

RECEIVED

DECLARATIONS SUPPORTING ACC'S MOTION FOR STAY, PCHB NO. 01-160

OCT 18 2001

Issues

ENVIRONMENTAL
HEARINGS OFFICE
Water Right
Required

<u>Experts</u>	Fill Issues	Stormwater/ Water Quality	Low Flow	Wetlands	Water Right Required
Azous		1st Decl.: ¶¶ 31, 33		1st Decl.: ¶¶ 4-34 Reply Decl.: ¶¶ 3-56 Sur-R. Decl.: ¶¶ 3-20 Supp. Decl.: ¹ ¶¶ 2-8	
Kmet (Ecology)	¶¶ 2, 3				
Lucia	1st Decl.: ² ¶¶ 5-6, 27-40 2nd Decl.: ¶¶ 4-15		1st Decl.: ¶¶ 5-26 2nd Decl.: ¶ 15		
Luster	Throughout (both of his declarations)				
Rozeboom		1st Decl.: ¶¶ 3-5, 17 Reply Decl.: ¶¶ 2-4, 6, 17, 19-20, 22-23	1st Decl.: ¶¶ 4-21 Reply Decl.: ¶¶ 2-5, 7-25		
Sheckler					Reply Decl.: ³ ¶¶ 4-5
Sheldon			1st Decl.: ⁴ ¶ 20 Sur-R. Decl.: ¶ 7	1st Decl.: ¶¶ 6-22 Sur-R. Decl.: ¶¶ 2-7 Supp. Decl. ¶ 2	
Strand	1st Decl.: ¶¶ 6, 28-31 Reply Decl.: ¶¶ 22-28 Sur-R. Decl.: ¶¶ 3-8	1st Decl.: ¶¶ 5-6, 9-27 Reply Decl.: ¶¶ 4-21 Sur-R. Decl.: ¶ 4	1st Decl.: ¶¶ 6, 32-37		1st Decl.: ¶¶ 4, 7-8

AR 006363

¹ See Declaration of Amanda Azous on Late Attachments to Stockdale Declaration, dated October 18, 2001, submitted to the Board with this chart.

² Dr. Lucia submitted declarations in support of ACC's Reply (10/08/01) and ACC's Sur-Rebuttal (10/10/01).

³ Mr. Sheckler submitted only one declaration, in support of ACC's Reply, on October 8, 2001.

⁴ Ms. Sheldon submitted declarations in support of ACC's Reply (10/08/01) and ACC's Sur-Rebuttal (10/10/01), and is also submitting today the Declaration of Dyanne Sheldon on Late Attachments to Stockdale Declaration, dated October 18, 2001.

ORIGINAL

Issues

<u>Experts</u>	<u>Fill Issues</u>	<u>Stormwater/ Water Quality</u>	<u>Low Flow Mitigation</u>	<u>Wetlands Mitigation</u>	<u>Water Right Required</u>
Whiting (submitted by Ecology)		¶ 3, lines 16-19; ¶ 4; ¶ 6, p. 4, lines 6-8; ¶ 6, p. 5, lines 1-23; Ex. 1 ⁵	¶ 2, p. 6, lines 5-26; pp. 7-8; Ex. 2 ⁶		
Willing		1st Decl.: ¶¶ 6, 13, 21-40 Reply Decl.: ¶¶ 13-27 Sur-R. Decl: ¶¶ 3-4	1st Decl.: ⁷ ¶¶ 6, 8-11, 12-20 Reply Decl.: ¶¶ 6-12		1st Decl.: ¶¶ 8-11 Reply Decl.: ¶ 12
Wingard		1st Decl.: ⁸ ¶¶ 2-12			
Eglick	1st and 2nd Declarations (attaching documents relevant to all issues, as cited in briefs and experts' declarations)				

⁵ See especially Whiting Ex. 1 at:

- page 1 of cover letter, second paragraph, 2nd and 3rd sentences;
- page 1 of cover letter, third paragraph;
- page 1 of Enclosure 1, second paragraph, last sentence;
- page 2 of Enclosure 1 (excerpt from 1998 KCSWDM), second paragraph.

⁶ See especially Whiting Ex. 2 at:

- page 1 of cover letter, fourth paragraph;
- page 2 of cover letter, first full paragraph;
- page 1 of review comments, first paragraph, 3rd from last sentence ("There are, however, some significant gaps in the documentation of the analyses performed and the associated mitigations.");
- page 2 of review comments, first paragraph ("Calibration Accuracy");
- page 4 of review comments, second full paragraph and three bulleted points beneath it;
- page 4 of review comments, "Des Moines Creek Conclusions" Nos. 1-6;
- pages 6-7 of review comments, "Reserve Storage Collection" section;
- page 7 of review comments, last full paragraph and indented subsection 1;
- page 8 of review comments, "Walker Creek Conclusions" section;
- page 11 of review comments, last three paragraphs of "Reserve Storage" section; and
- page 13 of review comments, "Miller Creek Conclusions" section.

⁷ Two citations were inadvertently not included in Dr. Willing's first Declaration. In paragraph 12, the citation should be to Eglick Decl., Ex. P. In paragraph 38, the citation should be to Eglick Decl., Ex. J.

⁸ Mr. Wingard has submitted only one declaration, in support of ACC's Reply, on October 8, 2001.

Other Key Issues:

401 Standard/Reasonable Assurance:

Both Declarations of Tom Luster, in their entirety, address in detail the issue of what constitutes reasonable assurance. In addition, all of the experts' declarations cited above address reasonable assurance in their particular areas of expertise.

Overriding Public Interest:

The following declarations, all submitted with ACC's Reply, concern the overriding public interest issue. ACC urges the Board to review them in their entirety:

- Declaration of Dr. Stephen Hockaday in Support of ACC's Reply on Motion for Stay;
- Declaration of Senator Julia Patterson, Senator Dow Constantine, Senator Tracey Eide, Representative Shay Schual-Berke, Representative Karen Keiser, Representative Joe McDermott, Representative Erik Poulsen, Representative Mark Miloscia, and Representative Maryann Mitchell;
- Declaration of Robert Sheckler (Mayor Pro Tem, City of Des Moines, and ACC Executive Committee Chair);
- Declaration of Robert Olander (City Manager, City of Des Moines);
- Declaration of Sally Nelson (Mayor, City of Burien).

g:\lu\acc\pchb\decl-chart-motn4stay.doc