

September XX, 2002

Peter Eglick
Kevin Stock
Michael P. Witek
Attorneys at law
Helsell Fetterman LLP
1500 Puget Sound Plaza
PO Box 21846
Seattle, WA 98111-3846

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

Roger Pearce
Steven G. Jones
Attorneys at Law
Foster, Pepper & Shefelman PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101

Jay J. Manning and Gillis Reavis
Attorneys at Law
Brown Reavis & Manning PLLC
1191 Second Avenue, Suite 2200
Seattle, WA 98101

Joan M. Marchioro
Thomas J. Young
Jeff B. Kray
Assistant Attorneys General
Ecology Division
PO Box 40117
Olympia, WA 98504-0117

Linda Strout
Traci Goodwin
Attorneys at Law
Port of Seattle
2711 Alaskan Way
PO Box 1209
Seattle, WA 98111

Richard Poulin
Attorney at Law
Smith & Lowney
2317 E. John Street
Seattle, WA 98112

RE: King County Superior Court Cause No. 02-2-25658-9SEA (PCHB 01-160)
AIRPORT COMMUNITIES COALITION v. ECOLOGY & PORT OF SEATTLE

Dear Parties;

On September 6, 2002, Respondents filed a Petition for Review in the above-referenced matter.

Sincerely,

Tracey L. Johnson
Clerk

tj/P 01-160 ltr

Cc: Leann Ryser – Ecology

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid to the attorneys of record herein. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
DATED _____, at Lacey, WA.

PETER EGLICK
KEVIN STOCK AND MICHAEL WITEK
HELSELL FETTERMAN LLP
1500 PUGET SOUND PLAZA
PO BOX 21846
SEATTLE, WA 98111-3846

RACHAEL PASCHAL OSBORN
ATTORNEY AT LAW
2421 WEST MISSION AVE
SPOKANE, WA 99201

JAY J MANNING
GILLIS E. REAVIS
MARTEN & BROWN LLP
1191 SECOND AVE STE 2200
SEATTLE, WA 98101

RICHARD A POULIN
SMITH & LONEY
2317 EAST JOHN ST
SEATTLE, WA 98112

JOAN M MARCHIORO
THOMAS J YOUNG AND JEFF B. KRAY
ASSISTANT ATTORNEYS GENERAL
ECOLOGY DIVISION
PO BOX 40117
OLYMPIA, WA 98504-0117

LINDA STROUT
TRACI GOODWIN
PORT OF SEATTLE
2711 ALASKAN WAY
PO BOX 1209
SEATTLE WA 98111

ROGER PEARCE
STEVEN G JONES
FOSTER PEPPER & SHEFELMAN PLLC
1111 THIRD AVE STE 3400
SEATTLE WA 98101

September XX, 2002

King County Superior Court Clerk
E-609, King County Courthouse
516 3rd Ave M/S 6C
Seattle WA 98104

RE: King County Superior Court Cause No. 02-2-25658-9SEA (PCHB 01-160)
AIRPORT COMMUNITIES COALITION v. ECOLOGY & PORT OF SEATTLE

Dear Clerk:

On September 6, 2002, Respondents filed a Petition for Review in the above-referenced matter.

Enclosed is the entire file compiled by the Pollution Control Hearings Board in the appeal of the above matter.

Please date stamp and return a copy of the enclosed Certificate. I've enclosed a self-addressed, stamped envelope.

Thank you for your cooperation.

Sincerely,

Tracey L. Johnson
Clerk

tj/P01-160 ltr
Enc.
cc: Leann Ryser 7615
Peter Eglick
Joan M. Marchioro

Thomas J. Young
Jeff B. Kray
Kevin Stock
Michael P. Witek
Linda Strout
Rachael Paschal Osborn
Traci Goodwin
Roger Pearce
Steven G. Jones
Richard Poulin
Jay J. Manning and Gillis Reavis

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid to the attorneys of record herein.

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

DATED _____, at Lacey, WA.

AIRPORT COMMUNITIES COALITION,	)	
	)	
Appellant,	)	Superior Court Cause No. 02-2-25658-9SEA
	)	
	)	(PCHB 01-160)
CITIZENS AGAINST SEATAC	)	
EXPANSION,	)	INDEX OF RECORD
	)	
Intervenor,	)	
	)	
v.	)	
	)	
STATE OF WASHINGTON,	)	
DEPARTMENT OF ECOLOGY and THE	)	
PORT OF SEATTLE,	)	
	)	
Respondents.	)	

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1. <u>Order Granting Certificate of Appealability (Thurston County) issued October 9, 2002.</u>	
Doc # Start: AR 000001	Doc # End: AR 000006
2. <u>Order Granting Certificate of Appealability (King County) issued October 9, 2002.</u>	
Doc # Start: AR 000007	Doc # End: AR 000012
3. <u>Declaration of Kevin L. Stock in Response to Port of Seattle's Application for Direct Review with exhibits and Certificate of Service filed October 4, 2002.</u>	
Doc # Start: AR 000013	Doc # End: AR 000178
4. <u>Notice of Appearance from John E. Woodring filed September 30, 2002.</u>	
Doc # Start: AR 000179	Doc # End: AR 000180
5. <u>Department of Ecology's Petition for Review of Agency Action and Certificate of Service (Thurston County Superior Court No. 02-2-01595-3) (Received by fax September 18, 2002) filed September 19, 2002.</u>	

Doc # Start: AR 000181	Doc # End: AR 000331
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6. Notice of Appearance from Port of Seattle for Thurston County Superior Court No. 02-2-01595-3 filed September 24, 2002.	
Doc # Start: AR 000332	Doc # End: AR 000335
7. Notice of Appearance from Port of Seattle for Thurston County Superior Court No. 02-2-01549-0 filed September 24, 2002.	
Doc # Start: AR 000336	Doc # End: AR 000339
8. Notice of Assignment/Notice of Status Conference (Thurston County Superior Court Cause No. 02-2-01549-0) and Certificate of Service filed September 18, 2002.	
Doc # Start: AR 000340	Doc # End: AR 000344
9. Port of Seattle's Application for Direct Review to Court of Appeals and Request for Certificate of Appealability from Pollution Control Hearings Board filed September 17, 2002.	
Doc # Start: AR 000345	Doc # End: AR 000354
10. Declaration of Roger Pearce Supporting Port's Application for Direct Review and Request for Certificate of Appealability with attachments and Declaration of Service filed September 17, 2002.	
Doc # Start: AR 000355	Doc # End: AR 000374
11. Airport Communities Coalition's and Citizens Against Sea-Tac Expansion's Petition for Judicial Review of Final Order of Pollution Control Hearings Board (Thurston County Superior Court Cause No. 02-2-01549-0) filed September 12, 2002.	
Doc # Start: AR 000375	Doc # End: AR 000401
12. Airport Communities Coalition's and Citizens Against Sea-Tac Expansion's Application for Direct Review by Court of Appeals, and Request Pursuant to RCW 34.05.518 for Certificate of Appealability of Pollution Control Hearings Board's Granting Final Order and Certificate of Service filed September 12, 2002.	
Doc # Start: AR 000402	Doc # End: AR 000556
13. Airport Communities Coalition's Notice of Appearance (Received by fax September 10, 2002) filed September 11, 2002.	
Doc # Start: AR 000557	Doc # End: AR 000560
14. Port of Seattle's Petition for Judicial Review of Final Order of Pollution Control Hearings Board; Order Setting Case Schedule and Declaration of Service (King County Superior Court Cause No. 02-2-25658-9SEA) filed September 6, 2002.	
Doc # Start: AR 000561	Doc # End: AR 000729

15. <u>Order Disposing of Port of Seattle's Petition for Reconsideration Regarding Condition 8 of Final Order issued September 6, 2002.</u>	
Doc # Start: AR 000754	Doc # End: AR 000755
16. <u>(Proposed) Order Disposing of Port of Seattle's Petition for Reconsideration Regarding Condition 8 of Final Order received by fax only September 5, 2002.</u>	
Doc # Start: AR 000756	Doc # End: AR 000759
17. <u>Port of Seattle's Petition for Reconsideration Regarding Condition 8 and Certificate of Service filed August 22, 2002.</u>	
Doc # Start: AR 000760	Doc # End: AR 000773
18. <u>Findings of Fact, Conclusions of Law, and Order issued August 12, 2002.</u>	
Doc # Start: AR 000774	Doc # End: AR 000912
19. <u>Notice of Supplemental Authority and Certificate of Service (Received by fax July 24, 2002) filed July 25, 2002.</u>	

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20. <u>Notice of Change of Address of Counsel for Respondent Port of Seattle and Certificate of Service filed June 13, 2002.</u>	
Doc # Start: AR 000917	Doc # End: AR 000919
21. <u>Order Correcting the Earlier Order Publishing Certain Portions of Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses issued June 11, 2002.</u>	
Doc # Start: AR 000920	Doc # End: AR 000922
22. <u>ACC's Reply in Support of its Motion to the Board for Correction, Clarification, and/or Partial Reconsideration of Order Publishing Certain Portions of Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses and Certificate of Service (Received by fax June 6, 2002) filed June 7, 2002.</u>	
Doc # Start: AR 000923	Doc # End: AR 000932
Cases:	
23. <u>City of Normandy Park v. Port of Seattle, 165 F.3d 35 (9th Cir. 1998); NRDC v. Costle, 568 F.2d 1369 (D.C. Cir. 1977); PUD No. 1 of Jefferson County v. Washington Dep't of Ecology, 511 U.S. 700, 114 S. Ct. 1900, 128 L. Ed. 2d 716 (1994); Friends of the Payette v. Horseshoe Bend Hydroelectric Co., 988 F.2d 989 (9th Cir. 1993); Roosevelt Campobello International Park Commission v. Environmental Protection Agency, 684 F.2d 1041, 1056 (1st Cir.1982; U.S. v. Marathon Development Corp., 867 F.2d 9 (1st Cir.1989) (same) (citing Campobello) filed June 6, 2002</u>	
Doc # Start: AR 000933	Doc # End: AR 001006
24. <u>CASE'S Response to ACC's Motion for Correction, Clarification and/or Partial Reconsideration of Order Publishing Depositions (Received by fax May 31, 2002) filed June 4, 2002.</u>	
Doc # Start: AR 001007	Doc # End: AR 001007

25. Port of Seattle's Response to ACC's Motion for Correction Clarification and Reconsideration of Board's Decision Publishing Portions of Depositions filed June 3, 2002.	
Doc # Start: AR 001008	Doc # End: AR 001012
26. Ecology's Response to ACC's Motion for Correction, Clarification and Reconsideration of Board's Decision Publishing Portions of Depositions (Received by fax May 31, 2002) filed June 3, 2002.	
Doc # Start: AR 001013	Doc # End: AR 001013
27. Corrected page of Findings of Fact, Conclusion of Law, and Order Proposed by ACC and CASE filed May 30, 2002.	
Doc # Start: AR 001014	Doc # End: AR 001014
28. ACC's Motion to the Board for Correction, Clarification, and/or Partial Reconsideration of Order Publishing Certain Portions of Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses and Certificate of Service filed May 22, 2002.	
Doc # Start: AR 001015	Doc # End: AR 001027
29. Respondents' Proposed Findings of Fact and Conclusions of Law filed May 22, 2002.	
Doc # Start: AR 001028	Doc # End: AR 001118

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30. Findings of Fact, Conclusions of Law, and Order Proposed by ACC and Case filed May 22, 2002.	
Doc # Doc # Start: AR 001159	Doc # End: AR 001320
31. Findings of Fact, Conclusions of Law, and Order Proposed by ACC and CASE and Certificate of Service filed May 22, 2002.	
Doc # Doc # Start: AR 001321	Doc # End: AR 001487

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32. ACC's Notice of Withdrawal of Issue No. 20 (Gilliam Creek) and Certificate of Service filed May 8, 2002.	
Doc # Start: AR 001491	Doc # End: AR 001493
33. Order Publishing Certain Portions of Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses with attachments (Deposition Upon Oral Examination of John Drabek) issued April 22, 2002.	
Doc # Start: AR 001494	Doc # End: AR 001880

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<u>34. Supplemental Post Hearing Evidentiary Order issued April 22, 2002.</u>	
Doc # Start: AR 001883	Doc # End: AR 001884
<u>35. Order Denying ACC's Motion to Redact issued April 22, 2002.</u>	
Doc # Start: AR 001885	Doc # End: AR 001886
<u>36. ACC's Reply Memorandum in Support of Motion to Redact Pre-filed Testimony of Paul Fendt, and Certificate of Service (Received by fax April 18, 2002) filed April 19, 2002.</u>	
Doc # Start: AR 001887	Doc # End: AR 001891
<u>37. Port of Seattle's Response to ACC's Motion to Redact Testimony of Paul Fendt, P.E. (Received by fax April 17, 2002) filed April 18, 2002.</u>	
Doc # Start: AR 001892	Doc # End: AR 001895
<u>38. Fifth Declaration of Paul S. Fendt, P.E. (Received by fax April 17, 2002) filed April 18, 2002.</u>	
Doc # Start: AR 001896	Doc # End: AR 001897
<u>39. ACC's Motion to Redact Pre-Filed Testimony of Paul Fendt filed April 11, 2002.</u>	
Doc # Start: AR 001898	Doc # End: AR 001904
<u>40. Declaration of Rachael Paschal Osborn in Support of ACC's Motion to Redact Pre-Filed Testimony of Paul Fendt filed April 11, 2002.</u>	
Doc # Start: AR 001905	Doc # End: AR 001906
<u>41. Declaration of Peter J. Eglick in Support of ACC's Motion to Redact Pre-Filed Testimony of Paul Fendt with attachments 1-4 and Certificate of Service filed April 11, 2002.</u>	
Doc # Start: AR 001907	Doc # End: AR 001920
<u>42. Post Hearings Evidentiary Order with Matrix issued April 9, 2002.</u>	
Doc # Start: AR 001921	Doc # End: AR 002038
<u>43. Certificate of Service of Cover Letter of Appellants' Responses to Ecology/Port Objections and Counter-excerpts of published depositions, filed April 4, 2002.</u>	
Doc # Start: AR 002039	Doc # End: AR 002040
<u>44. Post-Hearing Procedural Order issued April 2, 2002.</u>	
Doc # Start: AR 002041	Doc # End: AR 002043
<u>45. Offer of Proof RE: Excluded Statements from Dave Garland's Testimony filed March 28, 2002.</u>	
Doc # Start: AR 002044	Doc # End: AR 002046
<u>46. REVISED Direct Testimony of Dave Garland Submitted on Behalf of the Department of Ecology with attachment filed March 28, 2002.</u>	

Doc # Start: AR 002047	Doc # End: AR 002057
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<u>47. Order Granting Appellant's Motion to Strike Certain Pre-Filed Testimony and Limit Oral Testimony with attachment issued March 22, 2002.</u>	
Doc # Start: AR 002058	Doc # End: AR 002062
<u>48. Order Granting In-Part Appellant's Motion In Limine to Exclude the Testimony of Dave Garland issued March 21, 2002.</u>	
Doc # Start: AR 002063	Doc # End: AR 002065
<u>49. Table of Contents for ACC's and CASE's Prehearing Briefs and copies of two federal court cases cited in ACC's and CASE's Prehearing Brief filed March 18, 2002.</u>	
Doc # Start: AR 002066	Doc # End: AR 002105
<u>50. Order Denying Appellant's Motion in Limine to Exclude Late-Produced Plans and Reports issued March 19, 2002.</u>	
Doc # Start: AR 002106	Doc # End: AR 002107
<u>51. Order Granting Appellant's Motion to Publish Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses issued March 19, 2002.</u>	
Doc # Start: AR 002108	Doc # End: AR 002110
<u>52. ACC's Motion to Strike the Pre-Hearing Brief of Port of Seattle and Certificate of Service filed March 18, 2002.</u>	
Doc # Start: AR 002111	Doc # End: AR 0002115
<u>53. Index to Exhibits of Pre-filed Testimony of W.A. Rozeboom, M.B.A., P.E.; with Exhibit O and Exhibit P filed March 18, 2002.</u>	
Doc # Start: AR 002116	Doc # End: AR 002120

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<u>54. Appellants' Reply In Support of Motion To Strike The Port's Pre-Hearing Brief with attachment filed March 18, 2002.</u>	
Doc # Start: AR 002182	Doc # End: AR 002186
<u>55. Appellants' Reply On Motion In Limine To Exclude Late-Produced Plans and Reports and Declaration of Patrick C. Lucia in Support of Appellants' Motion in Limine to Exclude Late Filed Reports filed March 18, 2002.</u>	
Doc # Start: AR 002187	Doc # End: AR 002192
<u>56. Appellants' Reply Brief in Support of Motion In Limine To Exclude Testimony of Ecology Witness Dave Garland filed March 18, 2002.</u>	

Doc # Start: AR 002193	Doc # End: AR 002196
57. Appellants' Reply Motion To Publish Deposition of Ecology Managers and CR 30(b)(6) Designated Witnesses filed March 18, 2002.	
Doc # Start: AR 002197	Doc # End: AR 002200
58. Ecology's Response to ACC's Motion to Exclude Testimony from Dave Garland filed March 15, 2002.	
Doc # Start: AR 002201	Doc # End: AR 002204
59. Ecology's Response to Appellants' Motion in Limine to Exclude "Late-Produced" Plan and Reports filed March 15, 2002.	
Doc # Start: AR 002205	Doc # End: AR 002205
60. Ecology's Response to ACC's Motion to Publish Depositions and Certificate of Service filed March 15, 2002.	
Doc # Start: AR 002206	Doc # End: AR 002211
61. Port of Seattle's Response to Appellants' Motion in Limine to Exclude "Late-Produced" Plan and Reports with attachments and Certificate of Service filed March 15, 2002.	
Doc # Start: AR 002212	Doc # End: AR 002226

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62. Port of Seattle's Response to Appellants' Motion to Strike the Ports' Pre-Hearing Brief filed March 15, 2002.	
Doc # Start: AR 002227	Doc # End: AR 002229
63. Appellants' Motion to Publish Depositions of Ecology Managers and CR 30(b)(6) filed March 15, 2002.	
Doc # Start: AR 002230	Doc # End: AR 002236
64. Declaration of Michael P. Witek in Support of Appellants' Motion to Publish Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses with exhibits A-F filed March 15, 2002.	
Doc # Start: AR 002237	Doc # End: AR 002258
65. (Proposed) Order Granting Appellants' Motion to Publish Depositions of Ecology Managers and CR 36(b)(6) Designated Witnesses and Certificate of Service filed March 15, 2002.	
Doc # Start: AR 002259	Doc # End: AR 002263
66. ACC'S and CASE'S Anticipated Order of Witnesses and Certificate of Service filed March 15, 2002.	
Doc # Start: AR 002264	Doc # End: AR 002267
67. Evidentiary Order issued March 15, 2002.	
Doc # Start: AR 002268	Doc # End: AR 002275

68. (Proposed) Order Granting Appellants' Motion in Limine to Exclude Late-Produced Plans and Reports and Certificate of Service filed March 15, 2002.	
Doc # Start: AR 002276	Doc # End: AR 002280
69. Port of Seattle's Anticipated Order of Witnesses and Certificate of Service filed March 15, 2002.	
Doc # Start: AR 002281	Doc # End: AR 002282
70. Errata for Prefiled Testimony of James C. Kelly, PH.D. and Prefiled Testimony of Joseph Brasher filed March 15, 2002.	
Doc # Start: AR 002283	Doc # End: AR 002288
71. Prefiled Testimony of James C. Kelley, PH.D. (with errata corrections) filed March 15, 2002.	
Doc # Start: AR 002289	Doc # End: AR 002319
72. Prefiled Testimony of Joseph Brascher (with errata corrections) and Certificate of Service filed March 15, 2002.	
Doc # Start: AR 002320	Doc # End: AR 002337
73. Appellants' Motion in Limine to Exclude Testimony from Ecology's Dave Garland filed March 14, 2002.	
Doc # Start: AR 002338	Doc # End: AR 002344
74. (Proposed) Order Granting Appellants' Motion in Limine to Exclude Testimony of Ecology's Dave Garland filed March 14, 2002.	
Doc # Start: AR 002345	Doc # End: AR 002347
75. Declaration of Rachael Paschal Osborn in Support of Appellants' Motion in Limine to Exclude Testimony from Dave Garland with exhibits A-H and Certificate of Service filed March 14, 2002.	
Doc # Start: AR 002348	Doc # End: AR 002379
76. Order Denying Motion in Limine RE: WAC 371-08-475 issued March 14, 2002.	
Doc # Start: AR 002380	Doc # End: AR 002383
77. Order Granting Summary Judgment of Issue 14 issued March 14, 2002.	
Doc # Start: AR 002384	Doc # End: AR 002395
78. PreHearing Brief of Appellant ACC and Prehearing Brief of Intervener-Appellant Citizens Against Sea-Tac Expansion filed March 13, 2002.	
Doc # Start: AR 002396	Doc # End: AR 002456

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79. Pre-hearing Brief of Port of Seattle and Certificate of Service filed March 12, 2002.	
Doc # Start: AR 002457	Doc # End: AR 002507

80. Respondent Department of Ecology's Pre-Hearing Brief and Certificate of Service filed March 12, 2002.	
Doc # Start: AR 002508	Doc # End: AR 002533

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81. Appellants' Motion in Limine to Exclude Late-Produced Plans and Reports filed March 12, 2002.	
Doc # Start: AR 002545	Doc # End: AR 002551
82. Declaration of Michael P. Witek in Support of Appellants' Motion in Limine with exhibits A-F filed March 12, 2002.	
Doc # Start: AR 002552	Doc # End: AR 002759
83. Motion in Limine to Quash Subpoena of Linda Logan with exhibits A-D filed March 12, 2002.	
Doc # Start: AR 002760	Doc # End: AR 002776
84. Declaration of Ray Hellwig with exhibit and Certificate of Service filed March 12, 2002.	
Doc # Start: AR 002777	Doc # End: AR 002781
85. Master Exhibit List Matrix filed March 11, 2002.	
Doc # Start: AR 002782	Doc # End: AR 002880
86. Direct Testimony of Kevin Fitzpatrick Submitted on Behalf of the Department of Ecology with attachment and Certificate of Service filed March 7, 2002.	
Doc # Start: AR 002881	Doc # End: AR 002092
87. Direct Testimony of Dave Garland Submitted on Behalf of the Department of Ecology with attachment filed March 7, 2002.	
Doc # Start: AR 002903	Doc # End: AR 002913
88. Direct Testimony of Ann Kenny Submitted on Behalf of the Department of Ecology filed March 7, 2002.	
Doc # Start: AR 002914	Doc # End: AR 002941
89. Direct Testimony of Ed O'Brien Submitted on Behalf of the Department of Ecology filed March 7, 2002.	
Doc # Start: AR 002942	Doc # End: AR 002949
90. Direct Testimony of Erik Stockdale Submitted on Behalf of the Department of Ecology with attachments filed March 7, 2002.	
Doc # Start: AR 002950	Doc # End: AR 002980
91. Direct Testimony of Katie Walter Submitted on Behalf of the Department of Ecology with attachment filed March 7, 2002.	

Doc # Start: AR 002981	Doc # End: AR 002999
92. Direct Testimony of Ching-Pi Wang Submitted on Behalf of the Department of Ecology with attachment filed March 7, 2002.	
Doc # Start: AR 003000	Doc # End: AR 003008
93. Direct Testimony of Gordon White Submitted on Behalf of the Department of Ecology with attachment filed March 7, 2002.	
Doc # Start: AR 003009	Doc # End: AR 003025
94. Direct Testimony of Kelly Whiting Submitted on Behalf of the Department of Ecology with attachment filed March 7, 2002.	
Doc # Start: AR 003026	Doc # End: AR 003039

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95. Direct Testimony of Chung Ki Yee Submitted on Behalf of the Department of Ecology filed March 7, 2002.	
Doc # Start: AR 003040	Doc # End: AR 003051
96. Ecology's Reply in Support of Motion in Limine Regarding WAC 371-08-475(7) filed March 11, 2002.	
Doc # Start: AR 003052	Doc # End: AR 003058
97. Declaration of Joan M. Marchioro filed March 11, 2002.	
Doc # Start: AR 003059	Doc # End: AR 003060
98. Declaration of Thomas J. Young with exhibits 1-7 filed March 11, 2002.	
Doc # Start: AR 003061	Doc # End: AR 003121

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99. Opposition by ACC and CASE to Department of Ecology's Motion in Limine RE WAC 371-08-475 (7) filed March 7, 2002	
Doc # Start: AR 003129	Doc # End: AR 003135
100. Declaration of Peter J. Eglick in Support of Opposition by ACC and CASE to Department of Ecology's Motion in Limine RE WAC 371-08-475 (7) with exhibits A-B filed March 7, 2002.	
Doc # Start: AR 003136	Doc # End: AR 003145
101. Declaration of Thomas R. Luster and Certificate of Service filed March 7, 2002.	
Doc # Start: AR 003146	Doc # End: AR 003150
102. Third Pre-Hearing Order issued March 7, 2002.	

Doc # Start: AR 003151	Doc # End: AR 003157
103. Memorandum dated July 1, 1998 from Ken Ludwa, Parametrix, to Paul Fendt, Re: Results of Reasonable Potential Analysis; Exhibit E to the prefiled testimony of Amanda Azous; Exhibit F to Luster Pre-Filed Testimony; and Original Signature pages for Pre-Filed Testimony of Dr. Kavazanjian, Dr. Leytham, Mr. Rozeboom, Ms. Sheldon, Dr. Strand, and Dr. Willing filed March 6, 2002.	
Doc # Start: AR 003158	Doc # End: AR 003171
104. Pre-Filed Testimony of Sally Nelson filed March 6, 2002.	
Doc # Start: AR 003172	Doc # End: AR 003175
105. Copy of Verbatim Report of Proceedings of Judge Hicks denial of the Port's Motion to Set Aside the Board's Stay Order filed March 5, 2002.	
Doc # Start: AR 0032176	Doc # End: AR 003183
106. Notice of Withdrawal and Substitution of Counsel for Respondent Port of Seattle and Certificate of Service filed March 5, 2002.	
Doc # Start: AR 003184	Doc # End: AR 003186
107. Joinder of Respondent Port of Seattle in the Department of Ecology's Motion in Limine RE: WAC 371-08-475 and Certificate of Service March 5, 2002.	
Doc # Start: AR 003187	Doc # End: AR 003189
108. Department of Ecology's Motion in Limine RE: WAC 371-08-475 (7) filed and Certificate of Service filed March 4, 2002.	
Doc # Start: AR 003190	Doc # End: AR 003193
109. Erratum to Respondent Department of Ecology's Final List of Witnesses and Exhibits (Received by fax February 28, 2002) filed March 1, 2002.	
Doc # Start: AR 003194	Doc # End: AR 003194

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110. Joint Status Report and Estimate of Time Needed for Hearing (Appeal of Clean Water Act Section 401 Certifications #1996-4-02325, #1996-4-02325 (Amended-1) For Third Runway and Related Master Plan Updates) (Received by fax February 28, 2002) filed March 1, 2002.	
Doc # Start: AR 003195	Doc # End: AR 003200
111. Erratum to Respondent Port of Seattle's List of Witnesses and Exhibits (Received by fax February 26, 2002) filed February 27, 2002.	
Doc # Start: AR 003201	Doc # End: AR 003202
112. Certificate of Service for Pre-Filed Testimony of Dr. Patrick Lucia filed February 27, 2002.	
Doc # Start: AR 003203	Doc # End: AR 003204

113. Port of Seattle's Reply Memorandum Supporting Motion for Partial summary Judgment on SEPA Issue filed February 25, 2002.	
Doc # Start: AR 003205	Doc # End: AR 003213
114. Declaration of Roger A. Pearce Supporting Port of Seattle's Motion for Partial Summary Judgment on SEPA Issue; with exhibits and Certificate of Service filed February 25, 2002.	
Doc # Start: AR 003214	Doc # End: AR 003480

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115. CASE's Final List of New Witnesses and Exhibits and Certificate of Service(Received by fax February 20, 2002) filed February 25, 2002.	
Doc # Start: AR 003518	Doc # End: AR 003519
116. Certificate of Service for Prefiled Testimony with exhibits from Helsell, Feterman LLP filed February 22, 2002.	
Doc # Start: AR 003520	Doc # End: AR 003521
117. Respondent Port of Seattle's List of Witnesses and Exhibits and Certificate of Service (Received by fax February 20, 2002) filed February 21, 2002.	
Doc # Start: AR 003522	Doc # End: AR 003552
118. Appellant Airport Communities Coalition's List of Witnesses filed February 21, 2002.	
Doc # Start: AR 003553	Doc # End: AR 003555
119. Appellant Airport Communities Coalition's Exhibit List filed February 21, 2002.	
Doc # Start: AR 003556	Doc # End: AR 003606
120. Respondent Department of Ecology's Final List of Witnesses and Exhibit and Certificate of Service filed February 20, 2002.	
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121. ACC's and CASE's Response to the Port of Seattle's Motion for a Partial Summary Judgment RE: SEPA (Received by fax February 20, 2002) filed February 20, 2002.	
Doc # Start: AR 003636	Doc # End: AR 003648
122. Declaration of Michael P. Witek in Support of ACC's Response to Port Motion for Partial Summary Judgment on SEPA Issue with exhibits A-E and Certificate of Service filed February 20, 2002.	
Doc # Start: AR 003649	Doc # End: AR 003704
123. Letter from Rachael Paschal Osborn RE: ACC & CASE v. Ecology & Port of Seattle, PCHB No.01-160 Port's Pending Motion for Partial Summary Judgment on SEPA Issue) filed February 20, 2002.	
Doc # Start: AR 003705	Doc # End: AR 003708

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124. Memorandum in Response to Port of Seattle's Motion for Partial Summary Judgment on SEPA Issue and Certificate of Service filed February 19, 2002.	
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125. Pollution Control Hearings Boards Response to Motion to Set Aside Agency Actions received February 14, 2002.	
Doc # Start: AR 003718	Doc # End: AR 003727
126. Stipulation and Agreed Order Modifying Due Dates for Joint Status Report and for Providing Board with Estimate of Time Needed for Hearing issued February 8, 2002.	
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127. Port of Seattle's Motion for Partial Summary Judgment on SEPA issue and Certificate of Service filed February 8, 2002. Pages	
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128. Declaration of Michael Feldman Supporting Port of Seattle's Motion for Partial Summary Judgment on SEPA Issue with exhibits A-N filed February 8, 2002. Pages	
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129. Certificate of Service for Thurston County Superior Court Cause No. 01-2-02386-9	
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130. Denial of Summary Judgment issued February 6, 2002.	
Doc # Start: AR 004617	Doc # End: AR 004619
131. Denial of Certificate of Appealability issued February 1, 2002.	
Doc # Start: AR 004620	Doc # End: AR 004626
132. Airport Communities Coalition's and Citizens Against SeaTac Expansion's Reply in Support of Certificate of Appealability and Certificate of Service filed January 30, 2002.	
Doc # Start: AR 004627	Doc # End: AR 004636
133. DRAFT Pre-Hearing Order sent to parties on January 28, 2002.	
Doc # Start: AR 004637	Doc # End: AR 004643

134. Copy of Cover sheet for the Wallula Power Project Site Certification Application to Exhibit D; Second Declaration of Michael P. Witek in Support of ACC's Motion for Summary Judgment Regarding the Absence of a Water Right for Third Runway §401 Certification; Copy of 50 C.F.R §402.02, which is cited in ACC's Reply filed January 24, 2002.	
Doc # Start: AR 004644	Doc # End: AR 004648
135. Ecology's Memorandum Opposing ACC's Application for Certificate of Appealability of the Board's Order on Motion for Stay filed January 23, 2002.	
Doc # Start: AR 004649	Doc # End: AR 004653
136. Declaration of Jeff Kray with attachments and Certificate of Service filed January 23, 2002.	
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137. Port of Seattle's Reply Supporting Motion to Compel Document Production with attachments filed January 23, 2002.	
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138. ACC's Reply on Motion for Summary Judgment Regarding the Absence of a Water Right for Third Runway § 401 Certification filed January 22, 2002.	
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139. Second Declaration of Michael P. Witek in Support of ACC's Motion for Summary Judgment with exhibits A-G and Certificate of Service filed January 22, 2002.	
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140. Discovery Order and Modification of Pre-Hearing Deadlines issued January 22, 2002.	
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141. Port of Seattle's Reply Memorandum on its Motion to Compel Depositions and for Limitation on Entry onto Land (Received by fax January 18, 2002) filed January 22, 2002.	
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142. ACC's Reply on Motion to Compel Inspection of Port Property (Received by fax January 18, 2002) filed January 22, 2002.	
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143. ACC's Reply on Motion to Extend Discovery Schedule (Received by fax January 18, 2002) filed January 22, 2002.	
Doc # Start: AR 004755	Doc # End: AR 004758
144. Ecology's Response to ACC's Motion to Extend the Discovery Schedule and Certificate of Service filed January 18, 2002.	

Doc # Start: AR 004759	Doc # End: AR 004762
145.Port of Seattle's Opposition to ACC's Motion to Compel Inspection of Port Property (Received by fax January 17, 2002) filed January 18, 2002.	
Doc # Start: AR 004763	Doc # End: AR 004770
146.Port of Seattle's Opposition to ACC's Motion to Extend Discovery Schedule (Received by fax January 17, 2002) filed January 18, 2002.	
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147.Fourth Declaration of Steven G. Jones (Received by fax January 17, 2002) filed January 18, 2002.	
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148.Notice of Appearance from Michael P. Witek (Received by fax Jan 17, 2002) filed January 17, 2002.	
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149.ACC's Response to Port Motion to Compel Deposition and for Limitation on Entry onto Land (Received by fax January 17, 2002) filed January 17, 2002.	
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150.ACC's Response to Motion to Compel Production of Documents and Response to Subpoenas Duces Tecum (Received by fax January 17, 2002) filed January 17, 2002.	
Doc # Start: AR 004794	Doc # End: AR 004800
151.Declaration of Michael P. Witek in Support of ACC's Response to Motion to Compel and Limit Entry with exhibits A-V and Certificate of Service (Received by fax January 17, 2002) filed January 17, 2002.	
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152.Airport Communities Coalition's and Citizens Against Sea-Tac Expansion's Application for Direct Review by Court of Appeals, and Request Pursuant to RCW 34.05.518 for Certificate of Appealability of Pollution Control Hearings Board's Order Granting Stay and Certificate of Service Thurston County Superior Court Cause No. 01-2-02386-9 filed January 16, 2002.

Doc # Start: AR 005036	Doc # End: AR 005047
153.Port's Request for Emergency Status Conference filed January 16, 2002.	
Doc # Start: AR 005048	Doc # End: AR 005049
154.Respondent Port of Seattle's Motion to Dismiss Petition for Agency Action filed January 16, 2002.	
Doc # Start: AR 005050	Doc # End: AR 005057
155.CASE's Response to ACC's Motion for Summary Judgment Re: Necessary Water Right and Certificate of Service filed January 16, 2002.	
Doc # Start: AR 005058	Doc # End: AR 005062
156.Ecology's Response to ACC's Motion for Summary Judgment Regarding the Absence of a Water Right and a Certificate of Service filed January 14, 2002.	
Doc # Start: AR 005063	Doc # End: AR 005077
157.Port of Seattle's Memorandum in Opposition to ACC's Motion for Summary Judgment Regarding the Absence of a Water Right for the Third Runway 401 Certification with exhibits 1-12 and Certificate of Service filed January 14, 2002.	
Doc # Start: AR 005078	Doc # End: AR 005301
158.ACC's Motion to Extend Discovery Schedule filed January 11, 2002.	
Doc # Start: AR 005302	Doc # End: AR 005308
159.ACC's Motion to Compel Inspection of Port Property filed January 11, 2002.	
Doc # Start: AR 005309	Doc # End: AR 005315
160.Declaration of Michael P. Witek in Support of ACC's Motion to Compel Inspection of Port Property and to Extend Discovery Schedule with exhibits A-P filed January 11, 2002.	
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161.Declaration of Jeanne Moeller in Support of ACC's Motion to Compel Inspection of Port Property filed January 11, 2002.	
Doc # Start: AR 005378	Doc # End: AR 005379
162.(Proposed) Order Granting ACC's Motion to Compel Inspection of Port Property filed January 11, 2002.	
Doc # Start: AR 005380	Doc # End: AR 005383
163.(Proposed) Order Granting ACC's Motion to Extend Discovery Schedule and Certificate of Service filed January 11, 2002.	
Doc # Start: AR 005384	Doc # End: AR 005388

164. Port of Seattle's Motion to Compel Production of Documents and Response to Subpoena Duces Tecum with attachments filed January 11, 2002.	
Doc # Start: AR 005408	Doc # End: AR 005420
165. Second Declaration of Steven G. Jones and Certificate of Service filed January 11, 2002.	
Doc # Start: AR 005421	Doc # End: AR 005453
166. Port of Seattle's Motion to Compel Depositions and for Limitation on Entry Onto Land filed January 11, 2002.	
Doc # Start: AR 005454	Doc # End: AR 005456

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167. Port of Seattle's Memorandum in Support of its Motion to Compel Depositions and for Limitation on Entry onto Land with attachment filed January 11, 2002.	
Doc # Start: AR 005457	Doc # End: AR 005464
168. Third Declaration of Steven G. Jones with attachments and Certificate of Service filed January 11, 2002.	
Doc # Start: AR 005465	Doc # End: AR 005529
169. Petition for Review of Agency Action with exhibits filed January 8, 2002.	
Doc # Start: AR 005530	Doc # End: AR 005605
170. Airport Communities Coalition's and Citizens Against Sea-Tac Expansion's Application for Direct Review by Court of Appeals and Request Pursuant to RCW 34.05.518 for Certificate of Appealability of Pollution Control Hearings Boards' Order Granting Stay with exhibits and Certificate of Service filed January 8, 2002.	
Doc # Start: AR 005606	Doc # End: AR 005709
171. ACC's Motion and Memorandum for Summary Judgment Regarding the Absence of a Water Right for Third Runway 401 Certification filed January 4, 2002.	
Doc # Start: AR 005710	Doc # End: AR 005722
172. Declaration of Michael P. Witek in Support of ACC's Motion for Summary Judgment with exhibits filed January 4, 2002.	
Doc # Start: AR 005723	Doc # End: AR 005739
173. (Proposed) Order Granting ACC's Motion for Summary Judgment Regarding the Absence of a Water Right and Certificate of Service filed January 4, 2002.	
Doc # Start: AR 005740	Doc # End: AR 005745
174. CASE's Preliminary List of New Witnesses and Exhibits and Certificate of Service (Received by fax December 31, 2001) filed January 3, 2002.	
Doc # Start: AR 005746	Doc # End: AR 005748

175. Petition For Review of Agency Action, Thurston County Superior Court No. 01-2-02386-9 with exhibit and Certificate of Service filed January 2, 2002.	
Doc # Start: AR 005758	Doc # End: AR 005790
176. ACC's Motion for Partial Summary Judgment Regarding Absence of Water Right with attachment and Certificate of Service (Received by fax December 21, 2001) filed December 26, 2001.	
Doc # Start: AR 005791	Doc # End: AR 005797
177. Order Granting Intervention issued December 21, 2001.	
Doc # Start: AR 005798	Doc # End: AR 005801
178. Notice of Association of Counsel from Richard A. Poulin filed December 20, 2001.	
Doc # Start: AR 005802	Doc # End: AR 005802
179. CASE's Reply Brief Supporting Intervention and Certificate of Service (Received by fax December 18, 2001) filed December 19, 2001.	
Doc # Start: AR 005803	Doc # End: AR 005801
180. Order on Motion To Supplement the Record with attachment issued December 17, 2001.	
Doc # Start: AR 005802	Doc # End: AR 005808
181. Order Granting Motion To Stay the Effectiveness of Section 401 Certification with attachment issued December 17, 2001.	
Doc # Start: AR 005809	Doc # End: AR 005829
182. Department of Ecology's Response to Motion to Intervene From Citizens Against Sea-Tac Expansion (CASE) and Certificate of Service filed December 10, 2001.	
Doc # Start: AR 005830	Doc # End: AR 005833

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183. Notice of Association of Council from Ecology filed December 10, 2001.	
Doc # Start: AR 005834	Doc # End: AR 005835
184. Port of Seattle's Response To Motion To Intervene From Citizens Against Sea-Tax Expansion (CASE) filed by faxes only December 6, 2001.	
Doc # Start: AR 005836	Doc # End: AR 005839
185. ACC's Response to CASE's Motion To Intervene and Certificate of Service (Received by fax December 5, 2001) filed December 6, 2001.	
Doc # Start: AR 005840	Doc # End: AR 005842
186. Motion to Intervene by Citizens Against Sea-Tac Expansion and Certificate of Service filed November 30, 2001.	
Doc # Start: AR 005843	Doc # End: AR 005844
187. Memorandum Supporting CASE's Motion To Intervene filed November 30, 2001.	
Doc # Start: AR 005845	Doc # End: AR 005852

188.(Proposed) Order Granting Intervention filed November 30, 2001.	
Doc # Start: AR 005853	Doc # End: AR 005854
189.Intervener's Notice of Appeal of Reissued/Amended Section 401 Certification filed November 30, 2001.	
Doc # Start: AR 005855	Doc # End: AR 005857
190.Declaration of Brett Fish Supporting CASE's Motion to Intervene filed November 30, 2001.	
Doc # Start: AR 005858	Doc # End: AR 005861
191.ACC's Reply on Motion to Supplement the Record on Motion For Stay filed November 28, 2001.	
Doc # Start: AR 005862	Doc # End: AR 005863
192.Third Declaration of William A. Rozeboom Relating to ACC's Motion for Stay with exhibits and Certificate of Service filed November 28, 2001.	
Doc # Start: AR 005864	Doc # End: AR 005876
193.Order on Motion to Reconsider Motion to Strike issued November 26, 2001.	
Doc # Start: AR 005877	Doc # End: AR 005879

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194.Port Of Seattle's Response To ACC'S Motion To Supplement filed November 26, 2001.	
Doc # Start: AR 005903	Doc # End: AR 005909
195.Declaration of Roger A. Pearce with exhibits filed November 26, 2001.	
Doc # Start: AR 005910	Doc # End: AR 006091
196.Third Declaration of Paul S. Fendt and Certificate of Service filed November 26, 2001.	
Doc # Start: AR 006092	Doc # End: AR 006100
197.Second Pre-Hearing Order with attachments issued November 26, 2001.	
Doc # Start: AR 006101	Doc # End: AR 006109
198.ACC'S Motion To Supplement The Record On Its Motion For Stay filed November 16, 2001.	
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199.Declaration Of Andrea Grad In Support Of ACC'S Motion To Supplement The Record On Its Motion For Stay with attachments and Certificate of Service filed November 16, 2001.	
Doc # Start: AR 006114	Doc # End: AR 006136
200.ACC'S Updated Preliminary List Of Exhibits (Received by fax November 15, 2001) filed November 16, 2001.	

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201. ACC'S Updated Preliminary List Of Witnesses and Certificate of Service (Received by fax November 15, 2001) filed November 16, 2001.	
Doc # Start: AR 006154	Doc # End: AR 006158
202. Port of Seattle's Objections To Issues Proposed by Petitioner Airport Communities Coalition (Received by fax November 15, 2001) filed November 16,2001.	
Doc # Start: AR 006159	Doc # End: AR 006161
203. The Port of Seattle's Plans and Reports Prepared Pursuant to §401 Certification (Received by fax November 15, 2001) filed November 16, 2001.	
Doc # Start: AR 006162	Doc # End: AR 006165
204. Respondent Port of Seattle's Preliminary List of Witnesses and Exhibits (Received by fax November 15, 2001) filed November 16, 2001.	
Doc # Start: AR 006166	Doc # End: AR 006186
205. Supplemental Stipulation Regarding Proposed Statement of Legal Issues with exhibits (Received by fax November 15, 2001) filed November 16, 2001.	
Doc # Start: AR 006187	Doc # End: AR 006192
206. Respondent Department of Ecology's Objections to Issues Proposed Separately by ACC filed November 15, 2001.	
Doc # Start: AR 006193	Doc # End: AR 006194
207. Respondent Department of Ecology's Revised Preliminary Witness and Exhibit List and Certificate of Service filed November 15, 2001.	
Doc # Start: AR 006195	Doc # End: AR 006201
208. ACC's Separate Statement of Legal Issues (Received by fax November 2, 2001) filed November 5, 2001.	
Doc # Start: AR 006202	Doc # End: AR 006205
209. Stipulation Regarding Proposed Statement of Legal Issues (Received by fax November 2, 2001) filed November 5, 2001.	
Doc # Start: AR 006206	Doc # End: AR 006210
210. Pre-Hearing Order issued October 30, 2001.	
(*See transcript of Pre-hearing Conference on October 15, 2001 Box #3.)	
Doc # Start: AR 006211	Doc # End: AR 006278
211. Port of Seattle's Submittal of Record References Opposing Motion For Stay (Received by fax October 18, 2001) filed October 29, 2001.	
Doc # Start: AR 006279	Doc # End: AR 006283
212. DRAFT Pre-Hearing Order faxed to the parties October 26, 2001.	

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213. <u>ACC's Statement Of Supplemental Authorities In Reply On ACC's Motion For Reconsideration with attachments and Certificate of Service filed October 24, 2001.</u>	
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214. <u>Ecology's Reply To ACC's Opposition To Ecology's Motion To Strike Attorney-Client Privileged Documents and Certificate of Service filed October 23, 2001.</u>	
Doc # Start: AR 006327	Doc # End: AR 006362
215. <u>Chart of Declarations Supporting ACC's Motion For Stay, PCHB NO. 01-160 filed October 18, 2001.</u>	
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216. <u>Declaration Of Amanda Azous On Late Attachments To Stockdale Declaration filed October 18, 2001.</u>	
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217. <u>Declaration Of Dyanne Sheldon On Late Attachments To Stockdale Declaration with attachment filed October 18, 2001.</u>	
Doc # Start: AR 006371	Doc # End: AR 006374
218. <u>Respondent Port Of Seattle's Preliminary List of Issues, Witnesses and Exhibits and Certificate of Service filed October 16, 2001.</u>	
Doc # Start: AR 006375	Doc # End: AR 006397
219. <u>Certificate of Service from Rachel Parks filed October 15, 2001.</u>	
Doc # Start: AR 006398	Doc # End: AR 006399
220. <u>ACC's Opposition To Ecology's Motion To Strike Documents, Motion To Rescind Ex Parte Order and For Reconsideration By Full Board, and Request For Hearing Per WAC 371-08-450(3) and Certificate of Service filed October 12, 2001.</u>	
Doc # Start: AR 006400	Doc # End: AR 006409
221. <u>Declaration Of Andrea Grad In Support Of ACC's Opposition To Ecology's Motion To Strike Attorney-Client Privileged Documents with Exhibit filed October 12, 2001.</u>	
Doc # Start: AR 006410	Doc # End: AR 006414
222. <u>Airport Communities Coalition's Preliminary List Of Legal Issues, Witnesses and Exhibits and Certificate of Service filed October 11, 2001.</u>	
Doc # Start: AR 006415	Doc # End: AR 006425

223. ACC's Reply On Motion To File Overlength Reply Brief (Received by fax October 10, 2001) and Certificate of Service filed October 11, 2001. (PCHB No. 01-133 & 01-160)	
Doc # Start: AR 006426	Doc # End: AR 006431
224. ACC's Sur-Rebuttal In Support Of Its Motion For A Stay filed October 11, 2001. (PCHB No. 01-133 & 01-160)	
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225. Declaration Of Amanda Azous In Support Of ACC's Sur-Reply On Motion For Stay filed October 11, 2001. (PCHB No. 01-133 & 01-160)	
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226. Declaration of Dyanne Sheldon In Support Of ACC's Sur-Reply On Motion For Stay filed October 11, 2001. (PCHB NO. 01-133)	
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227. Second Declaration Of Dr. Patrick Lucia In Support Of ACC's Motion For Stay filed October 11, 2001. (PCHB No. 01-133 & 01-160)	
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228. Declaration Of Dr. Peter Willing In Support Of ACC's Sur-Reply On Motion For Stay filed October 11, 2001. (PCHB No. 01-133 & 01-160)	
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229. Declaration Of Dr. John Strand In Support Of ACC's Sur-Reply On Motion For Stay and Certificate of Service filed October 11, 2001.	
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230. Motion To Strike Attorney-Client Privileged Documents, (Received by fax October 9, 2001) filed October 10, 2001.	
Doc # Start: AR 006468	Doc # End: AR 006472
231. Declaration of Ray Hellwig in Support of Motion to Strike with exhibits and Certificate of Service (Received by fax October 9, 2001) filed October 10, 2001.	
Doc # Start: AR 006473	Doc # End: AR 006481
232. Respondent Department Of Ecology's Statement Of Issues, and Preliminary Witness and Exhibit List and Certificate of Service filed October 10, 2001.	
Doc # Start: AR 006482	Doc # End: AR 006488
233. Respondent Port Of Seattle's Preliminary List Of Issues, Witnesses and Exhibits and Certificate of Service filed October 10, 2001.	
Doc # Start: AR 006489	Doc # End: AR 006511

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234. Substitute page 35 for ACC's Reply Memorandum In Support Of Its Motion For A Stay filed October 10, 2001.
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235.Stipulation and Order issued October 10, 2001. (PCHB No 01-133, 01-150, 01-160)	
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236.Order On Motion To File Overlength Brief issued October 10, 2001.	
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237.Order On Motion To Strike issued October 10, 2001.	
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238.Port Of Seattle's Sur Reply Memorandum filed October 9, 2001. (PCHB No 01-133 & 01-160)	
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239.Motion To Shorten Time filed October 9, 2001.	
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240. (Proposed) Order Shortening Time filed October 9, 2001.	
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241.Port Of Seattle's Motion To Strike Overlength Brief with attachments filed October 9, 2001. (PCHB NO. 01-160)	
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242.(Proposed) Order Striking Overlength Brief filed October 9, 2001.	
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243.Second Declaration Of James C. Kelley, PH.D. filed October 9, 2001.	
Doc # Start: AR 006548	Doc # End: AR 00654
244.Second Declaration Of Paul S. Fendt with Exhibits filed October 9, 2001.	
Doc # Start: AR 006555	Doc # End: AR 006566
245.Declaration Of Roger Pearce with Exhibits filed October 9, 2001.	
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246.Second Declaration Of C. Linn Gould Opposing ACC's Motion For Stay with exhibits filed October 9, 2001. (PCHB NO. 01-133)	
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247.Certificate of Service from Foster Pepper & Shefelman filed October 9, 2001. (PCHB NO 01-160)	
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248.Certificate Of Service from Marten Brown, Inc. filed October 9, 2001. (PCHB NO. 01-133)	
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249.Department Of Ecology's Response To ACC's Request To Filed An Overlength Reply Brief filed October 9, 2001. (PCHB NO 01-133 & 01-160)	
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250.Department Of Ecology's Sur-Reply To The ACC's Motion For A Stay filed October 9, 2001. (PCHB NO 01-133 & 01-160)	
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251.Second Declaration Of Erik Stockdale with exhibits and Certificate of Service filed October 9, 2001. (PCHB NO 01-133 & 01-160)	
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252.ACC's Motion For Permission To File Overlength Reply Brief filed October 8, 2001.	
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253.ACC's Reply Memorandum In Support of Its Motion For A Stay filed October 8, 2001.	
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254.(Proposed) Order Permitting Overlength Reply Brief and Certificate of Service filed October 8, 2001.	
Doc # Start: AR 006784	Doc # End: AR 006787
255.Declaration Of Amanda Azous In Support Of ACC's Reply On Motion For Stay with exhibits filed October 8, 2001.	
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256.Declaration Of Peter J. Eglick In Support Of ACC's Reply On Motion For Stay with exhibits filed October 8, 2001.	
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257.Declaration Of Stephen L.M. Hockaday In Support Of ACC's Motion For Stay with exhibits filed October 8, 2001.	
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258. 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 Many Ann Mitchell filed October 8, 2001.	
Doc # Start: AR 007026	Doc # End: AR 007035
259. Declaration of Dr. Patrick Lucia In Support of ACC's Motion For Stay with Exhibits filed October 8, 2001.	
Doc # Start: AR 007036	Doc # End: AR 007081
260. Reply Declaration of Tom Luster In Support Of Stay filed October 8, 2001.	
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261. Declaration of Sally Nelson, Mayor, City of Burien filed October 8, 2001.	
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262. Declaration of Robert Olander In Support of ACC's Motion For Stay filed October 8, 2001.	
Doc # Start: AR 007115	Doc # End: AR 007118
263. Declaration of William A. Rozeboom In Support of ACC's Reply On Motion For Stay with exhibits filed October 8, 2001.	
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264. Declaration of Robert Sheckler In Support of ACC's Reply On Motion For Stay filed October 8, 2001.	
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265. Declaration of Dyanne Sheldon In Support of ACC's Motion For Stay with attachments filed October 8, 2001.	
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266. Declaration of Dr. John Strand In Support of ACC's Reply on Motion For Stay with exhibits filed October 8, 2001.	
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267. Declaration of Dr. Peter Willing In Support of ACC's Reply on Motion For Stay with exhibits filed October 8, 2001.	
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268. Declaration of Greg Wingard In Support of ACC's Motion For Stay filed October 8, 2001.	
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269.(Proposed) Stipulation and Order (Received by fax only) filed October 8, 2001.	
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270.ACC's Notice Of Appeal of Reissued/Amended Section 401 Certification, Incorporating ACC's Prior Notice of Appeal and Accompanying Exhibits and Documents and Certificate of Service filed October 1, 2001.	
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271.Respondent Department Of Ecology's Response To Appellant's Motion For Stay filed October 1, 2001.	
Doc # Start: AR 007395	Doc # End: AR 007420
272.Declaration of Ann Kenny with exhibits filed October 1, 2001.	
Doc # Start: AR 007421	Doc # End: AR 007682
273.Declaration of Kevin Fitzpatrick filed October 1, 2001.	
Doc # Start: AR 007683	Doc # End: AR 007690
274.Declaration of Pete Kmet with exhibit filed October 1, 2001.	
Doc # Start: AR 007691	Doc # End: AR 007696
275.Declaration of Edward O'Brien filed October 1, 2001.	
Doc # Start: AR 007697	Doc # End: AR 007701
276.Declaration of Katie Walter with exhibit filed October 1, 2001.	
Doc # Start: AR 007702	Doc # End: AR 007715
277.Declaration of Erik Stockdale filed October 1, 2001.	
Doc # Start: AR 007716	Doc # End: AR 007727
278.Declaration of Kelly Whiting with exhibits and Certificate of Service filed October 1, 2001.	
Doc # Start: AR 007728	Doc # End: AR 007767
279.(Proposed) Agreement And Order RE Rescission Of 401 Certification filed September 21, 2001.	
Doc # Start: AR 007768	Doc # End: AR 007774
280.Agreement and Order RE Rescission of 401 Certification issued September 20, 2001.	
Doc # Start: AR 007775	Doc # End: AR 007781

[281.ACC's Memorandum In Support Of Its Motion For A Stay and Certificate of Service filed September 13, 2001.](#)

Doc # Start: AR 007782

Doc # End: AR 007814

Volume 4
PCHB No. 01-160
Formerly PCHB No. 01-133

[282.Declaration of Peter J. Eglick In Support Of ACC's Motion For Stay with exhibits filed September 12, 2001.](#)

Doc # Start: AR 007881

Doc # End: AR 008041

[283.Declaration of Kevin L. Stock in Support of ACC's Motion for Stay with exhibits filed September 12, 2001.](#)

Doc # Start: AR 008042

Doc # End: AR 008047

[284.Declaration of Dr. Peter Willing In Support Of ACC's Motion For Stay with exhibits filed September 12, 2001.](#)

Doc # Start: AR 008048

Doc # End: AR 008131

[285.Declaration of William A. Rozeboom In Support of ACC's Motion For Stay with exhibits filed September 12, 2001.](#)

Doc # Start: AR 008132

Doc # End: AR 008217

[286.Declaration of Thomas R. Luster and Certificate of Service filed September 12, 2001.](#)

Doc # Start: AR 008218

Doc # End: AR 008248

Volume 3
PCHB No. 01-160
Formerly PCHB No. 01-133

[287.Motion for Stay filed September 12, 2001.](#)

Doc # Start: AR 008249

Doc # End: AR 008250

[288.\(Proposed\) Order Granting Stay filed September 12, 2001.](#)

Doc # Start: AR 008251

Doc # End: AR 008252

[289.ACC's Memorandum In Support Of Its Motion For A Stay filed September 12, 2001.](#)

Doc # Start: AR 008253

Doc # End: AR 008283

[290.Declaration Of Amanda Azous In Support Of ACC's Motion For Stay with exhibits filed September 12, 2001.](#)

Doc # Start: AR 008284	Doc # End: AR 008386
291. Declaration Of Dr. John Strand In Support Of ACC's Motion For Stay with exhibits filed September 12, 2001.	
Doc # Start: AR 008387	Doc # End: AR 008480

Volume 2
PCHB No. 01-160
Formerly PCHB No. 01-133

Correspondence

292. Pre-Hearing Order (PCHB No. 01-133) issued September 4, 2001.	
Doc # Start: AR 008481	Doc # End: AR 008484
293. Notice of Appearance and Declaration of Service (Received by fax August 29, 2001) filed August 31, 2001.	
Doc # Start: AR 008485	Doc # End: AR 008488
294. Notice of Appearance from Dept. of Ecology and Certificate of Service (Received by fax August 28, 2001) filed August 29, 2001.	
Doc # Start: AR 008489	Doc # End: AR 008492

Volume 1
PCHB No. 01-160
Formerly PCHB No. 01-133

295. Request for Scheduling Conference to Set Briefing Schedule and Hearing Date on Stay Request; (Proposed) Order Granting Airport Communities Coalition's Request for Scheduling Conference on Stay Request, (Proposed) Order Setting Briefing Schedule and Hearing on Stay Request and Certificate of Service filed August 23, 2001.	
Doc # Start: AR 008516	Doc # End: AR 008524
296. Notice of Appeal filed August 23, 2001. (This appeal was formerly given PCHB NO 01-133)	
Doc # Start: AR 008525	Doc # End: AR 008786

*

BINDER NUMBER (Black Binders)	PORT OF SEATTLE'S MEMO OPPOSIN ACC'S MOTION FOR STAY filed October 2001. (FORMERLY PCHB No. 01-133)	Document Start Number	Document End Number

RP-1	<u>Port of Seattle's Memorandum Opposing ACC Motion for Stay</u>	AR 008787	AR 008822
RP-2 Volume 1 of 3	<u>Declaration of James C. Kelley, PH.D</u>	AR 008823	AR 009209
RP-3 Volume 2 of 3	<u>Declaration of James C. Kelley, PH.D</u>	AR 009210	AR 009645
RP-4 Volume 3 of 3	<u>Declaration of James C. Kelley, PH.D</u>	AR 009646	AR 010166
RP-5 Volume 1 of 3	<u>Declaration of Paul S. Fendt filed</u>	AR 010167	AR 010823
RP-6 Volume 2 of 3	<u>Declaration of Paul S. Fendt filed October 1, 2001. (Formerly PCHB No. 01-133)</u>	AR 010824	AR 011563
RP-7 Volume 3 Of 3	<u>Declaration of Paul S. Fendt</u>	AR 011563	AR 011916
RP-8	<u>Declaration of Donald Weitkamp, Ph.D. filed October 1, 2002. (Formerly PCHB No. 01-133)</u>	AR 011917	AR 012486
RP-9	<u>Declaration of Elizabeth Clark</u> <u>Declaration of John Strunk</u> <u>Declaration of Linn Gould</u> <u>Declaration of Joseph Brasher</u> <u>Declaration of Linda Logan, Ph.D.</u>	AR 012487 AR 012506 AR 012548 AR 012668 AR 012680	AR 012505 AR 012547 AR 012667 AR 012679 AR 012936
RP-10	<u>Declaration of Mayor Paul Schell</u> <u>Declaration of James Morasch</u> <u>Declaration of Alan Ralston</u> <u>Declaration of Michael Feldman</u> <u>Declaration of Michael Cheyne</u> <u>Declaration of Gina Marie Lindsey</u>	AR 012937 AR 012942 AR 012945 AR 012948 AR 012954 AR 012984	AR 012941 AR 012944 AR 012947 AR 012953 AR 012983 AR 013358
RP-11	<u>Declaration of Steven G. Jones</u>	AR 013359	AR 013805

BINDER #	TITLE	DOCUMENT START NUMBER	DOCUMENT END NUMBER
1	<u>Table of Cases Cited in Discovery Motions and Responses filed January 18, 2002. (Black notebook)</u>	AR 013806	AR 013954
	ACC's Prefiled Testimony filed February 22, 2002.		

2	<u>Binder #1 of 4: Testimony of Amanda Azous and Dr. Ed Kavazanjian</u>	AR 013955 AR 013964 AR 014137	AR 013963 AR 014136 AR 014290
3	<u>Binder #2 of 4 Testimony of Malcolm Leytham, Tom Luster & Sally Nelson</u>	AR 014291 AR 014300 AR 014363 AR 014581	AR 014299 AR 014362 AR 014580 AR 014585
4	<u>Binder #3 of 4 William Roseboom, Dyanne Sheldon, and Dr. John Strand</u>	AR 014586 AR 014595 AR 014751 AR 015049	AR 014594 AR 014750 AR 015048 AR 015129
5	<u>Binder #4 of 4 Testimony of Dr. Peter Willing & Mr. Greg Wingard</u>	AR 015130 AR 015139 AR 015220	AR 015138 AR 015219 AR 015510
	<u>Prefiled Testimony Supplemental Binder #1 of 1</u>		
6	<u>Testimony of Dr. Patrick Lucia</u>	AR 015511	AR 015576
	<u>Ecology's Pre-filed Direct Testimony (green coversheets)</u>	AR 015577	AR 015588
7	<u>Direct Testimony of Kevin Fitzpatrick Submitted on Behalf of the Department of Ecology</u>	AR 015589	AR 015609
	<u>REVISED direct Testimony of Dave Garland Submitted on Behalf of the Department of Ecology</u>	AR 015610	AR 015632
	<u>Direct Testimony of Ann Kenny Submitted on Behalf the Department of Ecology</u>	AR 015633	AR 015661
	<u>Direct Testimony of Ed O'Brien Submitted on Behalf the Department of Ecology</u>	AR 015662	AR 015668
	<u>Direct Testimony of Erik Stockdale Submitted on Beh of the Department of Ecology</u>	AR 015669	AR 015699
	<u>Direct Testimony of Katie Walter Submitted on Behal of the Department of Ecology</u>	AR 015700	AR 015719
	<u>Direct Testimony of Ching-Pi Wang Submitted on Behalf of the Department of Ecology</u>	AR 015720	AR 015728
	<u>Direct Testimony of Gordon White Submitted on Beh of the Department of Ecology</u>	AR 015729	AR 015745
	<u>Direct Testimony of Kelly Whiting Submitted on Beh of the Department of Ecology</u>	AR 015746	AR 015760
	<u>Direct Testimony of Chung Ki Yee Submitted on Beh of the Department of Ecology</u>	AR 015761	AR 015772

BINDER #	TITLE	DOCUMENT START NUMBER	DOCUMENT END NUMBER
	ACC v. DOE/PORT (Black Binder) Filed March 7, 2002		
8	<u>Direct Testimony for:</u> (Volume 1 of 3)	AR 015773	AR 015775
	<u>Michael Bailey, P.E.</u>	AR 015776	AR 015847
	<u>Joseph Brascher</u>	AR 015848	AR 015898
	<u>Jan Cassin, Ph.D.</u>	AR 015899	AR 015947
	<u>Michael Cheyne</u>	AR 015948	AR 016274
	<u>Elizabeth Clark</u>	AR 016275	AR 016293
	<u>Charles Ellingson</u>	AR 016294	AR 016333
9	<u>Direct Testimony for:</u> (Volume 2 of 3)	AR 016334	AR 016334
	<u>Paul S. Fendt, P.E.</u>	AR 016335	AR 016418
	<u>Linn Gould</u>	AR 016419	AR 016439
	<u>James C. Kelley, PhD.</u>	AR 016440	AR 016566
	<u>Elizabeth M. Leavitt</u>	AR 016567	AR 016604
	<u>Dr. Michael Riley</u>	AR 016605	AR 016628
	<u>Keith Smith</u>	AR 016629	AR 016646
	<u>John J. Strunk</u>	AR 016647	AR 016686
10	<u>Direct Testimony for:</u> (Volume 3 of 3)	AR 016687	AR 016687
	<u>William A. Stubblefield</u>	AR 016688	AR 016790
	<u>Steven J. Swenson</u>	AR 016791	AR 016821
	<u>Donald E. Weitkamp</u>	AR 016822	AR 016857
	<u>Dr. Charles Wisdom</u>	AR 016857	AR 016887

Binder	Exhibits	DOCUMENT START NUMBER	DOCUMENT END NUMBER
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	(Black Binders)		
	ACC. v. Dept. of Ecology, Port of Seattle		
11	Hearing Exhibits/Deposition Exhibits 1-28		See Exhibit Index
12	Hearing Exhibits/Deposition Exhibits 29-79		See Exhibit Index
13	Hearing Exhibits/Deposition Exhibits 80-126		See Exhibit Index
14	Hearing Exhibits/Deposition Exhibits 136-164		See Exhibit Index
15	Hearing Exhibits/Deposition Exhibits 165-210		See Exhibit Index
16	Hearing Exhibits/Deposition Exhibits 211-249		See Exhibit Index
17	Hearing Exhibits/Deposition Exhibits 250-274		See Exhibit Index
18	Hearing Exhibits/Deposition Exhibits 277-296		See Exhibit Index
19	Hearing Exhibits/Deposition Exhibit 297		See Exhibit Index
20	Hearing Exhibits/Deposition Exhibits 298-329		See Exhibit Index
21	Hearing Exhibits/Deposition Exhibits 330-361		See Exhibit
Binder	Exhibits	DOCUMENT START NUMBER	DOCUMENT END NUMBER
22	Hearing Exhibits/Deposition Exhibits 362-379A		See Exhibit Index
23	Hearing Exhibits/Deposition Exhibits 381-413		See Exhibit Index
24	Hearing Exhibits/Deposition Exhibits 423-428		See Exhibit Index
25	Hearing Exhibits/Deposition Exhibits 429-465		See Exhibit Index
	ACC Exhibits (yellow coversheets)		
26	Volume 1 #500-549		See Exhibit Index
27	Volume 2 #550-624		See Exhibit Index

28	Volume 3 #625-684		See Exhibit Index
29	Volume 4 #685-686		See Exhibit Index
30	Volume 5 #687-737		See Exhibit Index
31	Volume 6 #738-755		See Exhibit Index
32	Volume 7 #756-800		See Exhibit Index

BINDER #	TITLE	DOCUMENT START NUMBER	DOCUMENT END NUMBER
33	PUBLISHED DEPOSITIONS Binder: (purple coversheet)		
	<u>Pursuant to Order Granting Appellant's Motion to Publish Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses dated March 19, 2003 filed April 4, 2002.</u>	AR 028409	AR 028411
	Deponents:		
	<u>John Drabeck CR 30 (b)(6)</u>	AR 028411.01	AR 028452
	<u>Kevin Fitzpatrick, CR 30 (b)(6)</u>	AR 028452.01	AR 028522
	<u>Tom Fitzsimmons, CR 32 (a)(2)</u>	AR 028522.01	AR 028579
	<u>Ray Hellwig, CR 32 (a)(2)</u>	AR 028579.01	AR 028686
	<u>Ann Kenny, CR 30(b)(6)</u>	AR 028686.01	AR 028816
	<u>Peter Kmet, CR 30(b)(6)</u>	AR 028816.01	AR 028843
	<u>Erik Stockdale, CR 30 (b)(6)</u>	AR 028843.01	AR 028929
	<u>Gordon White, CR 32 (a)(2)</u>	AR 028929.01	AR 028987
	Respondent Department of Ecology's Trial Exhibit (Green Coversheets)		
34	Binder 1 of 10 Ex #2003-2012		See Exhibit Index
35	Binder 2 of 10 Ex #2014		See Exhibit Index

Binder	Exhibits	DOCUMENT START NUMBER	DOCUMENT END NUMBER
36	Binder 3 of 10 Ex #2018		See Exhibit Index
37	Binder 4 of 10 Ex #2019-2036		See Exhibit Index
38	Binder 5 of 10 Ex #2040-2066		See Exhibit Index
39	Binder 6 of 10 Ex #2068		See Exhibit Index
40	Binder 7 of 10 Ex #2069-2084		See Exhibit Index
41	Binder 8 of 10 Ex #2089-2095		See Exhibit Index
42	Binder 9 of 10 Ex #2097-2131		See Exhibit Index
43	Binder 10 of 10 Ex #2132-2240		See Exhibit Index

Binder	Exhibits	DOCUMENT START NUMBER	DOCUMENT END NUMBER
	Respondents' Trial Exhibits (yellow coversheet)		See Exhibit Index
44	Nos. 1000-1019 Vol. 1		See Exhibit Index
45	No. 1020 Vol. 2		See Exhibit Index
46	No. 1021 Vol. 3		See Exhibit Index
47	Nos. 1022-1057 Vol. 4		See Exhibit Index
48	Nos. 1058-1063 Vol. 5		See Exhibit Index
49	Nos. 1064-1069 Vol. 6		See Exhibit Index
50	No. 1069 Vol. 6A		See Exhibit Index
51	Nos. 1070-1080 Vol. 7		See Exhibit Index

52	Nos. 1081-1086	Vol. 8		See Exhibit Index
53	Nos. 1087-1118	Vol. 9		See Exhibit Index
54	Nos. 1119-1132	Vol. 10		See Exhibit Index
55	Nos. 1133-1154	Vol. 11		See Exhibit Index
56	Nos. 1155-1172	Vol. 12		See Exhibit Index
57	Nos. 1173-1178	Vol. 13		See Exhibit Index
58	Nos. 1179-1191	Vol. 14		See Exhibit
Binder	Exhibits		DOCUMENT START NUMBER	DOCUMENT END NUMBER
59	Nos. 1192-1211	Vol. 15		See Exhibit Index
60	No. 1213	Parametrix Comprehensive Stormwater Management Plan with July 2001 replacement pages (Volumes 1-4 of 4) Volume 16		See Exhibit Index
61	No. 1214	Parametrix Wetland Delineation Report Volume 17		See Exhibit Index
62	No. 1215	Parametrix Wetland Functional Assesment and Impact Analysis Volume 18		See Exhibit Index
63	No. 1216	Parametrix Natural Resource Mitigation Plan Volume 19		See Exhibit Index
64	Nos. 1217-1240	Volume 20		See Exhibit Index
65	Nos. 1241-1247	Volume 21		See Exhibit Index
66	Nos. 1248-1284	Volume 22		See Exhibit Index
67	Nos. 1285-1287	Volume 23		See Exhibit Index

68	No. 1259	Low Flow Analysis Flow Impact Offset Facility Proposal July 2001 Volume 24		See Exhibit Index
69	Nos. 1288-1300	Volume 25		See Exhibit Index
70	Nos. 1301-1308	Volume 26		See Exhibit Index
71	Nos. 1309-1323	Volume 27		See Exhibit Index

BINDER NUMBER	TITLE	DOCUMENT START NUMBER	DOCUMENT END NUMBER
72	<u>Stormwater Management Manual for Western Washington August 2001</u> Publication number 99-11 through 99-15 (Replaces Publication number 91-75) (Binder)	AR 053462	AR 054466
73	<u>Exhibit 2178 (Book)</u> <u>Compensating For Wetland Losses Under The Clean Water Act By National Research Council</u>	AR 054467	AR 054810
	Accordion Files:		
	Original Transcripts of the following: (All are original and sealed)	Not Labeled or Imaged	
	Accordion file #1 Deposition of Ray Hellwig, January 8, 2002	Not Labeled or Imaged	
	Deposition of Gordon White, January 16, 2002	Not Labeled or Imaged	
	Correction & Signature Page of Gordon White	Not Labeled or Imaged	
	Accordion file #2 Deposition of Ann Kenny, December 20, 2001	Not Labeled or Imaged	
	Volume 1 & 2	Not Labeled or Imaged	
	Deposition of Peter Kmet, P.E., December 19, 2001	Not Labeled or Imaged	
	Accordion file #3 Deposition of Erik Stockdale, January 23, 2002	Not Labeled or Imaged	

	Deposition of Thomas Fitzsimmons, January 18, 200	Not Labeled or Imaged	
	Accordion file #4 Deposition of John Drabek, December 14, 2001	Not Labeled or Imaged	
	Deposition of Kevin Fitzpatrick, January 16, 2002	Not Labeled or Imaged	

Transcription of the Prehearing Conference on October 15, 2001, filed October 25, 2001.
Box # 3

Original Transcript of Proceedings:
(Filed May 13, 2002)

<u>Index and Exhibits for March 18-29, 2002.</u>	AR 054811 – AR 054841
<u>Day One March 18, 2002</u>	AR 054842 – AR 055066
<u>Day Two March 19, 2002</u>	AR 055067 – AR 055310
<u>Day Three March 20, 2002</u>	AR 055311 – AR 055545
<u>Day Four March 21, 2002</u>	AR 055546 – AR 055756
<u>Day Five March 22, 2002</u>	AR 055757 – AR 055947
<u>Day Six March 25, 2002</u>	AR 055948 – AR 056163
<u>Day Seven March 26, 2002</u>	AR 056164 – AR 056383
<u>Day Eight March 27, 2002</u>	AR 056384 – AR 056599
<u>Day Nine March 28, 2002</u>	AR 056600 – AR 056839
<u>Day Ten March 29, 2002</u>	AR 056840 – AR 057064

END OF INDEX

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

AIRPORT COMMUNITIES COALITION,	)	
	)	
Appellant,	)	Superior Court Cause No. 02-2-25658-9SEA
	)	
	)	(PCHB 01-160)
CITIZENS AGAINST SEATAC	)	
EXPANSION,	)	CERTIFICATE
	)	
Intervener,	)	
	)	
v.	)	
	)	
STATE OF WASHINGTON,	)	
DEPARTMENT OF ECOLOGY and THE	)	
PORT OF SEATTLE,	)	
	)	
Respondents.	)	

THIS IS TO CERTIFY that the materials transmitted herewith are originals or true and exact copies of original documents and exhibits compiled by the Pollution Control Hearings Board relating to the hearing conducted on the above-referenced matter (PCHB No.01-160) and that the written material transmitted herewith constitutes the entire record considered by the Board in reaching its decision in this matter.

In accordance with WAC 371-08-525, the Board did not cause a transcript of oral testimony adduced at the hearing to be printed; it shall be the obligation of the party wishing a transcript to order the same from the Board reporter and assume the cost of printing same.

DATED this ____ day of _____, 2002.

Tracey L. Johnson, Clerk
Pollution Control Hearings Board