

RECEIVED BY FAX

4-17-02

RECEIVED
APR 18 2002

ENVIRONMENTAL
HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION and
CITIZENS AGAINST SEA-TAC EXPANSION,

Appellants,

v.

DEPARTMENT OF ECOLOGY and
THE PORT OF SEATTLE,

Respondents.

No. PCHB 01-160

FIFTH DECLARATION OF PAUL S.
FENDT, P.E.

Paul S. Fendt declares as follows:

1. Declarant. I have personal knowledge of the facts set forth in this declaration and would be competent to testify to them if necessary.

2. Receipt of Notes from February 12, 2002 Meeting Between Kelly Whiting, Keith Smith and Ann Kenney. Kelly Whiting, Ann Kenny and Keith Smith met on February 12, 2002. At that meeting, Mr. Whiting gave Ms. Kenny and Mr. Smith an overview of his comments on the December 2001 Low Flow Plan prepared by the Port of Seattle. Keith Smith took notes at that meeting, which he transmitted to me. Mr. Smith requested that I and others working on low flow issues begin work on some of the issues as soon as possible.

3. Meeting With Kelly Whiting for February 19, 2002. On February 19, 2002, a number of Port consultants, myself included, met with Kelly Whiting to discuss his comments on the Port's December

FIFTH DECLARATION OF PAUL S. FENDT, P.E. - 1

FOSTER PEPPER & SHEFELMAN PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
206-447-4400

ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 2001 Low Flow Plan. It was at this meeting that Mr. Whiting presented us with his draft comments,
2 which are dated February 19.

3 4. Based on Keith Smith's Request, Revisions to the Walker Creek Low Flow Period Had
4 Already Been Completed Prior to the February 19, 2002 Meeting. In response to Keith Smith's original
5 request that we begin work on Kelly Whiting's preliminary comments, I had directed that members of
6 the low flow team review the low flow period for Walker Creek. That review had been completed prior
7 to the meeting that I attended with Mr. Whiting on February 19, and the document that was attached as
8 Exhibit C to my Pre-Filed Testimony was also prepared prior to my February 19 meeting with Mr.
9 Whiting.

10 5. While the Walker Creek Calculations and Exhibit C to the Fendt Testimony Were Prepared
11 Prior to February 19, Documents Were Collected and Delivered to Mr. Whiting on March 6. Parametrix
12 and others working on low flow issues presented a packet of material responding to Mr. Whiting's
13 comments on March 6. The document reflecting corrections to the calculations reflecting the Walker
14 Creek low flow period was included in that packet, despite the fact that it had been prepared prior to the
15 February 19, 2002 meeting with Mr. Whiting. It was this same document that was attached to my Pre-
16 Filed Testimony as Exhibit C and the data that is reflected in that document forms the basis for my
17 statement at §42 of my testimony that "In Walker Creek, 44 of the 47 low flows occurred between
18 August 7 and November 9."

19 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is
20 true and correct.

21 Executed at Kirkland, Washington this 17th day of April, 2002.

22
23 

24 Paul S. Fendt, P.E.