yes, it would be, yeah, times two.

9 LORING: Okay. So, uh, what other factors for this site and the haul route
10 that would be used, uh, the preferred one or any of the other ones, uh, that
11 could be used that have been identified, uh, would satisfy, uh, other
12 criteria for a Level 2 TIA?

13 TILGHMAN: It really has to do with safety considerations. And I think the
14 nar-, the, the heavy duty vehicles, that are basically the only type of
15 traffic generated by the mine, on, what are narrow roads, roads that do not
16 meet current standards, um, is one concern. And the mix of traffic, um,
17 trucks are not the only vehicles out there in the future. Um, there are
18 other, other traffic out there which includes in the school year, school
19 buses stopping, um, on Grip and Prairie Roads, both the morning and the
20 afternoon. Um, they're there for relatively brief times, but there are a
21 number of different routes serving the different school districts that
22 overlap this area. They actually stop in the road, so dump trucks coming up
23 behind them would have to stop. These are two-lane roads, when the bus stops,
24 vehicles have to stop in the op-, in, in the opposite direction as well. Um,
25 so that's many more stops and starts that would otherwise occur because of

1 the presence of school buses. And then the fact that cyclists, um, use these
2 roads. I understand these are popular riding routes, uh, throughout a good
3 part of the year with cyclists in the area. The fact that there is no
4 shoulder, um, there is no, no refuge for a cyclist when a large vehicle comes
5 by. Um, I think these factors, um, point to safety considerations. The volume
6 of trucks involved here, I think, merits a, um, a much closer analysis. A
7 Level 2 TIA actually specifies a safety analysis. It would be able to take a
8 close look at all of those factors. And I think that's the compelling reason
9 why a Level 2 TIA should have been conducted.

10 LORING: You mentioned that safety analysis just now in your testimony and
11 I believe you were already identifying some of the potential impacts that
12 would have been evaluated from a safety, in a safety analysis through a Level
13 2, uh, TIA, is that right? Is that what you were discussing there?

14 TILGHMAN: Yes.

15 LORING: Okay. Uh, are there other impacts that, and let me ask you
16 another question, is another word for that a conflict analysis?

17 TILGHMAN: Yes.

18 LORING: Okay. And are there other types of impacts that a conflict or
19 safety analysis would have uncovered for this potential route on the haul
20 road here?

21 TILGHMAN: You know, um, sight distance, intersection conflicts, um, would
22 be part of that, um, as well as the basic safety with the mix of traffic
23 involved.

24 LORING: Uh-huh. In your opinion, did an adequate analysis of traffic
25 impacts occur in here the absence of a Level 2 Traffic Impact Analysis?

1 TILGHMAN: Well, we have no assessment of the conflict between trucks and
2 pedestrians and bicycles.

3 LORING: Uh-huh.

4 TILGHMAN: We know people walk along the road, we know cyclists ride along
5 these roads. Um, the TIA correctly identified that there are no, uh,
6 separated dedicated pedestrian or bike facilities on these roads. Um, it
7 didn't, um, offer information about the level of use by, um, people walking
8 and cycling. So, that's a key thing. Um, nor did it, um, identify the, um,
9 the number and frequency of school buses, um, serving the area and the, uh,
10 probability or potential for, um, the haul trucks to be, um, in conflict with
11 school bus operations.

12 LORING: Okay. And have you informed yourself about the, uh, Sedro Woolley
13 School District bus schedule?

14 TILGHMAN: Um, yes, I've seen some information about, um, number, I think
15 approximately five different routes operating on Prairie and Grip Roads, um,
16 different times of the morning and, um, mid-afternoon.

17 LORING: Is it, yeah, is it your understanding that those, uh, routes
18 occur at the same time that the, uh, gravel would be hauled along those
19 roads?

20 TILGHMAN: Um, some of, um, as I recall, I believe the, um, the haul
21 operations expected to start around, um, between 7:00 and 8:00 a.m. Um, there
22 are a couple of routes that are operated a little earlier, but many of the
23 routes operate, um, from approximately 7:30 to nearly 9:00 a.m. And then, um,
24 those in the afternoon would all overlap the, um, the hauling operations
25 because they're generally between about 2:30 and 4:00 p.m.

1 LORING: Okay. So if the, if the haul operations run 7:00 to 5:00 on a
2 regular basis weekdays, uh, that would overlap completely with those school
3 buses?

4 TILGHMAN: Virtually all of them, yes.

5 LORING: Okay. And, well, what, what types of impacts would you anticipate
6 for school buses encountering gravel trucks on Grip Road or Prairie Road?

7 TILGHMAN: Well, again, we're dealing with, um, vehicles that do not stop
8 quickly. Um, the school buses, um, stop in the road, um, where, uh, their
9 students need to be, um, picked up or, uh, dropped off. Um, and that
10 frequency will vary from year to year depending on where students live. Um,
11 but it would require the, um, the haul trucks perhaps to make numerous stops
12 on one trip. And that's whether they're following a school bus or going in
13 the opposite direction. And, and sometimes children need to cross the road.
14 So, stopping reliably, every time, is critical. And, again, there is no extra
15 width, there is no leeway for any driver error. Um, the, uh, the, the,
16 there's no shoulder to pull over on, uh, if you go a little wide. Um, so,
17 it's tight, it's tight confines, uh, for a bus and the, um, a dump truck with
18 pup trailer and the frequent stops are a concern.

19 LORING: Okay. And you mentioned frequent stops, do you know where the
20 school bus stops are located along the haul route?

21 TILGHMAN: Um, no, I don't know specific locations. Again, um, those tend,
22 my understanding is, they tend to vary depending on where their students live
23 at that time and that change from year to year. But the point is, uh,
24 frequent, there, there are numerous stops...

25 LORING: Uh-huh.

1 TILGHMAN: Along those roads.

2 LORING: Okay. And, and we heard testimony yesterday that they can be at
3 the driveway where students live, is, is that what you were mentioning a
4 moment ago, when you said depends on...

5 TILGHMAN: [Inaudible.]

6 LORING: Yeah.

7 TILGHMAN: Yeah. Again, there are no sidewalks or pedestrian facilities, so
8 it's unreasonable for the school district to expect children to walk along
9 the highway, so, yes, they, uh, my understanding is they try to drop kids off
10 and pick them up as close to their homes as possible.

11 LORING: Uh-huh. And in addition to the school buses, were there conflicts
12 analysis or a safety analysis also have evaluated, uh, any risks of
13 encountering other vehicles. You mentioned, uh, pedestrians or bicycles, but
14 other vehicles as well, like, emergency vehicles?

15 TILGHMAN: Um, possibly. Um, all depends upon, um, circumstances, frequency
16 of use, um, and the extent to which you might have, um, over, you know,
17 extra-large vehicles present is that a, um, a regular feature.

18 LORING: Uh-huh. And did, uh, as a Level 1 Traffic Impact Analysis, did
19 the TIA that the Applicants prepared here look into that and provide any
20 assessment?

21 TILGHMAN: Um, no. There was no assessment about the mix of traffic or the
22 potential of encountering, um, pedestrians, cyclists or other types of
23 vehicles.

24 LORING: Okay. And have you calculated the probability of cyclists
25 encountering gravel trucks and trailers on Prairie Road?

1 TILGHMAN: I did look at that, yes.

2 LORING: Okay. That's, uh, that's in your report, is that right?

3 TILGHMAN: It is, yes.

4 LORING: Exhibit A28. I'm going to see if I can take us to that in a size
5 that, uh, we can see here. I'm going to share the screen. I have, um, I've
6 gotten to, it's Page 16 of that Exhibit A28. This is a table that, or a chart
7 that you prepared as part of your report, is that right?

8 TILGHMAN: It's a chart I had prepared, yes, I had a, um, professional
9 statistician, um, prepare this.

10 LORING: And, and how did, uh, how did they prepare it? What, what
11 information were they using?

12 TILGHMAN: Well, I, um, I provided the, um, this is for, um, Prairie Road,
13 between Old Highway 99 and its intersection with Grip Road. So, we have the
14 length, we have the speed limits, uh, by section. Um, and the, um, the
15 working assumption was that cyclists would be traveling an average of 15
16 miles per hour, um, randomly distributed. And that, um, then we had a
17 scenario of how many trucks per hour, so this is simply a calculation of the
18 number of times that, um, a truck would encounter, um, a cyclist, uh,
19 depending on the number of cyclists and the number of trucks operating, uh,
20 within any one hour.

21 LORING: Okay. So, can you just help us identify exactly what some of
22 these numbers are so we're really clear? Let, let's say we go to that, uh,
23 top, left corner, I'll put the curser kind of by there where it says .07, is
24 that, does that mean that one, one cyclist, uh, on the road and one truck on
25

1 the road per h-, are those per hour numbers, one truck on the road per hour
2 or is, or do those numbers mean something else?

3 TILGHMAN: Um, no, that is, um, one truck within in the hour and one cyclist
4 within the hour. And, um, since that is actually the number of incidents, um,
5 one cyclist and one truck are extremely unlikely to encounter one another.
6 Um, in this case, uh, you could read it as a probability. That's basically a
7 7% chance that they would meet. It would only be 0-, 0.07 incidence of a
8 truck and a cyclist meeting in one hour. Now, these are vehicles going in the
9 same direction. Um, and, again, because the lanes are so narrow and there are
10 no shoulders, um, it is that encounter that is the most concerning, the
11 vehicles going, but a cyclist and a truck traveling in the same direction.

12 LORING: Okay. And it looks like your, your highest number for trucks per
13 hour is 20, uh, is that right, about 20 there?

14 TILGHMAN: Uh, yes, for this example, yes. The highest number is 20 cyclists
15 in one hour and 20 trucks in one hour.

16 LORING: Okay. Uh, so potentially a group ride might get to that point
17 and, uh, under extended hours, or any day without a limit on them.

18 TILGHMAN: Well, this is, um, this is actually independent cyclists, um, if
19 they were 20 random distributed through the hour. Um, a group ride would,
20 yeah, change this somewhat, um, because the group, the group was obviously,
21 it depends on the size of the group, because they obviously, um, stretch out
22 a bit. They're not riding as, uh, as a pack, necessarily. Um, I think it's
23 reasonable to expect it would be, um, single file riding at this point, so
24 they could stretch out over some distance if there were any number of riders.

1 LORING: Uh-huh. So how would you characterize the probability of cyclists
2 encountering gravel trucks under, uh, the conditions that were, are
3 anticipated for the Grip Road gravel mine?

4 TILGHMAN: Well, I'd say it's pretty high. Um, let's take the instance of,
5 um, well, the average the TIA keeps working with is about 4.6, let's call
6 five trucks in one hour, um, and let's say there were five cyclists in one
7 hour. So where the five and the five intersect, um, there will be 2.19
8 incidence of trucks and cyclists, um, overlapping. So, it's basically saying
9 almost half, basically 2, 2 out of those five cyclists, um, will be, will
10 encounter a truck. They'll be passed by a truck in that hour. Um...

11 LORING: Okay. And that's at the average, uh...

12 TILGHMAN: That's getting close to...

13 LORING: Every hour?

14 TILGHMAN: This probability. And if you add more trucks and more cyclists,
15 it, it obviously, the chances increase.

16 LORING: Okay.

17 TILGHMAN: Yeah.

18 LORING: And this chart doesn't take into consideration whether there will
19 be vehicle traffic heading the opposite direction at the same time?

20 TILGHMAN: Correct. This is, uh, single, single direction assessment.

21 LORING: Okay. Uh, and, uh, we discussed the, the roads and, uh, trying to
22 recall, do the roads have shoulders, uh, Grip and Prairie Road, or we'll
23 stick with Prairie here since we're talking about this. Uh, do you have an
24 understanding about whether the roads have shoulders along Prairie Road?

1 TILGHMAN: Most of it has no shoulder, in fact, um, there were some sections
2 where basically you're just up against the guardrail. Um, there literally is
3 for cyclists, if the cyclist needed to avoid a vehicle of some sort, there's
4 literally no place for the cyclist to go. It's very narrow.

5 LORING: In your opinion, does that exacerbate the potential impacts from
6 gravel trucks passing bicyclists or encountering them..

7 TILGHMAN: Yeah. That is, yeah, that is my gravest concern, um, about this
8 proposal. Um, these are heavy, heavy trucks. Um, they're full width, about
9 8.5 feet. Um, they're, um, yeah. It's, uh, it is a grave concern. Um, that
10 trucks and cyclists on this narrow road, and as you pointed out, um, should
11 opposing traffic be coming, um, this sets up a number of, um, concerns and
12 conflicts.

13 LORING: Okay. I want to ask a little bit more about the TIA, uh, did it
14 evaluate any slopes or grades along the traffic or the transportation route?

15 TILGHMAN: Um, no, I don't recall.

16 REEVES: Mr. Loring.

17 LORING: Yes.

18 REEVES: My apologies. Uh, it looks like Jason D'Avignon may..

19 LORING: Yeah.

20 REEVES: Have frozen, I just want to make sure we haven't lost one of our...

21 D'AVIGNON: I'm here.

22 REEVES: Oh, okay.

23 D'AVIGNON: Yeah. I, I, I'm, I'm listening along.

24 REEVES: Okay. I'm not sure, yeah, your screen seems to be frozen, or that
25 is a very excellent yoga pose you're in. But I wanted to make sure that, uh,

1 everyone was still here. So, my apologies for interrupting, Mr. Tilghman. I'm
2 just...

3 LORING: Uh, thank, thank you, Mr. Examiner. And I believe that's his
4 active lawyer photo that he puts up on his video conferences.

5 REEVES: Excellent. Oh, my...

6 D'AVIGNON: It allows me to dip out for a moment.

7 LORING: Uh, Mr. Tilghman, uh, we were talking a moment ago about the
8 grade and whether the TIA evaluates any of the grades along the haul route.
9 Uh, I believe you were saying it doesn't?

10 TILGHMAN: Uh, yes, that's, uh, my recollection, it doesn't address grades.

11 LORING: Okay. Is that important?

12 TILGHMAN: Well, Grip Road immediately west of the, um, the mine site, um,
13 slopes down steeply, uh, to the west. Uh, I think it's an average grade of,
14 uh, around 8%, um, which is not trivial, um, particularly for, um, trucks
15 operating at the, um, legal gross vehicle weight limits. And that slope, um,
16 occurs, um, there are a couple of curves there, it's not a straight slope,
17 um, there, there are two, two curves. So, it's, um, and, again, the
18 narrowness of the road, um, makes that a, um, a concern in my eyes, a safety
19 concern, uh, for this type of vehicle.

20 LORING: Okay. And you me-, you testified there that it's a concern in
21 your opinion, uh, that slope there as well. Do, do the road standards from,
22 do the Skagit County Road Standards require some sort of, uh, understanding
23 of grades and road geometries?

24 TILGHMAN: Um, well, let's see, in terms of the, um, TIA analysis or...

25 LORING: Uh, either one, to your knowledge. Does...

1 TILGHMAN: I mean...

2 LORING: Does a TIA analysis require that?

3 TILGHMAN: It helps to identify, um, both horizontal and vertical curvature.

4 So, yeah, grades would be a part of that, yes.

5 LORING: Okay. Uh, and you mentioned there's a pretty significant grade.

6 Do you have any information about, uh, this, the road bed itself along that
7 grade and, uh, whether it's had any difficulties over the years?

8 TILGHMAN: Well, I recall from my site visit you can see where recent
9 patching, um, has occurred and work at the road side all of the sloping, uh,
10 road side to shore up what, uh, appears to be a, well, some part of the
11 roadway fell away, um, not long ago and it was clear it had to have been, um,
12 filled and patched. Um, and it's my understanding from, um, some past news
13 reports and, um, recollections of neighbors, um, that there had been
14 occasional, um, subsidences and, um, collapses of sections of the road, uh,
15 on that slope.

16 LORING: And did you see anything in any of the Application materials that
17 evaluated that, uh, either that history of the slope failures there or the
18 risk of that occurring based on the traffic generated by the mine?

19 TILGHMAN: No. I recall no mention of that.

20 LORING: Okay. And were there any other potential impacts that were not
21 addressed as a result of, uh, not discussing that grade on the Grip Road
22 hills?

23 TILGHMAN: Well, again, um, the building, the grade presents a couple of
24 problems, one, the trucks can, will they be able to control their speeds
25 adequately with a full load. Um, brakes can fail. You know, no mention of,

1 um, what happens in the scenario like that. Um, and then there could be a
2 noise impact, um, depending on if these trucks are actually using engine
3 compression brakes, uh, to manage their speed down the hill, which is a
4 perfectly reasonable thing to, uh, to do. Um, that noise, there has been no
5 evaluation of noise, um, off-site, off the mine site. And that slope, with
6 the frequent truck trips, I think would be a concern, concern for, um, noise
7 impacts as well as, um, tracking and safety impacts.

8 REEVES: And, sorry, just real quick question from me. The engine
9 compression brakes, was that, is that one often colloquially, years ago, were
10 called jake brakes or, or something to that effect?

11 TILGHMAN: Yes, that's correct, sir.

12 REEVES: Great. Sorry. Thank you. Go ahead.

13 LORING: Sure. Okay. So, in, in the absence of studying, uh, or in the
14 absence of acknowledging these types of impacts and then studying them, in
15 your expert opinion, did the TIA analyze the full traffic impacts of the
16 mine?

17 TILGHMAN: No, it did not analyze the full traffic impacts.

18 LORING: Okay. And are you familiar with Skagit County's Special Use
19 Permit approval criteria?

20 TILGHMAN: I just lost you.

21 LORING: I'm sorry. Are you familiar with [beeping noise] did we lose him?
22 Mr. Tilghman, are you still there?

23 REEVES: I'm getting like a...

24 LORING: A pinging.

25 REEVES: Submarine, yeah.

1 LORING: And I'm seeing Mr. Lynn is frozen at the moment, as well.
2 REEVES: Okay.
3 LORING: Mr. Examiner, I, I wouldn't mind taking a brief...
4 LYNN: Just so you know, I'm here and not frozen.
5 LORING: Okay.
6 LYNN: I was just being very still.
7 LORING: Not as still as Mr. D'Avignon, whose held that pose now...
8 REEVES: I'm worried, okay. Hold on...
9 LORING: Yeah.
10 REEVES: One sec. yeah. The pinging seems to be gone.
11 LORING: Are you back, Mr. Tilghman?
12 TILGHMAN: Uh, yes, I am. I, I, I lost you there, uh, the, the last, um,
13 statement or question.
14 REEVES: I, the quality seems to have dropped. Were you...
15 LORING: The overall system...
16 REEVES: The whole system...
17 LORING: Seems to be having trouble.
18 REEVES: Seems to be collapsing.
19 LORING: Should we all, uh, log off and log back in?
20 REEVES: I'm, yeah.
21 LORING: Adjust that, but, at least two people are frozen on the screen,
22 there's a lot of feedback.
23 REEVES: I'm going to, yeah, let's take a short break, you know, it's
24 10:12, let's shoot to be back in seven or eight minutes. Uh, and why don't,
25 I'm going to suggest folks try to log off and log back on and hopefully that

fixes it. I think we're overwhelming the system, maybe. So, we'll, we'll start back here in, in, uh, in a few minutes.

LORING: Sounds good.

REEVES: So, shoot for 10:20 everybody.

LORING: Thank you.

REEVES: Thanks.

[The tape ends.]

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

I, Janet Williamson, declare under penalty of perjury, under the laws of the State of Washington that the following statements are true and correct: I am over the age of eighteen (18) years and not a party to this action. That on May 5th, 2024, I transcribed a Permit Hearing, conducted by Andrew Reeves, that took place on 9/9/22 at 9:00 a.m., regarding the above-captioned matter.

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

Signed at Mount Vernon, Washington, this 5th, May of 2024.

Janet Williamson

Janet Williamson