

WHITE, GORDON

AR 028929.01

Summary Statement for Deposition Publication

**submitted pursuant to
Order Granting Appellant's Motion to Publish Depositions
of Ecology Managers and CR 30(b)(6) Designated Witnesses
dated March 19, 2002**

***ACC & CASE v. Dept. of Ecology & Port of Seattle,
PCHB No. 01-160***

Deponent: Gordon White

Date of Deposition: January 16, 2002

1. Admissibility

A. Purpose used for or what it will be offered to prove: Gordon White signed the 401 certifications for the Department. His testimony is offered to prove the lack of reasonable assurance.

B. Specific designation (if CR 30(b)(6) deponent): Mr. White's deposition is offered as a managing agent of the Department.

C. Basis for admissibility if challenged by objection: If an objection is attached pursuant to provision 4 below, ACC's and CASE's response is also attached.

2. Excerpting: The following portions of the White deposition are offered by ACC and CASE:

Page 5, line 1 through page 8, line 14
Page 10, line 8 through page 11, line 17
Page 12, line 6 through page 13, line 14
Page 13, line 22 through page 20, line 11
Page 21, line 12 through line 17
Page 22, line 10 through page 25, line 18
Page 26, line 6 through page 29, line 16
Page 30, line 11 through page 31, line 9
Page 31, line 22 through page 32, line 4
Page 32, line 21 through page 33, line 7
Page 39, line 2 through line 12
Page 43, line 21 through page 45, line 12
Page 45, line 24 through page 46, line 2
Page 47, line 24 through page 49, line 11
Page 50, line 2 through line 5
Page 50, line 20 through page 51, line 12

Page 53, line 6 through page 61, line 22
Page 62, line 15 through page 67, line 22
Page 68, line 8 through page 69, line 8
Page 70, line 2 through page 74, line 7
Page 79, line 8 through page 83, line 19
Page 85, line 17 through page 86, line 4
Page 89, line 13 through line 15
Page 91, line 9 through page 95, line 11
Page 99, line 4 through page 101, line 20
Page 104, line 7 through page 107, line 22
Page 110, line 3 through line 8
Page 118, line 24 through page 120, line 1
Page 120, line 17 through line 20
Page 121, line 18 through page 124, line 8
Page 129, line 3 through line 25
Page 135, line 13 through page 136, line 7

3. **Counter Provisions of Respondents:** See attached.
4. **Objections of Respondents:** See attached.

g:\lu\acc\pchb\depositions\published deps\white.doc

**ACC & CASE v. Dept. of Ecology & Port of Seattle
PCHB No. 01-160**

Department of Ecology's Designation of Additional Portions of
Deposition and Objections Entered Pursuant to the
Board's Order of March 19, 2002 and Port of Seattle's
Joinder in those Objections and Designations

Deponent: **Gordon White**

Date of Deposition: **January 16, 2002**

3. Counter Excerpts by Respondent Department of Ecology:¹

<u>START</u>	<u>END</u>
Page 22, line 5	page 22, line 9
Page 25, line 20	page 26, line 5
Page 33, line 24	page 34, line 3
Page 34, line 15	page 34, line 25
Page 36, line 5	page 36, line 13
Page 38, line 8	page 38, line 23
Page 39, line 13	page 40, line 3
Page 41, line 14	page 41, line 20
Page 45, line 13	page 45, line 23
Page 49, line 17	page 49, line 21
Page 50, line 6	page 50, line 19
Page, 74, line 8	page 75, line 20
Page 77, line 11	page 78, line 6
Page 83, line 20	page 84, line 1
Page 86, line 10	page 86, line 19
Page 89, line 16	page 89, line 22
Page 115, line 22	page 116, line 4
Page 117, line 3	page 118, line 23

¹ By designating counter excerpts, Ecology does not waive its objections to ACC's and CASE's publication of this transcript. Those objections are reflected in Ecology's Response to Appellants' Motion to Publish and in argument before this Board. Further, Ecology does not waive its objections to ACC's and CASE's use of particular portions of the transcript. Those objections are identified in subsection 4 of this document.

Page 132, line 17

page 132, line 21

Page 139 (Completed
Correction and Signature
Page)

4. **Objections to Designations by Appellants:**

A deposition is admissible in this hearing only to the extent that the same testimony would be admissible in this hearing if the deponent were then present and testifying as a witness. CR 32(a); WAC 371-08-300(1) and (2). Therefore, Ecology renews its objection to publication of this transcript and submits the following objections to particular portions of the transcript.

General objection: Mr. White has testified before the Board in this matter and Ecology has not had the opportunity to review the hearing transcript. Mr. White's deposition was used during his testimony. To the extent ACC and CASE now designate those portions of the deposition referenced during his testimony, Ecology objects to those portions of the transcript as asked and answered.

<u>START</u>	<u>END</u>	<u>OBJECTION</u>
Page 47, line 24	page 49, line 1	Hearsay.
Page 48, line 22	Page 49, line 1	Speculation.
Page 64, line 5	page 64, line 9	Hearsay.
Page 66, line 16	page 66, line 20	Hearsay.
Page 68, line 19	page 69, line 3	Calls for double hearsay. Asks what he heard from others about what someone said at a meeting.
Page 92, line 22	Page 93, line 20	Renew objection about mischaracterizing witness' testimony.
Page 99, line 25	page 100, line 10	Hearsay and speculation.
Page 123, line 12	page 123, line 18	Hearsay.

PORT JOINS ECOLOGY'S DESIGNATIONS AND OBJECTIONS

Counsel for the Port of Seattle have reviewed Ecology's designations and objections. The Port joins in all of Ecology's designations and objections.

**Appellants' Responses to Objections Raised by Ecology and the Port
To The Publication of Depositions of Ecology Managers and
CR 30(b)(6) Witnesses**

***ACC & CASE v. Dept. of Ecology & Port of Seattle,*
PCHB No. 01-160**

Deponent: **Gordon White, Department of Ecology Program Manager for
Shorelands and Environmental Assistance**

Date of Deposition: January 16, 2002

ACC's Responses to Ecology Objections:

1. **General Objection:** Ecology makes a general "asked and answered" objection arguing that portions of Mr. White's deposition were used at the hearing for impeachment purposes. **Response:** The objection is nonsensical. Use of a deposition at trial for impeachment purposes or to refresh the recollection of a witness is not a basis upon which to raise an objection upon publication of the deposition that the question has been "asked and answered." If this were a valid objection, then the deposition could never be published for impeachment purposes. Pursuant to the Board's Order on the motion to publish and CR 32(a)(2), ACC is entitled to use Mr. White's sworn deposition testimony as a managing agent "for any purpose."

2. Page 47, line 24 through page 49, line 1 (objection: hearsay). **Response:** Mr. White was asked what Tom Fitzsimmons told Mr. White with respect to inquiries from the Governor's Office that were prompted by contacts of the Port of Seattle. The answers are not offered for the truth of the matter asserted but are offered to establish the pressure that the Director and the Governor were placing on Ecology staff to issue the 401 certification. The hearsay objection is also improper in that the answer is the admission of a party-opponent pursuant to ER 801(d)(2) given Tom Fitzsimmons is the Director of the Department of Ecology and was acting in his "representative capacity" in making the statements to Mr. White. Even if the question calls for a hearsay response, WAC 371-08-500 provides that hearsay is admissible "if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs." Statements made by the Director of the Department of Ecology is the type of evidence which other Ecology staff can reasonably and prudently rely in the conduct of their affairs.

3. Page 48, line 22 through page 49, line 1 (objection: speculation). **Response:** Mr. White was asked to clarify what he meant when he testified that the Port was concerned about the timing of the 401 decision. Mr. White testified in response that he knew the Port was expressing concern to the Governor's Office about the timing of Ecology issuing the 401 certification. The question did not ask Mr. White to speculate. He clarified what he meant and said that Mr. Fitzsimmons had

told him this on several occasions. In addition, the objection that the question calls for speculation is waived unless seasonably made at the deposition. CR 32(d)(3)(B).

4. Page 64, line 5 through page 64, line 9 (objection: hearsay). **Response:** Mr. White was asked whether Tom Fitzsimmons conveyed to Mr. White the substance of discussions Mr. Fitzsimmons had with Port Commissioners regarding issuance of the 401 certification. The answers are not offered for the truth of the matter asserted but are offered to establish the pressure that the Director and the Governor were placing on Ecology staff to issue the 401 certification. The hearsay objection is improper in that the answer is the admission of a party-opponent pursuant to ER 801(d)(2) given Tom Fitzsimmons is the Director of the Department of Ecology and was acting in his “representative capacity” in making the statements to Mr. White. Even if the question calls for a hearsay response, WAC 371-08-500 provides that hearsay is admissible “if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.” Statements made by the Director of the Department of Ecology is the type of evidence which other Ecology staff can reasonably and prudently rely in the conduct of their affairs.

5. Page 66, line 16 through page 66, line 20 (objection: hearsay). **Response:** The question continues to inquire of Mr. White the substance of the discussions between Mr. Fitzsimmons and the Port of Seattle regarding issuance of the 401 certification. The answers are not offered for the truth of the matter asserted but are offered to establish the pressure that the Director and the Governor were placing on Ecology staff to issue the 401 certification. The hearsay objection is improper in that the answer is the admission of a party-opponent pursuant to ER 801(d)(2) given Tom Fitzsimmons is the Director of the Department of Ecology and was acting in his “representative capacity” in making the statements to Mr. White. Even if the question calls for a hearsay response, WAC 371-08-500 provides that hearsay is admissible “if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.” Statements made by the Director of the Department of Ecology is the type of evidence which other Ecology staff can reasonably and prudently rely in the conduct of their affairs.

6. Page 68, line 19 through page 69, line 3 (objection: hearsay). **Response:** The questioning focuses on a critical meeting between the Governor’s Chief of Staff, the Port’s Executive Director, Ray Hellwig, and Tom Fitzsimmons. Again, the statements are not offered to prove the truth of the matter asserted but are offered to establish the pressure and politically charged environment in which Ecology was reviewing the Port’s application. As noted above, the hearsay objection is improper under ER 801(d)(2) as admissions of a party opponent and is admissible under the Board’s hearsay rule, WAC 371-08-500.

7. Page 92, line 22 through page 93, line 20 (objection: mischaracterizes testimony). **Response:** Through a series of back and forth questions and answers that clarified Mr. White’s testimony, Mr. White ultimately admitted that he did not rely upon any statements from Ms. Kenny to come to the conclusion of reasonable

assurance in August 2001 even though this Board has before it 26 pages of pre-filed testimony of Ann Kenny. The ultimate question was a simple question: "Did you rely upon any statement from Ms. Kenny to come to the conclusion of reasonable assurance in August 2001?" Mr. White gave the simple answer: "No." The objection is improper and should be overruled.

8. Page 99, line 25 through page 100, line 10 (objection: hearsay and speculation). **Response:** On July 18, 2001 Tom Fitzsimmons wrote to the Governor that Ecology's "goal is a defensible decision wherein we are reasonably assured water quality will be protected." Ex. 124. The question merely asked for Mr. White's understanding whether Director Fitzsimmons was making that representation to the Governor. In addition, for the reasons stated above in response to hearsay objections to statements of Mr. Fitzsimmons, the statement is not hearsay pursuant to ER 801(d)(2) and should be admitted pursuant to the Board's hearsay rule, WAC 371-08-500.

9. Page 123, line 12 through page 123, line 18 (objection: hearsay). **Response:** As a follow-up question to Mr. White's statement that Ann Kenny told Mr. White about the Port's desire to have the August 401 certification rescinded and a new 401 certification issued, Mr. White stated that Ms. Kenny described the areas that the Port was seeking clarification. The answer is not submitted for the truth of the matter asserted but is submitted to establish that discussions occurred between Ecology and the Port after Ecology issued the August certification. The answer is not hearsay for that reason. In addition, the statements are the admissions of a party opponent through an individual acting in a representative capacity as set forth in ER 801(d)(2) and should be admitted pursuant to the Board's hearsay rule, WAC 371-08-500.

g:\u\acc\p\chb\depositions\published deps\white-response.doc

CC: Y

**DEPOSITION UPON ORAL EXAMINATION OF
GORDON WHITE
JANUARY 16, 2002
ACC V. STATE OF WASHINGTON, ET AL.**

Carla R. Wallat, CCR, RPR, CRR

YAMAGUCHI OBIEN & MANGIO
Court Reporting
520 Pike Street
Suite 1213
Seattle, WA 98101-4001

Main: (206) 622-6875
Direct: (206) 839-4513

web: yomreporting.com
e-mail: cwallat@yomreporting.com

AR 028937

CORRECTION & SIGNATURE PAGE

RE: ACC V. STATE OF WASHINGTON, ET AL.
 PCHB No. 01-160
 DEPOSITION OF: GORDON WHITE, JANUARY 16, 2002

I, GORDON WHITE, have read the within transcript taken JANUARY 16, 2002, and the same is true and accurate except for any changes and/or corrections, if any, as follows:

PAGE	LINE	CORRECTION
23	16	Replace the word "budget" with "others."
39	2	Replace the word "recertification" with "rectification."
43	14	Replace the word "programmer" with "program lead."
49	13	Replace the word "room" with "program."
59	9	Replace the word "Corps" with "Core"
63	5	Replace the word "certifications" with "conditions."

Signed at Gordon White Department of Ecology
 on the 1st day March, 2002.

Gordon White

GORDON WHITE

AR 028938

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)
Appellant,)
vs.) PCHB No. 01-160
STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY; and)
THE PORT OF SEATTLE,)
Respondents.)

DEPOSITION UPON ORAL EXAMINATION
OF
GORDON WHITE

10:05 A.M.
JANUARY 16, 2002
2425 BRISTOL COURT SW
SECOND FLOOR
OLYMPIA, WASHINGTON

JAN 16 2002

CARLA R. WALLAT, CRR, RPR, CCR #WALLACR346BE

1

EXAMINATION BY:
MR. STOCK

PAGE(S)
5

EXHIBITS FOR IDENTIFICATION

- 120 E-mail dated 8/6/2001, 2:10 PM from Hellwig to Fitzsimmons, White, Kenny, Hart, Marchioro, Young; Subject: Briefing Document for Wed.
121 E-mail dated 9/27/2000, 3:32 PM from White to Luster, Hellwig, Fitzpatrick, Marchioro, Stockdale
122 E-mail dated 9/27/2000, 2:41 PM from Luster to White; Subject: FW: Dinsmore Draft and draft denial letter
123 E-mail dated 5/11/2000, 4:48 PM from Hellwig to Fitzsimmons; Subject: Meeting with Mic Dinsmore, POS, Wes Ulman, (PSRC?) and the Governor re SeaTac
124 E-mail dated 7/18/2001, 2:21 PM from Hellwig to Hart; Subject: FW: Memo for Governor Locke - Port of Seattle Proposed Third Runway Project
125 E-mail dated 8/5/2001, 3:48 PM from Kenny to White, Hellwig, Stockdale, Fitzpatrick, Drabek, Garland, Wang,

Pr.
43
55
62
65
99
110

2

A P P E A R A N C E S

FOR THE AIRPORT COMMUNITIES COALITION:

KEVIN L. STOCK
Attorney at Law
Helsell Fetterman
1325 Fourth Avenue, Suite 1500
Seattle, Washington 98111-3846

FOR THE DEPARTMENT OF ECOLOGY:

JOAN MARCHIORO
Attorney at Law
Assistant Attorney General
2425 Bristol Court SW, 2nd Floor
P.O. Box 40117
Olympia, Washington 98504-0117

FOR THE PORT OF SEATTLE:

TANYA BARNETT
Marten Brown
421 South Capitol Way, Suite 303
Olympia, Washington 98501

ALSO PRESENT: NONE

- Walter, Whiting, Marchioro, Young; Subject: Revised Draft 401 for Third Runway and attachments
126 White's handwritten notes 115

AR 028939

1 OLYMPIA, WASHINGTON; JANUARY 16, 2002
2 10:05 A.M.
3 --oOo--
4

5 GORDON WHITE,
6 sworn as a witness by the Notary
7 Public, testified as follows:

8 EXAMINATION

9
10
11 BY MR. STOCK:

12 Q. Good morning, Mr. White.
13 A. Good morning, Mr. Stock.
14 Q. Would you state your name for the record,
15 please?
16 A. Gordon White.
17 Q. What is your residential address?
18 A. 2431 Columbia Southwest, Olympia, Washington.
19 Q. You've been deposed before in the Battle
20 Mountain Gold case; is that right?
21 A. Yes, I have.
22 Q. And did you tell the truth in that
23 deposition?
24 A. Yes.
25 Q. Have you reviewed that deposition?

1 environmental science; is that right --
2 A. No, I do not.
3 Q. One of the things that you and I are going to
4 have to be careful about is not talking over each other
5 so the court reporter can get down both what I say and
6 what you say. Do you understand that?
7 A. I'll slow down.
8 Q. Have you taken any graduate courses, graduate
9 level courses?
10 A. I think I have, but I don't -- I can't say
11 which ones. It's not --
12 Q. You've taken classes after you graduated
13 from --
14 A. Yes, I have.
15 Q. -- Evergreen College? And what classes have
16 you taken?
17 A. I've taken some management courses.
18 Q. Have you taken any environmental courses
19 after graduating from Evergreen?
20 A. No.
21 Q. Have you attended any seminars relating to
22 any of the environmental sciences since graduating from
23 Evergreen?
24 A. Yes, I have.
25 Q. What seminars?

1 A. Yes.
2 Q. When was the last time you reviewed it?
3 A. Two years ago, maybe.
4 Q. Have you had any other depositions taken of
5 you?
6 A. No.
7 Q. You understand if I ask a question you need
8 to answer the question unless your attorney instructs
9 you not to answer the question.
10 A. Yes.
11 Q. If I ask a question that you don't
12 understand, will you ask me to repeat it?
13 A. Yes.
14 Q. What is your education?
15 A. I have a Bachelor's of Arts degree in -- from
16 Evergreen State College.
17 Q. What was your major?
18 A. Well, at Evergreen we don't have specific
19 majors. But my areas of emphasis were political
20 science and economics.
21 Q. Did you take any environmental courses?
22 A. Some, yes.
23 Q. Which environmental courses?
24 A. I can't remember specifically.
25 Q. But you don't have a degree in any

1 A. General seminars on wetland science, on --
2 the Body of Water Law, you know, CLE courses.
3 Q. How many?
4 A. Oh, two.
5 Q. When were those?
6 A. Oh, four or five years ago.
7 Q. And was it a one-day seminar?
8 A. Yes, I believe it was.
9 Q. So you've taken two one-day seminars in the
10 past --
11 A. Four or five years, yeah. I believe, yeah.
12 Q. Can you think of any other seminars other
13 than these two one-day seminars?
14 A. No.
15 Q. What did you do to prepare for the deposition
16 today?
17 A. I thought about the chronology of
18 decisionmaking that I was involved in, and I spoke with
19 my attorney.
20 Q. Did you do anything else?
21 A. Well, in thinking through the chronology, I
22 reviewed the decision.
23 Q. The 401 Certification? **AR 028940**
24 A. Uh-huh.
25 Q. You need to answer yes or no for the court

1 reporter.
 2 A. Oh, yes.
 3 Q. Which decision did you review?
 4 A. The decision that I signed in -- what was it?
 5 August or September.
 6 Q. I don't mean to try to trick you at all.
 7 Did you review the August 10 401
 8 Certification or the September 21 401 Certification?
 9 A. August 10. Thank you for clarifying that.
 10 Q. Have you read the September 21 401
 11 Certification?
 12 A. Yes.
 13 Q. When?
 14 A. When I signed it.
 15 Q. Have you read it since then?
 16 A. No.
 17 Q. Other than the August 10 401 Certification,
 18 did you review any other documents in preparation for
 19 this deposition?
 20 A. No.
 21 Q. Did you speak to anyone about your
 22 deposition, other than Ms. Marchioro?
 23 A. No.
 24 Q. Did you talk to Ann Kenny about her
 25 deposition?

1 Q. Was there a particular event in the summer of
 2 2000 that you started with?
 3 A. As we prepared to make a decision on the
 4 submittal from the Port of Seattle in August and
 5 September of 2000.
 6 Q. What was it about that time frame that you
 7 focused on?
 8 A. That's when, in my mind, the key issues
 9 around stormwater management and wetland management --
 10 it's fairly fresh in my mind how we were going through
 11 that, and I wanted to make sure I was thinking about
 12 that in preparation for this deposition.
 13 Q. And then what was the next event in the
 14 chronology that you thought about?
 15 A. Why I determined that I would deny that
 16 application and who I relied on to make that decision.
 17 Q. And then keep going. What was the next item
 18 you thought about?
 19 A. Then the Port withdrawing when they realized
 20 that we would deny it, and then just the series of
 21 steps to the next decision point. I'm just trying to
 22 refresh my memory of just other key events.
 23 Q. Have you thought about what has happened
 24 since you signed the August 10, 2001 401 Certification?
 25 A. Yes.

1 A. No.
 2 Q. Did you talk to Ray Hellwig about his
 3 deposition?
 4 A. No.
 5 Q. Have you talked to anybody about any
 6 deposition that has been taken in this matter?
 7 A. No.
 8 Q. Did you attend the deposition training course
 9 put on by the attorney general's office to prepare
 10 witnesses in this matter?
 11 A. No.
 12 Q. Tell me what you meant when you said you
 13 reviewed the chronology of decisionmaking involved in
 14 this matter for purposes of the deposition.
 15 A. Yeah, I went back in my mind -- or when I
 16 first got involved in the project over four years ago
 17 when I first was hired in Ecology in this position,
 18 starting with the August 1998 certificate that I
 19 signed, and just walked myself through that, just
 20 thinking of all the different steps and processes that
 21 we'd been engaged in.
 22 Q. Walk me through the steps that you thought
 23 about for purposes of this deposition.
 24 A. I focused mainly on the steps starting in the
 25 summer of 2000.

1 Q. Anything in particular stand out in your mind
 2 when you went back over the past several months?
 3 A. The same kinds of things in terms of key
 4 steps on the path to making the determination, making
 5 the decision.
 6 Q. Let's go back to August 1998. You signed the
 7 original 401 Certification that was issued in August
 8 1998; is that right?
 9 A. Yes.
 10 Q. How long prior to your signing that
 11 certification had you been involved with the Port of
 12 Seattle's application for the third runway project?
 13 A. Six months.
 14 Q. What is your current position with Department
 15 of Ecology?
 16 A. I'm the program manager for the Shorelands
 17 and Environmental Assistance Program.
 18 Q. And was that the position you held in August
 19 1998 when you signed the original certification?
 20 A. Yes.
 21 Q. When did you first become program manager for
 22 the Shorelands and Environmental Assistance Program?
 23 A. October 1997.
 24 Q. And prior to October 1997, what did you do?
 25 A. I was a water program manager for Thurston

AR 028941

1 County.
 2 Q. How long were you a water program manager for
 3 Thurston County?
 4 A. Approximately seven years.
 5 Q. What were your responsibilities in that
 6 capacity?
 7 A. I worked with staff from a variety of
 8 different departments in Thurston County to focus
 9 efforts on protecting ground and surface water
 10 throughout Thurston County but with a particular focus
 11 on the rural southern portion of Thurston County. And
 12 I also was involved in flood plain management and in a
 13 variety of issues management directly for the county
 14 commissioners.
 15 Q. Who brought you in to the Department of
 16 Ecology?
 17 A. The deputy director at that time, Dan Silver,
 18 hired me.
 19 Q. Were you a personal acquaintance of
 20 Mr. Silver?
 21 A. I knew him previous to that.
 22 Q. Describe for me the 401 Certification
 23 process, what it is.
 24 A. The process as it comes to me is, we have in
 25 the regional offices what we call our 401 permit

1 Q. How is it determined who that permit
 2 coordinator will be for a particular 401 application?
 3 A. It's -- how is it decided?
 4 Q. Well, maybe I better ask first: Who decides
 5 it?
 6 A. Who decides it? Well, we have identified in
 7 each of our regional offices the person who would
 8 usually handle a 401 permit, and so it's already
 9 predetermined by the fact that we have a 401 reviewer.
 10 Sometimes that will change based on workload issues,
 11 and if there's somebody else who can help out, because
 12 for workload issues we need to have somebody else focus
 13 on a permit.
 14 But the general rule is that the 401 reviewer
 15 identified in the office is the reviewer.
 16 Q. When does --
 17 A. The section manager has the discretion to
 18 make workload determinations.
 19 Q. When does the headquarters staff of the
 20 Shorelands and Environmental Assistance Program get
 21 involved in issuing someone's 401 Certification?
 22 A. They would get involved in an advisory
 23 capacity if there is a particular complex issue that
 24 arises from a project. They might be called in to take
 25 on a permit because there isn't enough -- because of a

1 reviewers, and depending on the complexity of the
 2 project, they will involve from one to maybe four or
 3 five individual experts across other programs, usually
 4 water quality, the water quality program which is a
 5 separate program from the one that I manage. Sometimes
 6 water resources in the case of damming licensing, for
 7 instance, and of course wetlands staff within the
 8 Shorelands and Environmental Assistance Program.
 9 And they will -- their primary role is to
 10 facilitate the review of applications for 401
 11 Certification and then, with relying on the expertise
 12 of these collection of experts, then they make
 13 recommendations. And depending on the complexity of
 14 the project -- and the final signature is either the
 15 section manager or the program manager.
 16 Q. When you say the section manager, are you
 17 referring to the section manager in the regional
 18 office?
 19 A. Yes, section manager in the regional office.
 20 Q. Of the Shorelands --
 21 A. Of the Shorelands and Environmental
 22 Assistance Program. Thank you for the clarification.
 23 Q. Is there always a single permit coordinator
 24 assigned to review 401 applications?
 25 A. Yes.

1 workload issue in a region.
 2 Q. So complex issue or workload issue will get
 3 headquarters involved in a 401 application?
 4 A. Yeah. For instance, if there is an issue on
 5 a permit that the person in the region has a policy
 6 question on, they might call in the person in
 7 headquarters that's the senior policy lead for 401.
 8 Q. Are there any other reasons other than there
 9 being a complex policy issue or a workload issue that
 10 would result in headquarters Shorelands and
 11 Environmental Assistance getting involved in a 401
 12 application?
 13 A. Just clarify for me, Kevin, the headquarters
 14 401 lead, being are there any other reasons why the
 15 headquarters 401 need to be involved? Is what you're
 16 asking?
 17 Q. Yes, that's the question.
 18 A. I don't think so. Those are the two primary
 19 reasons.
 20 Q. How many times has headquarters been involved
 21 in issuance of a 401 Certification?
 22 A. I don't know the exact number, and we changed
 23 the system in 1998, towards the end of 1998, fully
 24 implementing in '99 or beginning the implementation, of
 25 regionalizing the 401 decisionmaking. So prior to 1999

1 or mid 1998, most of the 401 permit coordination and
2 review was done at headquarters.

3 And so the system I was just describing to
4 you is the system we have in place from '98 forward.
5 Prior to that, I believe most of the 401s would have
6 been managed from the headquarters 401 unit.

7 Q. How many 401 Certifications have you
8 personally signed? You signed BMG, correct?

9 A. BMG.

10 Q. Battle Mountain Gold 401 Certification?

11 A. Yes, I did. I've signed maybe a half a dozen
12 to a dozen. And I've been involved in consulting on
13 probably twice that many.

14 Q. You signed Battle Mountain Gold, correct?

15 A. Yes.

16 Q. You signed the 401 Certification for SeaTac,
17 the three that have been issued --

18 A. The three.

19 Q. -- correct?

20 A. Yes.

21 Q. Have there been any other projects the size
22 and scope of which matched the 401 Certification for
23 the Port of Seattle that you have signed?

24 A. Could you repeat the question?

25 Q. Let me put it another way.

1 Mountain Gold or the SeaTac 401 Certification?

2 A. Yes.

3 Q. And which application is that that you're
4 referring to?

5 A. The Columbia River Channel Deepening Project.

6 And then there are others that I am involved in, but
7 that I do not sign, but -- my section manager who is
8 going to be in the approval or denial role will consult
9 with me. And I would say none of them have risen to
10 the level of those three. They're complex, but
11 they're --

12 Q. You told me that you had signed a half a
13 dozen to a dozen 401 Certifications is that right?

14 A. Yeah, I may have. I haven't reviewed the
15 data on that, so I don't know.

16 Q. Well, other than Battle Mountain Gold and
17 SeaTac, what's the next largest project where you went
18 ahead and signed a 401 Certification?

19 A. I don't remember.

20 Q. Other than those two projects, you can't
21 remember any other certification that you signed?

22 A. No.

23 Q. Because they were insignificant projects?

24 MS. BARNETT: Object to the form of the
25 question.

1 A. I'm not that confused. I just want to hear
2 it again.

3 Q. Sure. Is the 401 Certification that you
4 signed for the Port of Seattle the most technically
5 complex certification that you personally have signed?

6 A. Yes.

7 Q. Battle Mountain Gold would be the next most
8 technically complex; would that be a fair
9 characterization, that you've signed?

10 A. That I have signed.

11 Q. What other 401 Certifications have you signed
12 of a similar technical complexity as the Battle
13 Mountain Gold 401 Certification?

14 You're smiling.

15 A. Well, I'm trying to understand the question
16 because I think I just answered it by saying that when
17 you asked me about the third runway and the Battle
18 Mountain Gold being as two complex projects that I have
19 signed.

20 Q. Are there any other 401 Certifications that
21 you've signed that you consider technically complex?

22 A. No. I am involved in other ones, but I have
23 not yet signed them or it has not come to a final
24 decision yet.

25 Q. That are as technically complex as Battle

1 A. I don't know why I can't remember.

2 Q. (BY MR. STOCK) They weren't big projects I
3 take it?

4 A. Yes.

5 Q. Is that right?

6 A. Yes, they were not big projects.

7 Q. Why have you been involved in the 401
8 Certification process for SeaTac Airport?

9 A. In -- at the Department of Ecology our
10 process is that I will -- I am involved in big projects
11 and I will be making the final determination.

12 Q. In the normal course who makes the
13 determination of reasonable assurance for purposes of
14 going ahead and issuing a 401 Certification?

15 A. Could you repeat the question again?

16 Q. Sure. In the normal course, who makes the
17 reasonable assurance determination for purposes of
18 going ahead and issuing a 401 Certification?

19 A. In the normal -- help me understand what you
20 mean by normal. Under normal course. I just want to
21 make sure I understand the question, Kevin, I'm sorr

22 Q. That's all right.

23 Other than in a big project where you would
24 make the final determination, in other situations who
25 makes the determination of reasonable assurance for

21

1 purposes of going ahead and issuing a 401
2 Certification?

3 A. The team that's been assembled to review the
4 project and the manager in charge.

5 Q. And --

6 A. The next level of management below me which
7 would be the section managers.

8 Q. How is that different from what happened with
9 respect to the 401 Certification for the SeaTac
10 project, if it is?

11 A. The main difference is that I'm involved.

12 Q. Who made the determination that there was
13 reasonable assurance in this case for the SeaTac
14 Airport project to go ahead and issue a 401
15 Certification?

16 A. The team of experts that we assembled advised
17 me, and I made the final determination.

18 Q. Did you decide prior to August 10, 2001 that
19 Ecology had reasonable assurance to go ahead and issue
20 the 401 Certification to the Port of Seattle?

21 A. Could you repeat the question again?

22 MR. STOCK: Could you go ahead and read it,
23 please.

24 (Reporter read back as requested.)

25 A. So your question is when did I make my mind

1 A. Ching-Pi Wang, excuse me.

2 Q. So other than Kevin Fitzpatrick, Erik
3 Stockdale and Ching-Pi Wang, did you rely upon anyone
4 else to come to your personal conclusion that there was
5 reasonable assurance the project would not result in a
6 violation of state water quality standards?

7 A. Oh, yes. Joan Marchioro for -- in terms of
8 any legal questions.

9 Q. So other than those four individuals you've
10 just mentioned, is there anyone else that you relied
11 upon to come to your personal conclusion of reasonable
12 assurance?

13 A. Those are the people I relied on.

14 Q. Did you rely upon Ann Kenny at all?

15 A. Well, yes. I don't know why I forgot her.

16 Q. Anyone else?

17 A. Yeah, I relied upon Ann for procedural issues
18 and -- I'm trying to think if there was anybody else.
19 I don't think so.

20 Q. What expertise did Kevin Fitzpatrick have
21 that you relied upon?

22 A. For the Stormwater Management Plan that was
23 submitted I relied upon Kevin Fitzpatrick for did he
24 have reasonable assurance that the plan and the
25 conditions that we were proposing gave us reasonable

22

24

1 up or when did -- when did -- in the process?

2 Q. (BY MR. STOCK) Well, let me ask a
3 preliminary question.

4 A. I want to make sure I'm not confused.

5 Q. I gather you would not have signed the 401
6 Certification had you personally not had reasonable
7 assurance that state water quality standards would not
8 be violated?

9 A. Yes.

10 Q. So at some point in your mind you came to the
11 conclusion that you had reasonable assurance the
12 project would not result in a violation of state water
13 quality standards; is that right?

14 A. Yes.

15 Q. When did you personally make that
16 determination?

17 A. Okay. That's very helpful. Probably, oh,
18 sometime in the week prior to August 10th.

19 Q. And what is it that you relied upon to come
20 to that personal conclusion?

21 A. The determinations and advice --
22 recommendations from the experts that were on our 401
23 review team, and those specific ones would be Kevin
24 Fitzpatrick, and Erik Stockdale. And Ching-Pi.

25 Q. Ching-Pi Wang?

1 assurance.

2 Q. Other than the Stormwater Management Plan,
3 did you look to Kevin Fitzpatrick for -- or rely upon
4 Kevin Fitzpatrick for anything else?

5 A. No.

6 Q. What expertise of Erik Stockdale did you rely
7 upon for purposes of coming to your conclusion of
8 reasonable assurance?

9 A. I relied upon Erik Stockdale for his
10 recommendation on the Natural Resource Mitigation Plan
11 that was submitted by the Port, whether it met our test
12 for reasonable assurance.

13 Q. Did you rely upon Erik Stockdale for any
14 other expertise other than his recommendation with
15 respect to the Natural Resources Mitigation Plan?

16 A. No.

17 Q. Ching-Pi Wang, what did you rely upon him
18 for?

19 A. The clean fill parts of the 401
20 determination.

21 Q. Did you rely upon Ching-Pi Wang for anything
22 other than the clean fill criteria in the 401
23 Certification?

24 A. No.

25 Q. Joan Marchioro, you said you relied upon her

AR 028944

1 in terms of legal questions relating to the 401
2 Certification; is that right?

3 A. Uh-huh. Yes.

4 Q. And did you rely upon her for anything else?

5 A. No.

6 Q. Ann Kenny, what did you rely upon her -- what
7 expertise of hers did you rely upon for purposes of
8 coming to your personal conclusion that there was
9 reasonable assurance?

10 A. I relied upon Ann at two levels, one, for
11 making sure that the process and format of the 401
12 Certification was -- you know, was appropriate, that in
13 designing -- that the conditions that are in the
14 document fit with the recommendations we were getting
15 from our experts, sort of as a second screen.

16 Q. When you say experts, you're referring to
17 Kevin Fitzpatrick, Erik Stockdale and Ching-Pi Wang?

18 A. Yes.

19 Q. Anybody else?

20 A. No. Although, Kevin, there are people behind
21 those experts, but I didn't rely on those people so
22 much as the people that represented -- you know that
23 there were consultants that reviewed the Natural
24 Resource Mitigation Plan, and you know there were
25 consultants, King County, who reviewed the Stormwater

1 A. Yes.

2 Q. And in fact --

3 A. Well, let me clarify, or you clarify for me
4 what you mean by technical expertise.

5 Q. Well, when you refer to technical staff, what
6 are you referring to?

7 A. I'm referring to the technical expertise they
8 have in the specific area of either stormwater
9 management or wetland management, and Ann has technical
10 expertise in the process of pulling together a 401
11 decision.

12 Q. Right. But you agree, she does not have
13 technical expertise with respect to stormwater
14 management issues?

15 A. Yes.

16 Q. And you also agree that she does not have
17 technical expertise with respect to wetland issues?

18 A. Yes.

19 Q. You would agree, wouldn't you, that you don't
20 have technical expertise with respect to stormwater
21 management issues?

22 A. Yes.

23 Q. And you'd agree that you do not have
24 technical expertise with respect to wetlands issues?

25 A. Yes. Let me correct something, though, in

1 Management Plan and that I relied -- I just want to
2 make it clear, I relied on Kevin's review of that and
3 Erik's review of that. And of course, there are people
4 behind Ching-Pi Wang as well that they in turn, you
5 know, relied on.

6 Q. With respect to Ann Kenny, you say you relied
7 upon her for the process and the formatting of the 401
8 Certification, correct?

9 A. Uh-huh.

10 Q. You need to answer --

11 A. Oh, I'm sorry, yes.

12 Q. Is there any other aspect or expertise that
13 Ann Kenny had that you relied upon in coming to your
14 own conclusion of reasonable assurance?

15 A. I'd like to take a break and think about that
16 and consult with my attorney.

17 Q. Mr. White, you need to answer that question
18 to the best of your ability without consulting --

19 A. Oh, I do?

20 Q. -- Ms. Marchioro.

21 A. Really I just want help in making sure I
22 remember.

23 I don't believe so.

24 Q. You agree that Ann Kenny is not an individual
25 with technical expertise?

1 terms of your question around Ann Kenny's expertise.
2 It's best for me to answer it or it's -- I'm not sure
3 what her levels of expertise are in terms of training
4 she's had around either stormwater or wetlands, so I
5 think it's a more informed answer on my part that I did
6 not rely on her for her expertise in stormwater or
7 wetland management. Because she may very well have
8 expertise in those areas that I don't know about, but I
9 want to make it clear that I relied on the experts
10 that -- Kevin Fitzpatrick on the stormwater, Erik
11 Stockdale on wetlands, et cetera.

12 Q. Prior to and in preparation for signing the
13 August 10 401 Certification, how many times did you
14 meet with Kevin Fitzpatrick with respect to the
15 Stormwater Management Plan?

16 A. I don't remember.

17 Q. Once?

18 A. It was more than once, but I just don't
19 remember how many times.

20 Q. Two or three times?

21 A. Could have been two or three times.

22 Q. Less than five times?

23 A. Yes.

24 Q. How many times did you meet with Erik
25 Stockdale with respect to the Natural Resources

AR 028945

1 Mitigation Plan for purposes of coming to your personal
2 conclusion of reasonable assurance?

3 A. More than once, but less than five.

4 Q. And was this in the -- how long before
5 August 10 did you meet with Erik Stockdale with respect
6 to the Natural Resources Mitigation Plan?

7 A. A week before. A week before.

8 Q. And so the week before you signed the
9 August 10 certification, how many times did you meet
10 with Erik Stockdale?

11 A. I don't remember.

12 Q. Less than five times during that week?

13 A. I would -- yeah, I would think so.

14 Q. And the same answer with respect to Kevin
15 Fitzpatrick?

16 A. Yes.

17 Q. And how about Ann Kenny?

18 A. Probably about the same number of times.
19 Typically -- or at the same time. They're all parallel
20 amounts of time, I guess is what I'm trying to say. It
21 could have been more with Ann just because of
22 formatting issues and questions I had around, you know,
23 does this condition fit here or here, those sorts of
24 things.

25 Q. And how about Ching-Pi Wang?

1 A. No, I did not.

2 Q. Did you read any of the low flow analyses
3 presented to Department of Ecology by the Port of
4 Seattle?

5 A. No, I did not. I have looked at pieces of
6 all those documents as we would meet and discuss them.
7 But I never -- you were asking me the question of did I
8 read the entire document, no, I did not. I relied on
9 the team of experts to do that and inform me.

10 Q. During the year 2000, what percent of your
11 time did you spend on the Port's 401 application?

12 You're smiling again. I gather that it's
13 such a minor percent of your time that it's hard to put
14 a number on?

15 MS. MARCHIORO: Objection, form.

16 Q. (BY MR. STOCK) Is that a fair
17 characterization?

18 A. No, that's not why I was smiling.

19 Q. Why were you smiling?

20 A. It's hard for me to remember how much I
21 spent.

22 Q. Give me your best estimate as to what percent
23 of your time in the year 2000 you spent on issues
24 related to the Port's 401 application. Less than five
25 percent of your time?

1 MS. BARNETT: I'm confused about what the
2 question is.

3 Q. (BY MR. STOCK) Well, did you meet with him
4 prior to signing the 401 Certification for purposes of
5 coming to your personal reasonable assurance conclusion
6 with respect to clean fill criteria?

7 A. I don't recall meeting with him. I reviewed
8 his work and I had -- any questions I would have had,
9 and I don't remember which questions I had, I worked
10 through Ann to work to him.

11 Q. You didn't personally review the Stormwater
12 Management Plan, did you?

13 A. No.

14 Q. And you didn't personally review the Natural
15 Resources Mitigation Plan?

16 A. Well, let me -- let's just back up in terms
17 of personally reviewing. There's different -- "review"
18 is an evaluating term in terms of there's degrees of
19 it.

20 Q. Did you sit down and read the --

21 A. Read the entire document?

22 Q. -- Stormwater Management Plan?

23 A. No, I did not.

24 Q. Did you sit down and read the Natural
25 Resources Mitigation Plan?

1 A. Between one and five percent.

2 Q. And during the year 2001, same answer, one to
3 five percent of your time?

4 A. Same.

5 Q. Did Ecology need to have reasonable assurance
6 for the 401 Certification to be issued on August 10,
7 2001?

8 MS. BARNETT: Objection, calls for a legal
9 conclusion.

10 THE WITNESS: Excuse me, I didn't hear that,
11 Tanya.

12 MS. BARNETT: I said objection, calls for a
13 legal conclusion.

14 Q. (BY MR. STOCK) I'm not asking for any legal
15 opinion on your part, Mr. White. You are not a lawyer,
16 are you?

17 A. No, I am not a lawyer.

18 Q. But you signed the 401 Certification,
19 correct?

20 A. Yes, I did.

21 Q. And was it your understanding that on
22 August 10, 2001 when you signed the 401 Certification,
23 that Ecology had to have reasonable assurance that
24 state water quality standards would not be violated in
25 order for you to sign and for Ecology to issue that 401

1 Certification?
 2 A. When I signed the Water Quality Certification
 3 on August 10th, I had reasonable assurance.
 4 Q. Did Ecology have reasonable assurance?
 5 A. I had reasonable assurance.
 6 Q. And you were speaking on behalf of Ecology?
 7 A. Yes.
 8 Q. And would you agree that if for some
 9 reasonable -- if for some reason, reasonable assurance
 10 did not exist on August 10, 2001, that Ecology should
 11 not have issued that 401 Certification?
 12 MS. BARNETT: Objection, calls for a legal
 13 conclusion.
 14 Q. (BY MR. STOCK) You can go ahead and answer.
 15 A. If I did not have reasonable assurance that
 16 the project -- the submittal wouldn't meet water
 17 quality standards, then I would not have signed it.
 18 Q. And so the answer to my question is yes?
 19 A. The answer to your question is what I
 20 answered.
 21 MR. STOCK: Can you go ahead and read me my
 22 question, please?
 23 (Reporter read back as requested.)
 24 Q. (BY MR. STOCK) Answer that question, please.
 25 A. When I signed the determination I had

1 Q. Prior to signing the August 10 401
 2 Certification, had you met with anyone from the Port of
 3 Seattle with respect to the reasonable assurance
 4 decision?
 5 A. I met with Port officials, I'm not sure of
 6 the date. We -- it was an on-site visit so I could
 7 see -- I wanted to see the footprint. I had been there
 8 before, probably a year, a year and a half before that,
 9 but that was -- you know, I'm not sure when that
 10 meeting was. I'm sorry, I can't recall it.
 11 Q. In July of 2001?
 12 A. That rings a bell in terms of a time -- the
 13 timing. It would be -- it was certainly a month prior
 14 to my -- or, you know, 20 to 30 days prior to the
 15 decision. That's how it feels like, or my
 16 recollection.
 17 Q. So you wanted to see the footprint of the
 18 project site before you signed the 401 Certification?
 19 A. Before I made up my mind.
 20 Q. Made up your mind with respect to what?
 21 A. We had internally discussed -- the
 22 application was before us, we were lining out, Okay,
 23 here are the different issues we have to think about,
 24 make determinations on. I was meeting with the panel
 25 of experts or the group of experts within Ecology who

1 reasonable assurance, and I would not have signed it if
 2 I did not believe we didn't have any reasonable
 3 assurance.
 4 Q. Well, don't you agree that if the science
 5 ultimately establishes that there was not reasonable
 6 assurance on August 10, 2001, that 401 Certification
 7 should not have been issued on that date?
 8 MS. BARNETT: Objection, calls for a legal
 9 conclusion.
 10 Q. (BY MR. STOCK) I'm asking for your
 11 understanding, Mr. White.
 12 A. Yeah, I guess -- I'm confused by it. It's
 13 very -- that's hypothetical. I am telling you what I
 14 would do or not do based on my conclusion.
 15 Q. Were you under pressure from anyone to sign
 16 the August 10 401 Certification?
 17 A. No.
 18 Q. You were under no pressure at all?
 19 A. No.
 20 Q. Wasn't the Port asking Department of Ecology
 21 to get that 401 Certification issued as soon as it
 22 could?
 23 A. Yes.
 24 Q. And you don't consider that pressure?
 25 A. No.

1 were studying those issues, reviewing the documents.
 2 And I -- so as part of that process, we went
 3 to visit the site and look at it to get a feel for the
 4 physical dimensions and --
 5 Q. My question is, why did you want to see the
 6 footprint of the project site before you made up your
 7 mind?
 8 A. So I could see what wetlands were being
 9 impacted, what streams were being impacted, and see the
 10 things that I was seeing on maps and in descriptions,
 11 written descriptions, and things that were being
 12 discussed and described to me by the Ecology experts so
 13 I could see it firsthand.
 14 Q. Were you accompanied by Port personnel on
 15 this site visit?
 16 A. Yes, I was.
 17 Q. Who accompanied you?
 18 A. I don't remember all the names of the people
 19 who were there, but I'll tell you who I remember being
 20 there. Let's see.
 21 Now I can't remember, I'm sorry, but I will
 22 remember them.
 23 Q. How many people went on this site visit?
 24 A. There were, oh, ten.
 25 Q. How many from Ecology?

AR 028947

1 A. Three or four people from Ecology, five or
 2 six from the Port of Seattle. They had their
 3 stormwater lead person there.
 4 Q. This was in addition to people from the Port
 5 of Seattle?
 6 A. I'm including them in the group, whether they
 7 were a Port employee or a consultant. There were four
 8 or five people from the Port of Seattle there.
 9 Q. How did you get around the site?
 10 A. In a van.
 11 Q. Were you all in the same van?
 12 A. I think it was just one van, yes.
 13 Q. Driven by Port personnel?
 14 A. Yes.
 15 Q. Did you get to go where you wanted to go?
 16 A. Every place I asked to go I was able to go.
 17 Q. So you got to see what you wanted to see?
 18 A. Yes.
 19 Q. Did you have to sign any paperwork before you
 20 went?
 21 A. I can't remember -- I don't remember. There
 22 may have been something we signed, signing in. I know
 23 there was a lot of security in terms of going to
 24 different gates and we had to be very careful.
 25 Q. Other than signing a visitor's sheet, was

1 Seattle, three people from the Department of Ecology.
 2 Q. You're aware that there were facilitated
 3 meetings between the Port of Seattle and the Department
 4 of Ecology in late 2000 and throughout 2001 prior to
 5 your signing the 401 Certification, correct?
 6 A. Yes.
 7 Q. And those were facilitated by Kate Snider's
 8 firm, correct?
 9 A. Yes.
 10 Q. Did you attend any of those facilitated
 11 meetings?
 12 A. No, I did not.
 13 Q. Did you receive the notes from those
 14 facilitated meetings?
 15 A. Yes, I did.
 16 Q. Did you review the notes of those facilitated
 17 meetings?
 18 A. Yes, I did.
 19 Q. Did you receive them on a regular basis,
 20 whenever they were prepared?
 21 A. Yes.
 22 Q. From whom?
 23 A. I don't -- I can't remember --
 24 Q. Did you --
 25 A. -- who was sending them to me.

1 there any other paperwork that you had to sign?
 2 A. I don't think so.
 3 MS. MARCHIORO: Are you going to stay on this
 4 subject or are you going to move to another one?
 5 MR. STOCK: We can take a break.
 6 (Recess taken.)
 7 MR. STOCK: Let's go back on the record.
 8 Q. (BY MR. STOCK) How many times have you been
 9 out to the site?
 10 A. Twice.
 11 Q. And the site visit that was in the summer of
 12 2001, how long were you out at the site -- how long did
 13 the site visit last?
 14 A. Four hours, approximately. Three to four
 15 hours.
 16 Q. And prior to the summer 2001 site visit, when
 17 was the other time that you were on the site?
 18 A. I don't recall the exact date. I would place
 19 it -- I would place it either in the fall of '98 or
 20 sometime in early '99.
 21 Q. How long were you out at the site that time?
 22 A. About the same amount of time, three to four
 23 hours.
 24 Q. With how many people?
 25 A. Fewer people. Three people from the Port of

1 Q. You received them by e-mail?
 2 A. Yes, I would receive them by e-mail either
 3 from Ann Kenny or Ray Hellwig, one of the two.
 4 Q. And those e-mails would be responsive to
 5 ACC's, multiple Public Disclosure Act requests,
 6 correct?
 7 A. No. Let's just back up. I want to make sure
 8 I understand the chain of questioning here, Kevin.
 9 I thought you were asking me the question,
 10 when did I receive the meeting notes from these
 11 facilitated discussions, and you were asking me who
 12 sent them to me. And I think it was somebody within
 13 Ecology, it was either Ann or Ray --
 14 Q. Sure. Regardless of --
 15 A. -- who sent them to me.
 16 Q. -- whether it was Ann Kenny or Ray Hellwig,
 17 you're telling me that you received them on a regular
 18 basis whenever they were generated, correct?
 19 A. Yes.
 20 Q. And you would receive those notes by e-mail?
 21 A. Yes.
 22 Q. And you agree that those e-mails would be
 23 responsive to ACC's Public Disclosure Act requests?
 24 A. Oh, I guess I don't understand that -- I'm
 25 not sure I understand. What do you mean by that

41

1 they're responsive to their request?
 2 Q. That when ACC asked for documents from the
 3 Department of Ecology pursuant to the Public Disclosure
 4 Act, that those e-mails to you attaching the notes
 5 should have been produced in response to those Public
 6 Disclosure Act requests?
 7 A. Yes.
 8 Q. What would you do when you reviewed the
 9 facilitated meeting notes, if anything?
 10 A. I saved the file in a file, and I read them,
 11 absorbed them.
 12 Q. Did you ever go back and look at them?
 13 A. I may have on occasion, but I don't remember.
 14 Q. Were the notes significant to you in any way?
 15 A. They were significant to me in that they were
 16 clarifying key questions and issues that the Port had
 17 about the 401 process and our requirements, and
 18 significant in that the Port was getting questions from
 19 us about questions we had on their submittals and their
 20 various -- their various submittals.
 21 Q. Over the course of your involvement with the
 22 SeaTac project, how many times have you met personally
 23 with Tom Fitzsimmons on the SeaTac project?
 24 A. This is over the four years, since '98? I
 25 just want to make a time frame --

1 none of it's there anymore. So I can't always find
 2 exact dates.
 3 Q. So if I make a request for your calendar,
 4 your electronic calendar for the year 2000, 2001 an
 5 2002, are you going to be able to produce that?
 6 A. I'd have to ask the question to see if it was
 7 saved somewhere, but I recently looked for a reason
 8 separate from this case or project and I couldn't find
 9 something a year ago, so that's why I brought it up,
 10 whether I could track it to the exact date.
 11 (Deposition Exhibit No. 120 was marked for
 12 identification.)
 13 Q. (BY MR. STOCK) Could you identify
 14 Exhibit 120, please?
 15 A. This is an e-mail from --
 16 Q. Let me stop you for a second.
 17 A. Do you want to identify it?
 18 Q. No.
 19 MR. STOCK: Off the record.
 20 (Discussion off the record.)
 21 Q. (BY MR. STOCK) You've been handed
 22 Exhibit 120, Mr. White. Could you go ahead and
 23 identify it for the record, please?
 24 A. This is an e-mail from Ray Hellwig sent on
 25 Monday, August 6, 2001 at 2:10 p.m., to Tom

42

1 Q. Yes, sure. And then we can narrow it down.
 2 A. That's great. Thank you.
 3 (Witness reviewing document.)
 4 Eleven to 12 times since 1998.
 5 Q. And you made some handwritten notes there.
 6 How did you come to the conclusion that it was 11 to 12
 7 times?
 8 A. I'll go over this. My recollection is,
 9 probably twice in 1998, twice in 1999, probably three
 10 times in 2000, and maybe as many as four times in 2001.
 11 Q. Let's take the meetings in 2001. Tell me
 12 about the four meetings, each of the four meetings in
 13 2001.
 14 A. Well, I'll go in the most recent one first
 15 and that would be -- I don't know the exact date, but
 16 it was just prior to August 10th, Tom and I met just
 17 prior to he and I meeting with the governor to tell the
 18 governor what my determination was going to be.
 19 Q. When you say just prior to August 10, what do
 20 you mean? The day before, the day of?
 21 A. Probably the day before or -- I'd have to
 22 look at my calendar if the dates are still on my
 23 calendar, because it would be on an electronic
 24 calendar. But I've noticed that in my electronic
 25 calendar it seems like when we crossed into 2002 that

1 Fitzsimmons, Gordon White, Ann Kenny, Curt Hart, Joan
 2 Marchioro, and Tom Young. The subject is: Briefing
 3 document for Wednesday.
 4 Q. This refers to a meeting with the governor on
 5 Wednesday, August 8, correct?
 6 A. It looks like that, yes.
 7 Q. And is that the meeting -- is that referring
 8 to the meeting that you just told us about between Tom
 9 Fitzsimmons, you and the governor?
 10 A. Yes.
 11 Q. What was the purpose of this -- did you
 12 ultimately meet with the governor on August 8?
 13 A. Yes.
 14 Q. And what was the purpose of the meeting?
 15 A. The purpose of the meeting was to review with
 16 the governor my decision on the third runway proposal.
 17 Q. Was anyone else in attendance at this
 18 meeting?
 19 A. Governor Locke; chief of staff, Paul Isaki;
 20 the Northwest Regional Director, Ray Hellwig; Tom
 21 Fitzsimmons; and myself.
 22 Q. How long did the meeting last?
 23 A. An hour approximately.
 24 Q. Was it in the governor's office?
 25 A. It was in the deputy -- it was in the chief

44

1 of staff's office.

2 Q. Who called the meeting?

3 A. I believe Tom Fitzsimmons did, initiated it.

4 Q. And what is your understanding as to why this
5 meeting occurred?

6 A. We wanted to brief the governor on what I had
7 concluded and the parameters of the decision.

8 Q. When you say we, are you referring to you and
9 Tom Fitzsimmons?

10 A. Tom and Ray and myself had discussed, as I
11 came to my conclusions about what I needed to brief the
12 governor on.

13 Q. Why was there a need to brief the governor on
14 it?

15 A. He'd received a lot of comments from -- well,
16 your association and budget and specific legislators,
17 certainly the Port of Seattle and others, so he knew
18 about it. It was something that had certainly risen to
19 his level of attention. And it's not uncommon when
20 Ecology makes a decision on a project for an issue that
21 has high profile, to brief the governor in advance of
22 Ecology announcing its final decision on a particular
23 issue.

24 Q. Have you ever briefed the governor on any
25 other 401 Certification issued by Department of

1 conversations he had had with anyone in the governor's
2 office concerning the Port's 401 application?

3 A. Just to clarify, you're asking me, did Tom
4 tell me about any conversations he had with --
5 inquiries from the governor's office about what -- I'm
6 just wanting to make sure I understood the question.

7 MR. STOCK: Why don't you reread the
8 question.

9 (Reporter read back as requested.)

10 A. Yes.

11 Q. (BY MR. STOCK) When?

12 A. Off and on for the year 2001.

13 Q. And what did Mr. Fitzsimmons say in that
14 regard to you?

15 A. We would have short conversations about the
16 governor's office has received inquiry from either the
17 Port or from legislators about the status of the
18 submittal, the status of the project.

19 Q. Did Mr. Fitzsimmons say anything further with
20 respect to those inquiries from the governor's office?

21 A. Yes. Sometimes he would describe -- just in
22 a very sort of a nutshell, thumbnail sketch about what
23 the inquiry was about.

24 Q. What did Mr. Fitzsimmons say with respect to
25 inquiries from the governor's office prompted by

1 Ecology?

2 A. No.

3 Q. Did you have discussions with Tom Fitzsimmons
4 prior to going to the governor's office on August 8,
5 what you were going to talk about?

6 A. Yes.

7 Q. Did you have discussions with Tom Fitzsimmons
8 as to how the information would be presented?

9 A. Yes.

10 Q. What were those discussions between you and
11 Mr. Fitzsimmons in that regard?

12 A. How to best explain the project to the
13 governor, how to -- it's a very complex project with
14 lots of detail, how best to present that in a way that
15 in an hour we could explain both the project, the
16 project impact and how our decision reached reasonable
17 assurance and reasonable and prudent conditions to
18 assure that.

19 Q. Did Tom Fitzsimmons tell you that he had
20 gotten a call from the governor's office and that the
21 governor's office wanted a meeting with key Ecology
22 staff with respect to the 401 decision?

23 A. No. I don't remember him talking about that.

24 Q. Was there any discussion between you and
25 Mr. Fitzsimmons where he discussed with you prior

1 contacts of the Port of Seattle?

2 A. Usually they revolved around when would
3 Ecology make its decision, timing issues, and -- I'm
4 trying to think if there was anything else that
5 seemed -- usually nothing of substance so much as just
6 timing issues.

7 Q. There were several occasions, weren't there,
8 where Mr. Fitzsimmons had received questions from the
9 governor's office with respect to timing of a 401
10 decision based upon pressure that the governor's office
11 was receiving from the Port of Seattle?

12 A. Well, I don't know about, you know, how you
13 define pressure and et cetera, but I know that Tom
14 would relate to me that the Port has inquired to the
15 governor's office about the timing of our decision.

16 Q. Well, based upon your conversations with
17 Mr. Fitzsimmons, wasn't it your interpretation that the
18 Port was pushing the governor's office to put pressure
19 on the Department to get the 401 Certification issued?

20 A. I didn't get that impression from Tom's
21 description to me, but I understand there was concern.

22 Q. What do you mean when you say you understand
23 there was concern?

24 A. I think Tom would say something like this,
25 that the Port has inquired about concern they have

1 about Ecology's -- when Ecology would make a decision.

2 Q. So you knew that the Port was expressing
3 concern to the governor's office about the timing of
4 Ecology issuing the 401 Certification?

5 A. Yes.

6 Q. And you had conversations with
7 Mr. Fitzsimmons along those lines on several different
8 occasions, correct?

9 A. Yes.

10 Q. Both in the year 2001 and in the year 2000?

11 A. Yes.

12 Q. Other than this August 8 meeting with the
13 governor on the 401 application of the Port, was there
14 any other occasion on which you met with the governor
15 or his staff related to the Port's 401 application?

16 A. No.

17 Q. You found it unusual, didn't you, that you
18 were sitting in the governor's office, the governor's
19 chief of staff's office on August 8, talking about your
20 determination with respect to the 401 application?

21 A. No, I did not.

22 Q. You didn't think it was unusual that you were
23 sitting in the governor's chief of staff office talking
24 about the 401 Certification?

25 MS. BARNETT: Asked and answered.

1 A. We discussed with him and he asked what our
2 basis for our decision was, which was technically
3 based.

4 Q. But Mr. Isaki himself didn't provide any
5 technical input to you, I take it?

6 A. No.

7 Q. Nor did the governor?

8 A. No.

9 Q. Did Mr. Fitzsimmons himself provide any
10 technical input to you for purposes of your coming to
11 your own reasonable assurance conclusion?

12 A. No.

13 Q. What was the purpose of your discussing with
14 Mr. Fitzsimmons 11 or 12 times over the course of the
15 past four years the 401 application of the Port of
16 Seattle?

17 A. Give him status reports in terms of where we
18 were in the process in conjunction with the regional
19 director who was involved at the time, and primarily
20 Ray Hellwig who was the regional director during most
21 of the -- or for '99, 2000 and 2001.

22 Q. And so it's your testimony that over the
23 course of those 11 or so times that you discussed the
24 401 application with Mr. Fitzsimmons that he did not
25 provide any technical input with respect to your coming

1 A. I've been there before on other issues.

2 Q. (BY MR. STOCK) But this was the first time
3 that you'd been in the governor's chief of staff office
4 on a 401 Certification, correct?

5 A. Yes.

6 Q. And that wasn't unusual in your mind?

7 A. No. I've been in the governor's office on my
8 decision -- on my decision and the director's decision
9 on adopting the shoreline guidelines. I've been in the
10 office on other issues, so this was another issue to
11 inform the governor on.

12 Q. Given you were sitting in the chief of staff
13 of the governor's office with respect to the 401
14 Certification, isn't that an indication that part of
15 the decision on the 401 Certification was a political
16 decision?

17 MS. BARNETT: Objection, form of the
18 question.

19 A. No.

20 Q. (BY MR. STOCK) Do you know what
21 environmental training Paul Isaki has?

22 A. No.

23 Q. Did Paul Isaki discuss with you any technical
24 aspects of your 401 determination when you were sitting
25 in the governor's office?

1 to a reasonable assurance conclusion?

2 A. No.

3 Q. So you're not relying upon anything that
4 Mr. Fitzsimmons said with respect to your own personal
5 conclusion with respect to reasonable assurance?

6 A. No. He would ask questions of a technical
7 nature or questions to make sure that we were doing a
8 very intensive technical scientifically-based review.

9 Q. I just want to be sure, there's nothing that
10 Mr. Fitzsimmons said to you that you're relying upon
11 for purposes of your determination that there was
12 reasonable assurance?

13 A. Yes.

14 Q. What were the other occasions in 2001 that
15 you spoke to Mr. Fitzsimmons with respect to the Port's
16 401 application?

17 A. Ask the question again.

18 Q. Sure. You've talked about a meeting with
19 Mr. Fitzsimmons to prepare for the August 8 meeting
20 with the governor's office and then you said there were
21 four occasions in 2001. What were the other occasions
22 that you met with Mr. Fitzsimmons?

23 A. I don't remember the exact occasions. What I
24 remember is that either he or I, or he and I and Ray
25 would meet with him briefly to describe where the

1 project was in the process. I just don't know when
2 exactly those times were.

3 Q. Were there certain events in 2001 that would
4 trigger a meeting with Mr. Fitzsimmons?

5 A. Not that I know of, no.

6 Q. How about in the year 2000? You said you met
7 three times with Mr. Fitzsimmons in 2000 regarding the
8 Port's application. Describe those for me.

9 A. In September of 2000 I was -- we were
10 reviewing the Port application and I realized that I
11 was going to make a decision to deny the application
12 and so I spoke with Mr. Fitzsimmons about my
13 determination to let him know, give him a head's up.

14 Q. This was prior to the meeting with the Port
15 of Seattle announcing Ecology's decision that it was
16 going to deny the application; is that correct?

17 A. Yes.

18 Q. Tell me about this conversation with
19 Mr. Fitzsimmons prior to that meeting with the Port.

20 A. It was fairly brief, within a half an hour of
21 time frame, and I described to him my basis for denial.

22 Q. What did you tell Mr. Fitzsimmons as to why
23 you were going to deny the 401 application in September
24 2000?

25 A. Based on the recommendations from Kevin

1 Fitzpatrick on the Stormwater Management Plan, if he
2 did not have reasonable assurance and so that I could
3 not have it as well. I had reviewed that either
4 earlier in that day or a few days prior to that. We'd
5 had a meeting to review the Port's submittal with Kevin
6 Fitzpatrick, Erik Stockdale, the consultants from King
7 County.

8 Q. So you decided in September 2000 that you
9 were going to deny the Port's application based upon
10 Kevin Fitzpatrick's conclusion that he didn't have
11 reasonable assurance because of inadequacies in the
12 Stormwater Management Plan?

13 A. Yes.

14 Q. Is there any other reason why you decided you
15 were going to deny the Port's application in September
16 2000?

17 A. No. I don't remember any others. There
18 could have been, but that was the big issue that we
19 still had on the project.

20 Q. There were other issues, weren't there?
21 Didn't Tom Luster identify several issues to you as to
22 why there wasn't reasonable assurance in September
23 2000?

24 A. He had left on vacation, so he wasn't there
25 when I made my determination.

1 Q. Prior to Mr. Luster going on vacation, didn't
2 he tell you there were a number of reasons why Ecology
3 couldn't have reasonable assurance?

4 A. He had left us a memo describing a variety of
5 issues that needed to be resolved in order to, in his
6 mind, obtain reasonable assurance.

7 MR. STOCK: Off the record.

8 (Discussion off the record.)

9 (Deposition Exhibit No. 121 was marked for
10 identification.)

11 Q. (BY MR. STOCK) You have been handed
12 Exhibit 121, Mr. White. Could you identify that,
13 please?

14 A. Yes. This is an e-mail from me, Gordon
15 White, sent on Wednesday, September 27th to Tom Luster,
16 Ray Hellwig, Kevin Fitzpatrick, Joan Marchioro and Erik
17 Stockdale.

18 Q. And what was the purpose of your e-mail to
19 that group of individuals?

20 A. (Witness reviewing document.)

21 It looks like this is a draft memo being sent
22 to the Port regarding the status of Ecology's review
23 and the Port of Seattle's application for a 401 Water
24 Quality Certification for the third runway, and
25 describing in general terms the immediate situation

1 regarding Ecology's perspective on a new project review
2 process.

3 Q. If we had the original of this document, I
4 gather we'd be able to see your edits of the document
5 in a shade of red; is that right?

6 A. Yes.

7 Q. So is this a situation where you are taking a
8 draft of the letter that ultimately was going to go to
9 the Port of Seattle that had been drafted by Ray
10 Hellwig and edited by Tom Luster and then adding your
11 editorial comments?

12 A. Yes.

13 Q. And in your e-mail, you're telling the group
14 that you agree with Mr. Luster's comments; is that
15 right?

16 A. I tend to agree with Tom's comments, is what
17 I say in my e-mail, yes.

18 Q. If you look over in the draft of the letter,
19 the third paragraph down, the last sentence is deleted.
20 It says, "In light of this perspective, we believe a
21 401 Certification can may be issued consistent with the
22 note and provisions numbered below."

23 And that sentence is struck on this draft. is
24 that right?

25 A. Yes.

AR 028952

1 Q. Did you or Tom Luster strike that, do you
2 recall?
3 A. I believe I struck it.
4 Q. And why did you strike it?
5 A. As I recall, and this is as I'm remembering
6 this, I felt it's inappropriate and inaccurate to, in
7 terms of where I was in the process and understanding
8 the project, to prefigure a decision.
9 Q. Turn over to the second page of the draft
10 letter, under Item No. 2, where it's addressed to
11 Joan/Kevin, I gather that's Joan Marchioro and Kevin
12 Fitzpatrick?
13 A. Uh-huh. Yes, I see it.
14 Q. What is meant -- well, strike that.
15 In caps the draft says, "This is the key
16 piece of all of this."
17 Did you write that or did Tom Luster?
18 A. I don't know who wrote it.
19 Q. What did it mean to you?
20 A. You know, I don't remember what it meant at
21 that time.
22 Q. This paragraph is talking about the revised
23 Stormwater Management Plan, is it not?
24 A. Yes.
25 Q. And it's saying that there needs -- that the

1 September 2000, the Port submitted a revised Natural
2 Resource Mitigation Plan, correct?
3 A. I believe so.
4 Q. Well, do you know whether they did or not?
5 A. Well, when you say "revised," there were many
6 submittals, and I know that when Erik Stockdale, Kevin
7 Fitzpatrick, myself and Joan and Ray met in September,
8 we were looking at the most recent version of the NRMP,
9 and that Erik expressed his concern of how it fit with
10 the Stormwater Management Plan.
11 Q. And you concluded in September 2000 that you
12 didn't have reasonable assurance that that NRMP was
13 going to mitigate for the impacts to wetlands and
14 wetlands hydrology, correct?
15 A. You know, as I recall, the main issues that
16 Erik was bringing up on the NRMP was how it fit with
17 the SMP, and that was a key issue. This is why we were
18 saying in here, you need to look at both and make sure
19 they fit because if -- I don't know if this is an
20 example how -- if it fits there but it would be, if
21 you're going to build this stormwater facility, how
22 does it relate to the impact to this wetland?
23 Is the footprint on a wetland? Do the maps
24 line up in terms of the footprint of the stormwater
25 impact and the footprint of wetland mitigation? And

1 Stormwater Management Plan needs to provide a
2 "consistent level of flow control to the receiving
3 waters of Miller, Walker and Des Moines Creeks."
4 A. Yes.
5 Q. And do you agree that that's a key component
6 of Ecology's reasonable assurance determination?
7 A. Yes.
8 Q. On down in that same paragraph, it refers to,
9 The revised SMP will also need to ensure and
10 demonstrate that it is consistent with the mitigation
11 requirements of the Port's Natural Resources Mitigation
12 Plan and that all revisions to the SMP would not result
13 in any additional adverse impacts to wetlands and the
14 wetlands hydrology which are not presently mitigated
15 for in the Natural Resources Mitigation Plan.
16 Do you see that?
17 A. Yes.
18 Q. And at the time, was there impacts to the
19 wetlands and the wetlands hydrology that had not been
20 compensated for or mitigated by the then existing
21 Natural Resources Mitigation Plan?
22 A. We were concerned that it was -- it didn't
23 seem to be addressed in what was submitted to us in
24 September or August when they submitted the plan.
25 Q. And subsequent to Ecology's rejection in

1 there were concerns around that and it was hard to
2 understand them. There wasn't -- didn't seem to be
3 rectified to us that the team that the Port had
4 developing the Stormwater Management Plan was reviewing
5 and taking into account the commitments they were
6 making in the NRMP, and vice versa.
7 Q. So it was your conclusion in September 2000
8 that SMP and the NRMP did not provide Ecology with
9 reasonable assurance?
10 A. Yes.
11 Q. How has the SMP and the NRMP changed so that
12 you had reasonable assurance on August 10, 2001 to sign
13 the 401 Certification?
14 A. I can't speak to the specifics of how they
15 changed, but Kevin Fitzpatrick and Erik Stockdale, in
16 reviewing the final submittals, assured me that they
17 meshed and they addressed those issues.
18 Q. So other than statements by Kevin Fitzpatrick
19 and Erik Stockdale with respect to the Stormwater
20 Management Plan and the Natural Resources Mitigation
21 Plan, you can't explain why, based upon those plans,
22 you had reasonable assurance on August 10, 2001; is
23 that correct?
24 A. I based my decision on their recommendations.
25 Q. And other than what Mr. Stockdale and

1 Mr. Fitzpatrick had to say, you can't explain for us
2 sitting here what changed in the Stormwater Management
3 Plan or Natural Resources Mitigation Plan to allow you
4 to come to a conclusion of reasonable assurance?

5 A. No, I can't.

6 Q. Were you aware that the Port has submitted a
7 supplement to the Natural Resources Mitigation Plan
8 within the past month and a half?

9 A. No.

10 Q. Did you know that the Port submitted a
11 revised or a revision to the Natural Resources
12 Mitigation Plan in mid December 2001?

13 A. No.

14 Q. Did you know that the 401 Certification
15 required the Port to submit revisions to the Natural
16 Resources Mitigation Plan?

17 A. Yes.

18 Q. And why was it that the 401 Certification
19 required the Port to submit revisions to the Natural
20 Resources Mitigation Plan?

21 A. I can't recall the specifics of why. These
22 were conditions recommended by Erik Stockdale.

23 Q. Going back to this Exhibit 121, and you're
24 making --

25 A. Could I just -- I just want to clarify

1 signature; is that right?

2 A. Yes.

3 Q. How did it come about that instead of the
4 draft denial letter, Ecology decided to issue the
5 letter that ultimately was sent to the Port?

6 A. As I recall, the Port -- we notified the Port
7 that we were going to deny the project and they decided
8 they would withdraw, which I understand is their
9 prerogative to do.

10 Q. Let's go back to your meeting with Tom
11 Fitzsimmons prior to the meeting with the Port in
12 September 2000. You had come to a determination that
13 you did not have reasonable assurance to go ahead and
14 issue the 401 Certification in September 2000; is that
15 correct?

16 A. Yes.

17 Q. You were under intense time pressures at the
18 time because the one-year period was about to lapse; is
19 that right?

20 A. Yes.

21 Q. And you had discussions with Mr. Fitzsimmons
22 about the one-year time period being about to lapse; is
23 that right?

24 A. Yes.

25 Q. Did he convey to you any discussions he had

1 something. This -- looking at this reminds me that --

2 Q. Exhibit 121?

3 A. Looking at Exhibit 121 reminds me that I
4 reviewed a Tom Luster memo some time in September
5 preparing -- prior to our September 2000 meeting that
6 I've just described, I reviewed it two days ago. And I
7 think you'd asked me if I could recall any other
8 specifics, and I remember -- now I remember looking at
9 that. So I just want to bring that clarification.

10 It also reminds me that I reviewed a memo
11 from Tom Luster's supervisor, Paula Ehlers, regarding
12 Tom's status on the project. So I just want to clarify
13 in terms of that. It just reminded me.

14 Q. Okay, we'll talk about that in a bit.

15 (Deposition Exhibit No. 122 was marked for
16 identification.)

17 Q. (BY MR. STOCK) Look at Exhibit 122,
18 Mr. White, have you seen this document before?

19 A. Yes.

20 Q. What is it?

21 A. This is a draft denial letter and a draft
22 withdrawal letter that Tom Luster sent to myself
23 regarding this project.

24 Q. So back in September 2000, Mr. Luster had
25 also prepared a draft denial letter for Ecology's

1 had with Port of Seattle representatives regarding
2 Ecology getting a 401 Certification issued within the
3 one-year time period?

4 A. Yes.

5 Q. What did Mr. Fitzsimmons say in that regard?

6 A. I'm trying to recall exactly. It was in the
7 nature of, you know, the Port wanting to know what our
8 determination is going to be, the one-year time line's
9 coming up, that sort of thing.

10 Q. When was this conversation that you had with
11 Mr. Fitzsimmons?

12 A. I don't remember. It was not -- it was not
13 the time when I talked to him about what my
14 determination was in terms of denial.

15 Q. Right. It was prior to the time when you
16 went up and said, Okay, Tom, I'm going to have to deny
17 this application?

18 A. It was prior to that, yes.

19 Q. And was it during the summer of 2000, a
20 couple of months before your determination?

21 A. Yes.

22 Q. In fact, there was a meeting between the Port
23 of Seattle and Mr. Fitzsimmons in May 2000, wasn't
24 there?

25 A. I don't -- I believe there were at least one

AR 028954

1 or two meetings with the Port that Tom may have had, so
2 I don't know the exact dates.

3 (Deposition Exhibit No. 123 was marked for
4 identification.)

5 Q. (BY MR. STOCK) Handing you what's been
6 marked as Exhibit 123, what is this document?

7 A. This is an e-mail from Ray Hellwig to Tom
8 Fitzsimmons with a variety of cc's, identifying that
9 the Port of Seattle's requested a meeting.

10 Q. And were you a part of discussions regarding
11 this meeting with the Port of Seattle that had been set
12 for May 16, 2000?

13 A. I believe tangentially I was. I don't
14 believe I was involved with any -- I'm trying to
15 remember if I was involved in a premeeting with the
16 director and with Ray Hellwig.

17 Q. Prior to receiving this e-mail from Ray
18 Hellwig on May 11th, a copy of it, of his e-mail to Tom
19 Fitzsimmons, were you aware that there had been contact
20 between Martha Choe and the governor's office regarding
21 a meeting with the Port of Seattle?

22 A. No.

23 Q. Once you -- so the first news you had of that
24 was this e-mail from Ray Hellwig to Tom Fitzsimmons?

25 A. I think so.

1 reason the 401 process hadn't moved along was because
2 the Port of Seattle had provided inadequate information
3 to the 401 staff?

4 A. I'm not sure if I told him that or if Ray
5 told him that, because as I'm recalling this, it was
6 probably a meeting that Ray and I had to brief the
7 director in advance of this meeting. And Ray was fully
8 engaged in the process, facilitating the process, and
9 would have known much more specifically about that.

10 Q. Was Tom Luster also at that meeting between
11 Tom Fitzsimmons, Ray Hellwig, yourself?

12 A. I don't think so.

13 Q. He was the key 401 permit coordinator at the
14 time, was he not --

15 A. Yes.

16 Q. -- for the Port's application?

17 A. Yes.

18 Q. And hadn't Mr. Luster expressed frustration
19 to you with respect to the inadequate information that
20 the Port of Seattle had been providing to the
21 Department of Ecology?

22 A. Yes.

23 Q. And did you in turn express that frustration
24 to Mr. Fitzsimmons?

25 A. I don't know. Ray may have done it first and

1 Q. Once you received this e-mail, did you talk
2 to Mr. Fitzsimmons about the possibility of a meeting
3 between Mic Dinsmore, Martha Choe, the governor's
4 office, Wes Ulman, and Department of Ecology?

5 A. I don't recall talking to Tom directly about
6 this e-mail.

7 Q. But you do recall a discussion with
8 Mr. Fitzsimmons about concerns that the Port of Seattle
9 had expressed to him about Ecology's issuance of the
10 401 Certification within the one-year time period?

11 A. Yes.

12 Q. And were those discussions with
13 Mr. Fitzsimmons before this meeting with the Port of
14 Seattle?

15 A. Probably.

16 Q. And what did Mr. Fitzsimmons say?

17 A. He asked questions in terms of the status of
18 the project, where we were, so he could, I imagine,
19 reflect those in a meeting he was going to have with
20 the Port and -- yeah.

21 Q. Did he express frustrations with you that the
22 401 process had not moved along more quickly than what
23 it had?

24 A. No, he did not.

25 Q. Didn't you tell Mr. Fitzsimmons that the

1 then I wouldn't have said it or I could have said it
2 and Ray just would have supported it. I just can't
3 recall who would have said it first.

4 Q. Did Mr. Fitzsimmons express frustration to
5 you or Mr. Hellwig about the progress on the review?

6 A. I don't think he did.

7 Q. After the meeting with the Port of Seattle on
8 May 16 between Mr. Dinsmore, Mr. Fitzsimmons, Joe Dear
9 of the governor's office, did you talk to
10 Mr. Fitzsimmons about that meeting?

11 A. I can't recall. I either talked to him or to
12 Ray about the outcome of the meeting.

13 Q. Mr. Fitzsimmons didn't call you up after the
14 meeting and say, Here's what happened, or, Here's what
15 was said?

16 A. I can't remember if I talked to Tom and Ray
17 together or if I just got a download from the meeting
18 from Ray.

19 Q. Tell me about that conversation about what
20 you've heard about the meeting.

21 A. What I heard was that the Port had expressed
22 concerns about Ecology's timeliness in review, and
23 expressed concerns to them about the timeliness and
24 thoroughness of their submittals, that our concern was
25 that they would spend several months on a submittal and

1 then expect us to have a turnaround of one or two weeks
2 to review something they've worked many, many months
3 on.

4 Q. Was that unreasonable in your mind, where the
5 Port would -- where the Port submitted a revised plan
6 and expected you to turn it around in one or two weeks?

7 A. It can be depending on the level of
8 involvement we had up to that submittal.

9 Q. Well --

10 A. Something that might be 20 volumes thick but
11 we've been involved and it's -- the changes in it are
12 just a few pages, is not unreasonable to expect a
13 relatively rapid turnaround. But as I understood it
14 from Ray and Tom Luster, that I think the submittals in
15 that time frame were quite robust and we needed more
16 time to review them.

17 Q. So in May of 2000, you thought it was
18 unreasonable that the Port had submitted revised plans
19 and was expecting a one- or two-week turnaround from
20 Department of Ecology?

21 MS. MARCHIORO: Objection, mischaracterizes
22 the witness's testimony.

23 Q. (BY MR. STOCK) Well, I don't mean to
24 mischaracterize your testimony, Mr. Gordon. You can
25 just answer the question whether that's the case or

1 not.

2 Did you find it unreasonable in May 2000 that
3 the Port was expecting Ecology to turn around a
4 decision when it submitted revised plans within a one-
5 or two-week period after submitting those revised
6 plans?

7 A. Yes.

8 Q. And Department of Ecology had been involved
9 in a review of the Port's application for two years
10 prior to that; isn't that right?

11 A. Yes.

12 Q. And even though you had been involved for two
13 years prior to that, you still thought it was
14 unreasonable for the Port to expect a one- or two-week
15 turnaround whenever it submitted a revised plan?

16 A. Yes.

17 Q. In fact, isn't that what happened when the
18 Port submitted a revised plan on July 23, 2001 with
19 respect to low flow?

20 A. I don't think so. That's not -- that's not
21 how I recall the submittal.

22 Q. On July 23, 2001, didn't the Port submit a
23 revised low flow analysis?

24 A. I don't -- I can't speak to the exact date
25 or -- of that.

1 Q. Do you recall ACC making a specific request
2 to you personally to allow more time to review that
3 July 23, 2001 low flow analysis prior to you issuing
4 the 401 Certification on August 10, 2001?

5 A. Yes, I think it was made in person.

6 Q. It was made in person. It was also made in
7 writing, wasn't it, by e-mail?

8 A. Sure. Yes.

9 Q. And ACC had requested additional time to
10 review that revised low flow plan that was dated
11 July 23, 2001, correct?

12 A. Yes.

13 Q. And in fact, within 15 days Ecology went
14 ahead and issued the 401 Certification based upon that
15 revised low flow plan; isn't that right?

16 A. I'm hesitating around -- since I can't put my
17 finger on exactly when they submitted and when it was,
18 so.

19 Q. It was dated July 23, 2001, a low flow
20 analysis.

21 A. For the purposes of argument I'll say yes.

22 Q. Well, your answer is yes; isn't that right?

23 A. Yes.

24 Q. It's not for purposes of argument, is it?

25 A. Well, I'd have to examine the record to see

1 the exact dates. I just -- I'll say yes.

2 Q. And in fact, you agree it was unreasonable to
3 expect Ecology staff to review that revised low flow
4 plan within the two-week period between the time that
5 it was submitted and the time that Ecology issued the
6 401 Certification on August 10?

7 A. No.

8 Q. Had there been revisions to the low flow plan
9 since August 10, 2001?

10 A. I don't know.

11 Q. Would that be important to you, to know
12 whether there had been revisions to the low flow plan
13 since you signed the 401 Certification?

14 A. I don't know. It depends on the nature of
15 the changes.

16 Q. Does the 401 Certification require the Port
17 to submit supplements or revisions to the low flow
18 plan?

19 A. Yes, I believe so.

20 Q. And are those revisions or supplements
21 significant in your mind?

22 A. I can't recall the exact nature of the
23 condition, so I can't speak to that right now.

24 Q. Let me go back.

25 What do you recall was said by either

AR 028956

1 Mr. Fitzsimmons or Mr. Hellwig with respect to the May
2 2000 meeting with the Port of Seattle?
3 A. I don't recall -- I don't remember anything
4 else other than what I said. That's it.
5 Q. You subsequently had another conversation
6 with Mr. Fitzsimmons when you told Mr. Fitzsimmons that
7 you couldn't come to reasonable assurance for issuing a
8 401 Certification in 2000, correct?
9 A. Yes.
10 Q. What did Mr. Fitzsimmons say when you went to
11 tell him that?
12 A. He was interested in what the basis for
13 denial would be, what was my basis for denial.
14 Q. What did you say? What did you tell him?
15 A. Inadequacies in the Stormwater Management
16 Plan.
17 Q. And what did he say in response?
18 A. He said, I'd like to learn more about that.
19 Q. So what did you do?
20 A. I put him in contact with Kevin Fitzpatrick.
21 Q. So there were discussions between
22 Mr. Fitzsimmons and Mr. Fitzpatrick that you're aware
23 of relating to the Stormwater Management Plan?
24 A. Yes.
25 Q. Did Mr. Fitzsimmons express any concern to

1 Q. He never expressed to you that Ecology needed
2 to find a way to come to reasonable assurance on this
3 project?
4 A. No.
5 Q. Did he ever express to you that the
6 governor's office wanted a 401 Certification on the
7 third runway project?
8 A. No.
9 Q. He never told you that the governor's office
10 was looking to Ecology to certify the project?
11 A. No.
12 Q. Did Mr. Fitzsimmons ever tell you that any
13 questions with respect to the Stormwater Management
14 Plan needed to be resolved?
15 A. No.
16 Q. Did Mr. Fitzsimmons discuss with you after
17 his conversation with Mr. Fitzpatrick ways in which
18 Ecology could come to a finding of reasonable assurance
19 with respect to the Stormwater Management Plan?
20 A. No.
21 Q. What did Mr. Fitzsimmons have to say to you
22 after he talked to Mr. Fitzpatrick?
23 A. That Kevin had explained to him why Kevin did
24 not have reasonable assurance that the Stormwater
25 Management would meet water quality standards,

1 you about your inability to come to a conclusion of
2 reasonable assurance.
3 A. No. And once he talked to Kevin Fitzpatrick
4 he understood very -- in a fairly detailed way, because
5 we did -- I'm remembering at a subsequent conversation
6 he felt very assured that we were making the right
7 decision.
8 Q. Did he, on this initial conversation where
9 you told him you weren't going to be able to sign the
10 401 Certification, express surprise?
11 A. No, he expressed interest in the basis for my
12 decision.
13 Q. Did he question why you weren't able to come
14 to a conclusion of reasonable assurance?
15 A. Only in what I said before, he was interested
16 in why.
17 Q. Did he push you in any way to change your
18 mind?
19 A. No.
20 Q. Has Mr. Fitzsimmons ever said to you that you
21 had to find a way to issue the 401 Certification?
22 A. No. Nobody in my chain of command has ever
23 told me what my decision should be on this project.
24 Q. Well, that wasn't my question.
25 A. No, he did not.

1 sufficient so he could explain it to the governor.
2 Q. Did you and Mr. Fitzsimmons discuss what
3 Mr. Fitzpatrick's problems were with the Stormwater
4 Management Plan?
5 A. Not in any great detail.
6 Q. Well, in general?
7 A. I don't remember.
8 Q. Was there any other basis upon which you told
9 Mr. Fitzsimmons that you couldn't reach reasonable
10 assurance in September 2000?
11 A. No.
12 Q. So the only reason you told Mr. Fitzsimmons
13 you couldn't sign a 401 Certification in September 2000
14 was problems with the Stormwater Management Plan?
15 A. Yes.
16 Q. So in Mr. Fitzsimmons's mind in September
17 2000, as far as you knew, that was the only reason he
18 thought that Ecology wasn't coming to reasonable
19 assurance?
20 MS. BARNETT: Calls for speculation.
21 A. I can't speculate that.
22 Q. (BY MR. STOCK) Well, I'm not asking you to
23 speculate. Do you know of any other reason why
24 Mr. Fitzsimmons may have thought Ecology couldn't come
25 to a reasonable assurance in September 2000, other than

1 problems with the Stormwater Management Plan?
 2 A. This issue of the recertification between the
 3 Stormwater Management Plan and NRMP, Ray Hellwig may
 4 have discussed that with him. All I recall is I
 5 specifically focused on the SMP with him when I
 6 discussed it with him. He may have understood from
 7 others, like Ray, that there were other reasons.

8 Q. Did Mr. Fitzsimmons discuss the NRMP with you
 9 at all in September 2000?

10 A. Not that I recall, no.

11 Q. Were you at the meeting with the Port of
 12 Seattle in September 2000 in which you advised the Port
 13 of Seattle that Ecology was going to deny the
 14 application?

15 A. No, I was not.

16 Q. Did you have any discussions with anyone
 17 about that meeting after the meeting?

18 A. Yes.

19 Q. Who?

20 A. Ray Hellwig.

21 Q. How about Tom Fitzsimmons?

22 A. I can't remember if I talked to Tom
 23 Fitzsimmons about the meeting or not.

24 Q. What did you learn about the meeting?

25 A. That it went very well from our perspective,

1 AFTERNOON SESSION

2
 3 1:05 P.M.
 4 --oOo--
 5

6 CONTINUING EXAMINATION

7 BY MR. STOCK:

8 Q. Mr. White, you've been handed what was
 9 previously marked as Exhibit 86. Do you recognize this
 10 document?

11 A. Yes. This is a document prepared by Andy
 12 McMillan working with staff in our program and other
 13 programs on lessons learned from big projects,
 14 recommendations from our program.

15 Q. On the first page of Exhibit 86, does it
 16 indicate that your program at headquarters received a
 17 copy of this?

18 A. Yes, I think so. Yes.

19 Q. Which one is that?

20 A. This would be on the To line under Andy
 21 McMillan.

22 Q. Right.

23 A. The ECY DL HQ SEA.

24 Q. And that's you?

25 A. That would be the headquarters staff,

1 that the Port heard our concerns and committed to
 2 meeting the standards and issues that we have -- we had
 3 brought to them. And that there was an understanding
 4 that before we could make a determination of reasonable
 5 assurance that the environmental objectives and the
 6 standards that we had laid out for them had to be met.

7 MR. STOCK: Off the record.

8 (Discussion held off the record.)

9 (Deposition recessed at 12:15 P.M., to be
 10 reconvened at 1:00 P.M.)
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 including me, in the Shorelands and Environmental
 2 Assistance Program.

3 Q. Did you discuss this project with
 4 Mr. McMillan as he was working on it?

5 A. Yes.

6 Q. And you had input into this document?

7 A. Yes.

8 Q. What was the purpose of the document?

9 A. To garner lessons learned from how we handle
 10 big projects as we review them at the Department of
 11 Ecology. And in particular, in our program.

12 Q. And as explained on the first page of the
 13 memo attached to his e-mail, those complex projects
 14 included the Battle Mountain Gold project, the SeaTac
 15 Third Runway and the 304th Street Landfill; is that
 16 right?

17 A. Yes.

18 Q. As well as Arrowleaf?

19 A. Yes.

20 Q. What was the Arrowleaf project?

21 A. The Arrowleaf project was a proposal for a
 22 destination resort, golf course, ski facility in the
 23 upper Methow Valley.

24 Q. Referring you to the first page of the memo
 25 under Item 2, it states that, "Managers should not

1 reward project applicants' attempts to get 'early
2 assurances' or do an 'end-around' project staff."

3 What is that in reference to?

4 A. What is it in reference to? I think it says
5 it right here. It's in reference to the perception
6 that project applicants will try to get Ecology
7 managers to assure them that a project is, quote,
8 permitable, et cetera.

9 Q. That was based on more than just a
10 perception, was it not?

11 A. I don't know.

12 Q. Well, Ecology had experienced project
13 proponents on big projects trying to do an end-around
14 project staff, and that's why one of the
15 recommendations specified here is to -- not to reward
16 that behavior; is that right?

17 A. Yeah. I think there was a perception on
18 staff's part that when agency managers would meet with
19 project proponents of these big complex projects that
20 they might have made commitments on facets of the
21 project. And that was certainly not my experience, so
22 I can't just speak to the -- I can only speak to the
23 perception because I see it here, and I spoke to staff
24 about it.

25 And I think it's a reasonable concern to have

1 people aren't clear about what happened.

2 Q. So is this memo that's Exhibit 86 based upon
3 staff experiences, management experiences or both?

4 A. I would say both. Certainly as we debrief
5 from say the Crown Jewel Gold Mine project, earlier
6 facets of the SeaTac third runway, I was not involved
7 in the 304th Street Landfill and in Arrowleaf. As we
8 debriefed individually we recognized, Look, let's
9 review how the process went, because we heard concerns
10 from our staff. Sometimes it seemed like I was out of
11 the loop and I wasn't sure where I stood.

12 And, Okay, let's address that. So Andy -- we
13 asked Andy McMillan our lead wetland person and
14 programmer in our agency to head this up, and we had
15 discussions with managers and staff to scope out what
16 the range of issues are. Then Andy followed up with a
17 two to two-and-a-half-day meeting with staff to go
18 through what seemed to be logical things to improve our
19 processes.

20 Q. Did any staff express to you the concern that
21 the Port was doing an end-around project staff on the
22 third runway project?

23 A. Not that I can recall. No, nobody came to me
24 and said they were doing end-around.

25 Q. What about Tom Luster?

1 in terms of project applicants certainly ask for
2 commitments and managers oftentimes try to address
3 concerns around timeliness of permit review, that sort
4 of thing. Certainly I have done that on projects
5 myself where applicants say, Well, you know, we're
6 anxious for a decision and so can you make a commitment
7 to us?

8 I don't make those commitments. I work with
9 staff and through this -- lessons learned from these
10 big projects, we were able to talk about how best to
11 answer questions that we get from project proponents
12 around timeliness of permit decisions, what standards
13 are we using to decide yes or no on a permit, that sort
14 of thing. And the importance of practicing 360
15 communication around, Okay, I've had a meeting with
16 project proponent X, and making sure that I communicate
17 with staff that are working on the project, Okay,
18 here's what they're asking me.

19 And I did in fact say, Commit to our next
20 meeting to do this and I want you and you and you
21 there. So it's not surprising that when they hear back
22 from a staff person who's working for the project
23 proponent, Oh, guess what, you're going to have to do
24 this in making sure we're clear.

25 Because oftentimes when you have meetings,

1 A. No, he never told me that.

2 Q. Did you ever have meetings individually with
3 the Port of Seattle representatives, any Port of
4 Seattle representative?

5 A. Meaning just me and a Port representative? I
6 talked on the phone two or three times with a person
7 named Charlie -- can't remember his last name. He was
8 brought in by the Port to initially sort of head up the
9 Port's new reapplication process after the 199 -- the
10 August 1998 decision. So I talked to him on the phone
11 a couple times about process issues around what the
12 time line might look like, those sorts of things.
13 Talked to him on the phone twice and I met with him at
14 the Department of Ecology once, one on one.

15 Q. Is he still with the Port?

16 A. I believe he's still with the Port, but he
17 transitioned away from being involved in the project,
18 it seemed like within six months.

19 Q. Other than that individual, have you had
20 private conversations with any other Port
21 representative regarding the third runway project?

22 A. Oh, not that I can recall. There was one
23 with -- nothing in the last year I would say. In '98,
24 prior to my August decision -- oh, who was it that I
25 talked to? She called me a couple times. I think you

1 would know who she was.

2 Q. Elizabeth Leavitt?

3 A. No. The person Elizabeth replaced.

4 Q. Barbara Hinkle?

5 A. Barbara Hinkle she called me a couple times.

6 Q. Other than Barbara Hinkle or this man by the
7 name of Charlie, have you had private conversations
8 with anyone else at the Port of Seattle?

9 A. Not that I can recall, no.

10 Q. You've never had a private conversation with
11 Elizabeth Leavitt?

12 A. No. The conversations I had with Elizabeth
13 would have been on site with other people and then in a
14 meeting that we had sometime in late '98, maybe early
15 '99, on their reapplication process when she and others
16 were in the room.

17 Q. Take a look at the first page of this Lessons
18 Learned memo, Exhibit 86. At the bottom of the page it
19 states, "Occasionally managers make decisions on large
20 projects and small ones, too, that project staff do not
21 support."

22 What's that in reference to?

23 A. I don't know if it's referencing a specific
24 project, so nothing really leaps to mind in terms of
25 specifics. But I'm certain that there are times when

1 staff disagreements have resulted in them being branded
2 as 'not a team player' or as a potentially 'hostile'
3 witness."

4 What is that in reference to?

5 A. Again, I don't know. I don't know if it's
6 more of a hypothetical collection of projects or if it
7 refers to a specific instance.

8 Q. Well, it doesn't sound hypothetical to me.
9 It says, "In the past, staff disagreements have
10 resulted in them being branded as 'not team players'."

11 A. Nothing comes to mind, I guess, would be what
12 I would say.

13 Q. What about Tom Luster on the SeaTac third
14 runway application, was he branded by anyone as not a
15 team player?

16 A. No. I've never heard that mentioned at all.

17 Q. Did you have any discussions with Ray Hellwig
18 about Tom Luster's review of the third runway
19 application?

20 A. Yes.

21 Q. And in those discussions did Mr. Hellwig
22 express to you a concern about Tom Luster's performance
23 on the review of the third runway project?

24 A. Yes.

25 Q. And what did Mr. Hellwig say?

1 project staff aren't going to agree with a final
2 determination by a manager that that can happen. And
3 so let's project out about how we handle those
4 situations.

5 Q. And does that include findings by managers
6 with respect to reasonable assurance?

7 A. I don't know because I just don't know if
8 there was a specific instance that Andy had in mind
9 when he wrote this.

10 Q. When you came to your determination of
11 reasonable assurance for the SeaTac project and signed
12 the August 2001 certification, did any staff express
13 concern to you about your decision?

14 A. No.

15 Q. During the time that Tom Luster was employed
16 by the Department of Ecology, did he express to you a
17 concern that Ecology could not come to a reasonable
18 assurance conclusion on the SeaTac application?

19 A. No. He expressed to me -- he identified
20 important issues that needed to be resolved in order to
21 make a decision, but he never expressed to me that
22 reasonable assurance could never be met, if that's what
23 you meant. I wasn't quite sure --

24 Q. Turn over to the second page of the Lessons
25 Learned memo, the top sentence says, "In the past,

1 A. The nature of the concerns were, Tom was
2 doing a good job of identifying specific issues for the
3 team to resolve, and once they're resolved Tom would
4 come back to them. And so he was a little frustrated
5 with Tom in terms of how to make sure that Tom
6 understood that that issue had been dealt with and then
7 continue to move forward. He wasn't sure how to
8 resolve that.

9 Q. And how did you respond to Mr. Hellwig?

10 A. I said, Well, I think it would -- it went
11 something like this, where I explained to Ray that
12 Tom's a very thorough person and it could be the nature
13 of his determination to be thorough that he is coming
14 back and checking. Since I'm not in the room when Ray
15 is perceiving this, I expressed to Ray that, Talk to
16 Tom about it, work with him directly and try and go
17 from there.

18 Q. In fact, wasn't that Mr. Luster's job, to
19 look at what the Port of Seattle submitted and to make
20 comments?

21 A. Partly. Most of his job was to work with the
22 experts on the team, the Ecology team, to make sure
23 that they were reviewing the specific submittals from
24 the Port and had the information they needed to then
25 inform Tom Luster and others, ultimately me, around the

1 adequacy of these submittals. So what we relied on Tom
2 to do is to make sure that those issues were being
3 addressed in the submittals, that they were being --
4 that the experts who were reviewing those were reminded
5 by Tom that when they reviewed those documents that
6 those issues -- to help them remember that they
7 identified those issues as key issues, that in the new
8 submittal they needed to look at those and they needed
9 to be addressed.

10 So Tom plays an important role in
11 facilitating and helping focus the experts' review of
12 those documents.

13 Q. Mr. Luster was Department of Ecology's senior
14 expert on 401, was he not?

15 A. Yes.

16 Q. And in that capacity you expected Mr. Luster
17 to call into question any submittal that he believed
18 there were problems with?

19 A. I expected Tom to make sure that the experts
20 who were doing the review reviewed those documents
21 around the key questions that the team had identified.
22 That's a very important role for the facilitator to do.

23 Q. And if, based upon his expertise, he had
24 questions about a submittal, you expected him to bring
25 those questions to the attention of the technical group

1 stormwater expertise?

2 A. I don't believe he does.

3 Q. What do you base that upon?

4 A. I base it on some knowledge of his backgrou.
5 and the nature of his role as a 401 reviewer. We do
6 not ask our 401 reviewers to have specific expertise
7 around water quality standards that have to be met
8 under 401.

9 Q. What is your understanding of Mr. Luster's
10 background with respect to stormwater issues?

11 A. My understanding, he is not relied upon for
12 his opinion on stormwater issues.

13 Q. That's not my question. My question is, what
14 is your knowledge as to --

15 A. Help me understand.

16 Q. My question is, what is your knowledge with
17 respect to Mr. Luster's stormwater background and
18 expertise.

19 A. You mean how much do I know about his
20 training in stormwater issues and that sort of thing?

21 Q. Yes.

22 A. I don't have knowledge to that.

23 Q. And so you can't, based upon a lack of
24 knowledge, pass judgment on whether Mr. Luster is an
25 expert with respect to stormwater issues, can you?

1 that was reviewing the Port's submittals?

2 A. If the technical group had questions around
3 these and they weren't resolved, one of the roles Tom
4 would play is to bring them up and making sure they
5 were resolved.

6 MR. STOCK: Why don't you read me my
7 question, please.

8 (Reporter read back as requested.)

9 A. Well, I think I want to make sure that we
10 distinguish between what his expertise is and his
11 expertise is in facilitating discussions. And I didn't
12 want to give a misimpression that he has expertise in
13 say stormwater management, that we rely on the
14 stormwater expert to provide us the opinion on that.

15 Q. (BY MR. STOCK) You're not questioning
16 Mr. Luster's expertise with respect to stormwater
17 management issues, are you?

18 A. He doesn't have expertise in stormwater
19 management issues.

20 Q. How do you know that?

21 A. Well, let me -- let me be more correct.

22 We rely on the experts -- the stormwater
23 experts in the water quality program to make the
24 decision on stormwater issues, for one.

25 Q. Are you saying that Mr. Luster doesn't have

1 A. No, I can't.

2 Q. Mr. Luster is an expert with respect to
3 wetlands, is he not?

4 A. I have no -- I can't speak to that. I have
5 no knowledge on his expertise. Again, he's not the
6 person I would rely on in terms of this particular
7 wetland issue because we have particular experts that
8 401 reviewers rely upon.

9 Q. Did you rely upon Mr. Luster in coming to the
10 conclusion in September 2000 that you couldn't have
11 reasonable assurance that the Port's project would not
12 violate water quality standards?

13 A. No, I did not.

14 Q. So your testimony is that nothing Mr. Luster
15 told you influenced your decision in September 2000
16 with respect to the lack of reasonable assurance?

17 A. No.

18 Q. And you relied exclusively on the technical
19 staff for your conclusion in September 2000 that there
20 was a lack of reasonable assurance?

21 A. Yes.

22 Q. How is it that in August 2001 you relied upc
23 statements of Ann Kenny to come to the conclusion of
24 reasonable assurance?

25 MS. MARCHIORO: Objection. I think it

1 mischaracterizes the testimony of the witness
2 previously.

3 Q. (BY MR. STOCK) Did I mischaracterize your
4 testimony, Mr. White?

5 A. Yes.

6 Q. How did I mischaracterize it?

7 A. Well, here's how I heard it, and what I was
8 hearing you say is that I relied on Ms. Kenny's
9 expertise in these substantive areas, and I did not.

10 Q. You relied upon statements of Ms. Kenny in
11 August 2001, did you not, to come to the conclusion of
12 reasonable assurance?

13 A. I think I testified earlier in the day that I
14 relied on Ann Kenny in terms of questions I had in
15 terms of the form of the document that I had before me
16 in terms of the certification.

17 Q. Did you rely upon any statements from
18 Ms. Kenny to come to the conclusion of reasonable
19 assurance in August 2001?

20 A. No.

21 Q. Nothing Ann Kenny said to you influenced your
22 decision one way or the other whether to come to a
23 conclusion of reasonable assurance in August 2001; is
24 that correct?

25 MS. BARNETT: Asked and answered.

1 Q. Her administrative expertise?

2 A. Yeah, and her technical writing skill and the
3 process skills and also that she was there as issues
4 were being dealt with through the facilitator process
5 and just making sure that, okay, an issue came up on
6 the Stormwater Management Plan, Kevin would be giving
7 me his reasonable assurance review and I would just
8 ask, Ann, Now, this is everything? And yes, this is
9 the list of the things that we dealt with.

10 So it was really -- it was more of making
11 sure that the list of issues were being addressed.

12 Q. What led to the decision to replace Tom
13 Luster on the 401 application of the Port's?

14 A. The workload of policy issues, that was Tom's
15 main job. When we transitioned to the regional
16 offices, the 401 permit review roles, he was retained
17 in headquarters to manage the policy issues and work,
18 and work with -- to review, for instance, legislation
19 that would come up, to help train and support and
20 provide backup to the regional people.

21 And that happened while this project was
22 still on Tom's plate. And we thought when that -- when
23 we initially agreed with the Northwest office, my
24 section manager there, to keep Tom on the job, that it
25 would perhaps last up to six months and then either the

1 A. I relied on Ann Kenny when I asked questions
2 about the form and processes that were identified in
3 the document, the Water Quality Certification. And so
4 in that respect, yes, I relied on her opinion. In
5 terms of substantive issues that were being called out
6 and addressed in the water quality cert, I relied on
7 the experts that I listed before.

8 Q. (BY MR. STOCK) So whatever opinion Ms. Kenny
9 may or may not have had with respect to technical
10 issues in no way influenced the Department of Ecology's
11 decision to come to a finding of reasonable assurance
12 in August 2001; is that correct?

13 A. Not on the technical merits of the case, no.
14 I relied on Ann to, you know, double verification what
15 Kevin is laying out here is what -- these are the
16 issues, so she would verify because she has an
17 important role in terms of making sure the issues got
18 addressed. But again, it's really referencing back
19 around what the lead experts say, and Ann is clarifying
20 did they address this or not, yes, and then how did we
21 do it, how did we get there.

22 Q. So you are relying upon her technical
23 expertise?

24 A. I'm not saying it's technical expertise.
25 It's really around --

1 project would be completed or we'd transition.

2 And as I recall, the region wanted Tom to
3 keep working on it. His section manager, Paula Ehlers,
4 was concerned that, When are we going to get Tom back
5 to work on the other work?

6 We do in our program quarterly reviews of the
7 key accomplishments we need to make every quarter. As
8 we progress through our work plan, we lay out a work
9 plan every year that identifies the key elements, key
10 tasks, key activities, key projects that need to get
11 done. And one of the things that kept coming up is
12 that issues in policy initiatives and work within the
13 401 room were being delayed because Tom was the only --
14 who was the person we would work with on those issues,
15 wasn't available because of this project.

16 And I recall on several occasions just noting
17 that to Tom's supervisor, Paula, that we need to get
18 these projects done and please initiate some
19 conversation with her counterpart in the region,
20 Jeannie Summerhays, is there likelihood that we could
21 transition this project like we have others to regional
22 staff? Does it make sense? Can we preserve
23 continuity? Et cetera, et cetera.

24 Q. Did you have discussions with Mr. Fitzsimmons
25 about the workload in the headquarters office of

1 Shorelands and Environmental Assistance?
 2 A. Yes.
 3 Q. Did you have discussions with Mr. Fitzsimmons
 4 with respect to Mr. Luster not being able to do his
 5 policy work because he was working on the Port's 401
 6 application?
 7 A. No. The only discussion I had with Tom
 8 Fitzsimmons about this was to tell him that Paula
 9 Ehlers had made a decision to transition him and shift
 10 his work duties on the project back on his policy
 11 responsibilities.
 12 Q. Whose decision was it to take Tom Luster off
 13 the Port's 401 application?
 14 A. Paula Ehlers decided to shift Tom's
 15 responsibilities.
 16 Q. She alone?
 17 A. Yes. She's Tom's -- she is the supervisor of
 18 that position, so it would be her decision. She
 19 certainly consulted with people.
 20 Q. And she consulted with you?
 21 A. Yes, she did.
 22 Q. And did she tell you about conversations that
 23 she may have had with the Port of Seattle regarding
 24 Tom's review of its application?
 25 A. No.

1 Mr. Luster's performance on the 401 project; is that
 2 correct?
 3 A. Yes.
 4 (Deposition Exhibit No. 124 was marked for
 5 identification.)
 6 Q. (BY MR. STOCK) You've been handed what's
 7 been marked Exhibit 124. Do you recognize Exhibit 124?
 8 A. (Witness reviewing document.)
 9 Yes.
 10 Q. And what's it regarding?
 11 A. It is a memo requested by Tom for the
 12 governor that Tom would be sending to the governor
 13 providing a status update on the decisionmaking process
 14 for the third runway project.
 15 Q. That's Tom Fitzsimmons?
 16 A. Yes, Tom Fitzsimmons, excuse me.
 17 Q. And did you review this before
 18 Mr. Fitzsimmons sent it to the governor?
 19 A. I believe I did.
 20 Q. Did you have any suggestions or input?
 21 A. I don't remember.
 22 Q. Did you offer any changes or suggest that
 23 changes be made in the memo?
 24 A. I don't recall that I did.
 25 Q. Refer to the very last line of the first page

1 Q. Did you ever have any discussion with
 2 Ms. Ehlers about conversations she had with Port of
 3 Seattle representatives?
 4 A. Only in, let's see, in the early going in
 5 1998, both prior to the 1998 decision on the proposal,
 6 and then probably three or four months after where
 7 she'd had some interaction with -- you know, prior to
 8 August 1998 she'd had interaction, I think, with
 9 Ms. Hinkle and then after that she'd had interaction
 10 with Elizabeth Leavitt, and all around just saying how
 11 the project is going to be managed from Ecology's
 12 perspective.
 13 Q. In conversations that you had with
 14 Ms. Ehlers, did she tell you that she had heard
 15 complaints about Mr. Luster's performance on the 401
 16 application?
 17 A. No.
 18 Q. Did you ever hear any complaints about
 19 Mr. Luster's performance on the 401 application?
 20 A. I heard, as I described earlier, Ray
 21 Hellwig's concerns about Tom.
 22 Q. Did Mr. Hellwig's concerns rise to the level
 23 of a complaint in your mind?
 24 A. No.
 25 Q. So you've never heard any complaints about

1 of Exhibit 124. Mr. Fitzsimmons writes to Governor
 2 Locke, the last couple of words on that page, "Our goal
 3 is a defensible decision wherein we are reasonably
 4 assured water quality will be protected."
 5 You understood Mr. Fitzsimmons was making
 6 that representation to the governor on July 18,
 7 correct?
 8 A. Uh-huh.
 9 Q. You need to answer yes or no.
 10 A. Yes.
 11 Q. And so on July 18, 2001, was it your
 12 understanding that that was Ecology's goal?
 13 A. Yes.
 14 Q. So by July 18, 2001, rejection of the Port's
 15 application wasn't an option in your mind?
 16 A. No. Based on what we thought we were going
 17 to be getting, we were forecasting where we thought we
 18 would be.
 19 Q. Where you thought you would be. Where did
 20 you think you would be? What do you mean?
 21 A. That we would be able to make a decision that
 22 we would be reasonably assured that water quality
 23 standards are based on -- I think it's identified in
 24 earlier paragraphs -- other submittals that we
 25 anticipate getting.

AR 028963

1 Q. And yet the Department of Ecology hadn't
2 received the Port's July 23, 2001 summer offset
3 analysis for low flow?

4 A. Yes.

5 Q. And even though Ecology hadn't received that
6 document, it believed by July 18 that it had reasonable
7 assurance?

8 A. No. We were projecting out that if the
9 submittals were what we were expecting, then we would
10 have reasonable assurance.

11 Q. And that was Ecology?

12 A. When I reviewed it, I did not take it as we
13 were saying we're done and we have reasonable assurance
14 now, July 18th, that we were projecting out that we may
15 have reasonable assurance based on the adequacies of
16 these submittals.

17 Q. But you agree that as of July 18, 2001, that
18 was Ecology's goal, that's what Mr. Fitzsimmons is
19 representing to the governor?

20 A. Yes.

21 Q. How long before July 18, 2001 did Ecology
22 have as its goal to come to a defensible decision
23 wherein Ecology was reasonably assured water quality
24 will be protected?

25 A. I don't know.

1 August 6."

2 How did Ecology come to the conclusion that
3 it was going to issue a runway decision during the week
4 of August 6?

5 A. We laid out a reasonable schedule in terms of
6 being able to anticipate what the documents might look
7 like and how long it would take us to review those
8 submittals, and then how long it would take us to have
9 the means we would need to have to come to a decision.

10 Q. You had discussions with Mr. Fitzsimmons
11 before this as to the timing that you thought you would
12 have with respect to your runway decision?

13 A. Yes, I think Ray and I did.

14 Q. And in that conversation with
15 Mr. Fitzsimmons, was he looking for the earliest
16 possible date from Mr. Hellwig?

17 A. No, not that I recall.

18 Q. What do you recall about that conversation?

19 A. He wanted to know what was going to make a
20 logical schedule for making a decision so he could
21 relate that to the governor in terms of when we thought
22 we'd be able to make a decision.

23 Q. Is this the conversation where
24 Mr. Fitzsimmons was asking you because the governor had
25 received an inquiry from the Port with respect to

1 Q. Did Ecology have that goal after the meeting
2 with the Port of Seattle in September 2000 when Ecology
3 advised the Port that it was going to reject the
4 application?

5 A. I don't know.

6 Q. Well, on July 18, 2001, you agreed with that
7 goal. When did you come to the conclusion that that
8 was Ecology's goal?

9 A. I don't know when I came to that conclusion.

10 Q. Was it your goal all along, to come to a
11 defensible, a legally defensible decision wherein
12 Ecology would have reasonable assurance that water
13 quality standards would be protected?

14 A. It's our goal on any project that we don't
15 make a decision in the affirmative unless it's legally
16 defensible and meets our standards. So it would be one
17 of many goals. It's one way of describing our
18 environmental objectives to an applicant.

19 MR. STOCK: Off the record.

20 (Discussion off the record.)

21 (Recess taken.)

22 Q. (BY MR. STOCK) Let's look back at
23 Exhibit 124, which is in front of you, and on the
24 second page, the first full paragraph, it states, "We
25 expect to render a runway decision the week of

1 timing?

2 A. I don't think so. I think this was almost in
3 the vein of Ray and I updating Tom in terms of where we
4 were in the process. I don't think this -- I don't
5 think or I don't know if this was stimulated by a
6 request from the governor's office or not.

7 Q. Well, ultimately you issued the 401
8 Certification on August 10, correct?

9 A. Yes.

10 Q. And that 401 Certification imposes upon the
11 Port an obligation to present additional information to
12 the Department of Ecology, correct?

13 A. Yes.

14 Q. It requires the Port to submit revisions to
15 the Natural Resources Mitigation Plan, correct?

16 A. I believe so.

17 Q. And there's other information that Ecology is
18 requiring the Port to submit in that 401 Certification.
19 And my question is, why didn't Ecology wait to issue
20 the 401 Certification until after it received this
21 additional information that it's requiring the Port to
22 submit in the 401 Certification?

23 A. We felt we had enough information to make a
24 determination, and we did.

25 Q. So Ecology didn't need the information that

1 it was requesting or requiring the Port to submit in
2 the 401 Certification to have reasonable assurance on
3 August 10th?

4 MS. BARNETT: Objection, asked and answered.

5 A. I think I stand by my answer about how we
6 came to the decision.

7 Q. (BY MR. STOCK) Ecology didn't need the
8 information that it is requiring the Port to submit
9 under the 401 Certification in order to have reasonable
10 assurance on August 10; is that correct?

11 MS. BARNETT: Asked and answered.

12 A. I answered the question.

13 Q. (BY MR. STOCK) Answer the question I have
14 asked, Mr. White.

15 A. Well, you're phrasing it differently.

16 What I said was that we had enough
17 information on August 10th to make the determination of
18 reasonable assurance. There are conditions in the
19 permit for additional information and a variety of
20 other conditions to be met, that have to be met to
21 carry out the permit.

22 Q. And so Ecology didn't need to see the
23 information that it was requiring the Port to submit as
24 a part of the 401 Certification in order to have
25 reasonable assurance on August 10th; is that right?

1 A. I would say it differently, that we need to
2 make sure that information is provided, but it wasn't
3 fundamental to our determination of August 10th.

4 Q. Well, you didn't know what that information
5 was going to say because it hadn't been submitted yet
6 on August 10th; that's a fair statement, isn't it?

7 A. We knew why we needed it and what its
8 purposes were, just like all the conditions.

9 Q. Sure. But you didn't know what the
10 information was going to say, did you?

11 A. Not specifically.

12 Q. In general, you didn't know what it was going
13 to say?

14 A. I can't speak to that. These were conditions
15 developed by our experts in terms of follow-up pieces
16 of information that are needed to carry out our
17 requirements for the project.

18 Q. You agree that any belief on the part of your
19 technical experts with respect to what that information
20 was going to say in the future was pure assumption?

21 A. I'd have to ask them. I'd be speculating
22 saying yes or no to that.

23 Q. You weren't relying upon the information that
24 the Port was required to submit under the 401
25 Certification in the future when you came to reasonable

1 assurance on August 10, 2001; is that right?

2 A. I relied upon the reasonable assurance
3 recommendations that I received from our experts as
4 described earlier in my testimony.

5 Q. Correct. And as you came to that
6 determination of reasonable assurance in your mind, you
7 weren't relying upon any information that the Port was
8 going to submit after August 10, 2001, were you?

9 A. Again, I think that's in the nature of
10 speculating of what was in the minds of the people who
11 were recommending to me, the experts.

12 Q. No, Mr. White, I'm asking you what was in
13 your mind on August 10, 2001. When you came to the
14 conclusion that there was reasonable assurance that
15 state water quality standards were not going to be
16 violated by this project on August 10, 2001, you
17 weren't relying upon information that the Port was
18 going to submit in the future, were you?

19 A. Yes. Yes.

20 Q. Yes what?

21 A. I was not relying on information they would
22 submit in the future.

23 Q. Did you ask Mr. Fitzpatrick about the
24 information that the 401 Certification was requiring
25 the Port to submit in the future with respect to

1 stormwater management?

2 A. Yes, I believe we had a conversation about
3 that.

4 Q. And what was said?

5 A. I don't remember.

6 Q. You don't remember anything Mr. Fitzpatrick
7 said with respect to what information the Port was
8 going to submit after August 10, 2001 that he may have
9 been relying upon to come to a conclusion of reasonable
10 assurance with respect to stormwater management issues?

11 A. I don't remember.

12 Q. How about Erik Stockdale; did you have any
13 discussion with Mr. Stockdale with respect to any
14 additional information the 401 Certification required
15 the Port to submit with respect to the Natural
16 Resources Mitigation Plan?

17 A. Yes, and I don't remember the --

18 Q. You had conversations with Mr. Stockdale
19 about that, but you don't remember what those
20 conversations were?

21 A. Yeah, I don't remember the substance of it -
22 what those future reports and changes were.

23 Q. Did you have conversations with Ching-Pi Wang
24 about what additional information the Port was required
25 to submit with respect to flow or potential flow of

1 contaminants?

2 A. No.

3 Q. So that didn't enter into your reasonable
4 assurance conclusion?

5 MS. BARNETT: Objection, mischaracterizes the
6 witness's testimony.

7 A. I didn't have a conversation about what you
8 said.

9 Q. (BY MR. STOCK) Right. So it's a fair
10 assumption that if you didn't have a conversation with
11 Mr. Wang about what the 401 Certification required in
12 terms of the Port's submitting additional information
13 on flow contaminants, it wasn't a part of your
14 reasonable assurance conclusion; that's a fair
15 statement, isn't it?

16 A. Well, I think you're parsing it out in a
17 different way than I see it, and that is, it's part of
18 his reasonable assurance recommendation to me, and I
19 based my decision on his reasonable assurance
20 recommendation.

21 Q. So if Mr. Wang came to you and said, I have
22 reasonable assurance with respect to the contamination
23 criteria in the 401 Certification, are you telling me
24 that that was sufficient for you to have reasonable
25 assurance in your mind without any exploration on your

1 A. I'm trying to remember what specific other
2 changes, but I -- I'm not remembering.

3 Q. Are those proposed edits or changes of yours
4 in writing somewhere?

5 A. They may be, you know, similar to that
6 earlier memo where I made changes in red line
7 strikeout. We have that capability in our word
8 processor. If I made changes, I would have made it in
9 that form and then sent them back to Ann for her
10 review.

11 Q. Do you have a specific recollection sitting
12 here today that you made changes electronically and
13 sent it back to Ann Kenny?

14 A. Yes.

15 Q. Sitting here today, do you recall what any of
16 those changes were?

17 A. No.

18 Q. And was it to this August 5 draft of the 401
19 Certification?

20 A. I'm not sure of that, either this one or it
21 could have been there was another one.

22 Q. Earlier or later?

23 A. I don't remember.

24 Q. Did you share this draft with
25 Mr. Fitzsimmons?

1 part as to what those requirements are?

2 A. No, I'm not saying that at all.

3 Q. Did you review the fill acceptance criteria
4 in the 401 Certification, you personally?

5 A. No.

6 Q. So you relied exclusively on Mr. Wang in that
7 regard?

8 A. Yes.

9 (Deposition Exhibit No. 125 was marked for
10 identification.)

11 Q. (BY MR. STOCK) You've been handed
12 Exhibit 125. Do you recognize this as a draft of the
13 401 Certification dated August 5, 2001?

14 A. Yes.

15 Q. Did you review this draft when it was sent to
16 you?

17 A. Yes.

18 Q. Did you propose any changes to the draft?

19 A. I think I did.

20 Q. Where are those proposed changes?

21 A. I don't remember specific ones. I just know
22 that I reviewed it and I have a strong recollection
23 that I made recommendations for changes. Largely
24 editorial in nature.

25 Q. Are those --

1 A. No, I did not.

2 Q. Did you discuss a draft of the 401
3 Certification with Mr. Fitzsimmons?

4 A. Yes.

5 Q. And when did that conversation occur?

6 A. I don't remember.

7 Q. What was said?

8 A. We talked about the conditions that we were
9 adding to the submittal to achieve reasonable
10 assurance, and explained them to Mr. Fitzsimmons about
11 why they were needed so he could understand them.

12 Q. Was this the meeting that's referred to by
13 Ann Kenny in her second to the last paragraph?

14 A. I believe so.

15 Q. You were a part of that meeting?

16 A. Yes.

17 Q. What was said in that meeting with respect to
18 the conditions?

19 A. We reviewed the conditions, we explained to
20 Tom why they were needed, what role they played in our
21 overall decision on it. Tom asked clarifying questions
22 about the conditions.

23 Q. Wasn't there also a discussion at that
24 meeting regarding the additional information that the
25 Department of Ecology was requiring the Port to submit

1 in the 401 Certification?
 2 A. There may have been, but I can't remember
 3 specifically.
 4 Q. Was there a discussion about the Natural
 5 Resources Mitigation Plan at that meeting?
 6 A. Probably, but I can't recall specifics.
 7 Q. And wasn't there a discussion about the need
 8 for the Port of Seattle to submit revisions to the
 9 Natural Resources Mitigation Plan in order for the
 10 Department of Ecology to have reasonable assurance?
 11 A. There may have been, but I don't recall.
 12 Q. Do you recall anything that was said at that
 13 meeting with respect to additional information that
 14 Ecology was requiring the Port to submit?
 15 A. No.
 16 Q. Was there any question raised at that meeting
 17 between you, Tom Fitzsimmons, Ray Hellwig and -- was
 18 Ann Kenny also there?
 19 A. Yes, she was.
 20 Q. Was there any question raised or discussion
 21 at that meeting between the four of you as to whether
 22 Ecology should hold off issuing the 401 Certification?
 23 A. I don't think so. I don't recall, though.
 24 Q. Was Mr. Fitzsimmons pushing in that meeting
 25 to get the 401 Certification issued by the end of that

1 A. Yes.
 2 Q. Did you go through it item by item?
 3 A. Yes.
 4 Q. And in that context you can't recall any
 5 discussion about additional information that Ecology
 6 was requiring the Port to submit?
 7 A. No.
 8 Q. Was there any concern on the part of anyone
 9 prior to you signing that August 10 certification that
 10 Ecology needed the additional information the Port was
 11 required to submit in order to reach reasonable
 12 assurance?
 13 A. Excuse me, ask the question again?
 14 (Reporter read back as requested.)
 15 A. Only the fact that we have it in the
 16 certificate.
 17 Q. (BY MR. STOCK) Do you recall any discussion
 18 with anyone regarding that issue, the need for
 19 additional information in order to have reasonable
 20 assurance?
 21 A. No, I don't. I don't recall.
 22 (Deposition Exhibit No. 126 was marked for
 23 identification.)
 24 Q. (BY MR. STOCK) Handing you what's been
 25 marked as Exhibit 126, Mr. White, are these your notes

1 week?
 2 A. No.
 3 Q. Was there any discussion at that meeting with
 4 respect to the additional information that Ecology was
 5 requiring the Port to submit with respect to the low
 6 flow plan?
 7 A. I don't recall.
 8 Q. Do you recall anything about that meeting
 9 other than that the conditions of the 401 Certification
 10 were discussed among the four of you?
 11 A. No.
 12 Q. How long did this meeting last?
 13 A. I don't remember.
 14 Q. Where did it take place?
 15 A. I believe it took place in the Ecology
 16 headquarters building in one of the meeting rooms on
 17 the third floor.
 18 Q. Was anyone else present?
 19 A. Tom Fitzsimmons was present, Ray Hellwig was
 20 present, Ann Kenny was present and I was present. And
 21 I don't remember anybody else.
 22 Q. Was there a draft of the 401 Certification at
 23 the meeting?
 24 A. Yes.
 25 Q. Did each of you have a copy?

1 of meetings that you had on July 17, 2001, and then
 2 notes of your meeting that you had with representatives
 3 of ACC?
 4 A. Yes.
 5 Q. On the first page of your notes, which is the
 6 second page of the exhibit, what was this meeting
 7 regarding on July 17?
 8 A. This meeting was an update for myself to
 9 discuss with our Corps expert -- experts who were
 10 reviewing the submittals by the Port on where they saw
 11 the project going in terms of reasonable assurance
 12 issues that we had with the project, and telling me
 13 what they were thinking.
 14 Q. And did you take these notes while you were
 15 at the meeting?
 16 A. I believe so.
 17 Q. I see that the time after the date, July 17,
 18 is 10 p.m. Did this meeting take place at 10 p.m. on
 19 July 17?
 20 A. That's a good question. I'm trying to
 21 remember what time of the day the meeting occurred. --
 22 could be that the meeting broke at the close of
 23 business, although I have some recollection that it
 24 might have stretched into the evening and then I may
 25 have sat down and jotted these notes, finishing them up

1 at 10:00. I'm just trying to remember. I can't
2 remember exactly.

3 Q. Under your first section, SMP/Low Flow
4 Status, which is the first section there, can you read
5 the third line of your notes into the record?

6 A. You mean where the second arrow starts?

7 Q. Yes.

8 A. "Reasonably assured that the proposed
9 measures will work. High level assurance that the
10 retrofit requirement will result in a net benefit,
11 i.e., improved level of stormwater management versus
12 preproject conditions. Probably better than
13 stormwater" -- SW, meaning stormwater, "coming off
14 other developments permitted by surrounding cities."

15 Q. What did you mean when you said "reasonably
16 assured

17
18 that the proposed measures will work"?

19 A. That probably the combination of Kevin
20 Fitzpatrick and Kelly Whiting had given me that
21 impression.

22 Q. What did you mean when you said "the proposed
23 measures will work"?

24 A. That they had told me that they will work.

25 Q. What did you take that to mean?

1 historic exceedences of water quality standards from
2 the airport?

3 A. I was aware of concerns about that.

4 Q. Were you aware that there had been historic
5 exceedences of water quality standards?

6 A. I say I'm aware of their concerns about that,
7 but I can't put my finger on the specific -- I couldn't
8 say, Here's where I have observed an exceedence or see
9 a record of that. I just know that there were concerns
10 about that expressed.

11 Q. When you signed the 401 Certification on
12 August 10, 2001, did you know that there had been
13 historic exceedences of water quality standards as a
14 result of airport operations?

15 A. No. I knew there were concerns about it,
16 though.

17 Q. Did you make any assessment of whether
18 existing BMPs at the airport were sufficient to avoid
19 exceedences of water quality standards?

20 A. I did not make a determination of that.

21 Q. Did you rely upon the effectiveness of
22 existing BMPs at the airport to come to your conclusion
23 of reasonable assurance?

24 A. Existing BMPs, clarification?

25 Q. Yes.

1 A. That they will ensure that stormwater runoff
2 will meet water quality standards.

3 Q. Did it mean to you that there was a high
4 level assurance that the retrofit requirement will
5 result in a net benefit?

6 A. That's what it says, yes.

7 Q. Is that what you meant when you wrote that
8 "the proposed measures will work"?

9 A. What I -- what I think I meant when I wrote
10 it down is that that's what I heard in the room, Kevin
11 expressing to me, Will the facilities identified in the
12 SMP work in order to ensure that stormwater runoff
13 meets water quality standards?

14 Q. By that you took him to mean that it would
15 result in a net benefit?

16 A. And -- I -- I see it in two levels; one is,
17 will the runoff that the project creates, that the
18 specific new -- the proposed third runway project will
19 meet water quality standards, and second, that the
20 retrofit itself, because it will address stormwater
21 issues that have been there for a long time, that the
22 retrofit is going to improve the quality of runoff,
23 that that's how you get to net benefit.

24 Q. When you made your reasonable assurance
25 determination. did you know that there had been

1 A. No.

2 Q. Go down to your second to the last arrow on
3 that page and read into the record what you've written.

4 A. This is the NRMP arrow, clarification?

5 Q. Yes.

6 A. "NRMP, recent submittal looks good.
7 Reasonable assurance that it will work with a few
8 additional conditions to ensure functions are
9 addressed."

10 Q. What were those additional conditions?

11 A. I don't recall. This is my recounting of
12 what Erik Stockdale, our wetlands expert on the
13 project, was telling me in terms of that the submittal
14 looked good, but that there were some additional
15 conditions needed to ensure the functions are
16 addressed. I just don't recall what those are.

17 Q. Did you yourself do any independent
18 assessment of the NRMP?

19 A. No.

20 Q. You relied exclusively on what Erik
21 Stockdale's conclusion was with respect to whether the
22 NRMP would result in reasonable assurance that water
23 quality standards wouldn't be violated?

24 A. Yes.

25 Q. Did the editorial changes that you proposed

1 to Ann Kenny for the 401 Certification get included in
 2 the August 10, 2001 401 Certification?
 3 A. I think so.
 4 Q. But you don't recall what those changes were?
 5 A. No, I don't recall.
 6 Q. Were they stylistic in nature or were they
 7 technical in nature?
 8 A. I don't remember, but more than likely they
 9 leaned towards the stylistic side versus the technical.
 10 Q. Did you make any technical -- any changes
 11 with respect to technical requirements of the 401
 12 Certification?
 13 A. Not that I remember.
 14 Q. Did you make any changes in the
 15 recommendations of your technical staff in the 401
 16 prior to issuing it on August 10, 2001?
 17 A. No. I don't think I did.
 18 Q. You signed the certification on August 10,
 19 2001. Then there was a rescission of that August 10,
 20 2001 certification and a reissuance on September 21,
 21 2001; is that right?
 22 A. I believe so. If those are the dates, yes.
 23 Q. What led up to the reissuance of the
 24 certification on September 21? Or put another way, why
 25 was it rescinded and reissued?

1 A. Yes. As I recall, there were clarifications
 2 that the Port requested we address, and the best way to
 3 address those was in a reissuance of the certification
 4 with clarifications in the revised certification that
 5 we issued in September.
 6 Q. How did you learn about the clarifications
 7 that the Port requested in the August 10 certification?
 8 A. I don't remember specifically, but I believe
 9 it was a communication from Ann Kenny.
 10 Q. Well, in fact, didn't Tom Fitzsimmons call
 11 you and talk to you about a meeting he had had with the
 12 Port of Seattle commissioners and Mic Dinsmore after
 13 the August 10 certification had been issued?
 14 A. He may have, but I don't recall that, that he
 15 called me about that meeting.
 16 Q. Did you go to the Port of Seattle after the
 17 August 10 401 Certification was issued?
 18 A. No, I did not.
 19 Q. You knew there was a meeting between Tom
 20 Fitzsimmons and Port of Seattle commissioners and Mic
 21 Dinsmore after the certification was issued on
 22 August 10?
 23 A. Yes.
 24 Q. How did you hear about that meeting?
 25 A. I'm trying to remember. I don't know if I

1 knew about it ahead of time or not. I had heard, I
 2 believe, from Ann, although it could be from Ray
 3 Hellwig, that the Port had questions about the cert.
 4 that they weren't clear about some of the
 5 certifications and that they wanted to have a meeting
 6 about it.
 7 And then I just don't remember the sequence
 8 of events in terms of, you know, did I -- what really
 9 happened at that meeting or, you know, where in point
 10 in time Ann talked to me about the clarification
 11 issues.
 12 Q. What did Ms. Kenny say to you about the
 13 clarification issues?
 14 A. She described to me -- as I recall, she
 15 described to me the areas that the Port was seeking
 16 clarification.
 17 Q. What were those areas?
 18 A. I don't remember.
 19 Q. Why did Ecology go ahead and reissue the
 20 certification on September 21?
 21 A. To clarify issues in the cert that the Port
 22 had brought to our attention.
 23 Q. Was there a need for clarification in your
 24 mind when you issued that certification on August 10,
 25 2001?

1 A. I believe there was, otherwise I wouldn't
 2 have done it. But I just don't remember the substance
 3 of the clarifications.
 4 Q. On August 10, 2001 when you issued the
 5 certification, you didn't see any need for there to be
 6 a reissuance, did you?
 7 MS. BARNETT: Objection, argumentative.
 8 A. No, I did not.
 9 Q. (BY MR. STOCK) So were you surprised when
 10 Ann Kenny called you and said the Port's requesting
 11 some clarifications?
 12 A. When -- she directed me to the document, I
 13 think we were on the phone. I looked at it, I
 14 thought -- I could see a reasonable person saying that
 15 they didn't understand what this meant and that there
 16 would be utility to clarifying it.
 17 Q. But you don't recall what those
 18 clarifications were?
 19 A. No. I can't remember.
 20 Q. Let me show you a copy of the September 21
 21 certification. It previously was marked as Exhibit ^
 22 This is the certification you signed, is it not?
 23 That's your signature on the second page?
 24 A. Yes, that's my signature.
 25 Q. In the last paragraph of the first page, you

1 state that, "It shall also be withdrawn," referring to
2 the certification, "if the project is revised in such a
3 manner or purpose that the Corps or Ecology determines
4 the revised project must obtain new authorization and
5 public notice."

6 What did you mean when you wrote that?

7 A. I think it means what it says. I can't say
8 what was in my mind when it was written down. This
9 is -- I think the plain language of it, I mean is
10 pretty clear. If there's a major revision to the
11 project where if they were to change their footprint,
12 discover additional wetlands that they may impact, for
13 instance, then this is essentially reserving our right
14 to require a new authorization and public notice.

15 Q. So in your mind a change of the footprint
16 would result in Ecology determining that the project
17 had been revised in such a manner that new
18 authorization and public notice would be required?

19 MS. MARCHIORO: Objection, calls for
20 speculation.

21 A. It's a matter of degree in terms of what
22 rises to a level of a change in the project that's
23 significant enough for us to look at it to make sure --
24 look at it again -- or I guess what I'm saying,
25 Mr. Stock, is that the changes have to rise to a level

1 those changes in Stormwater Management Plan or to the
2 NRMP, it goes through the same process of review and
3 then we would make a decision. We're relying on the
4 technical expertise of our experts to make a
5 determination.

6 Q. And what criteria do you expect your experts
7 to use in making that determination?

8 A. Impact to water quality standards.

9 Q. The potential for impact to water quality
10 standards, the probability? What's the standard that
11 you expect your experts to use to decide whether a
12 revision to the project will trigger the need for new
13 authorization and public notice as you've said in your
14 letter there?

15 A. I would expect, one, it impacts the water
16 quality standards and their assessment that it reaches
17 a threshold of importance to waters of the state, that
18 if it's going to impact waters of the state beyond what
19 the conditions within the existing permit can mitigate
20 or address.

21 Q. Have you discussed with your in-house
22 technical experts the revisions to the Natural
23 Resources Mitigation Plan that the Port submitted to
24 the Department of Ecology in late November 2001?

25 A. No, I have not.

1 where we would see that they raise potentially new
2 impacts to water quality standards.

3 Q. (BY MR. STOCK) That's the question that I
4 need answered is, what is the level of revision in the
5 project that you're referring to here that would result
6 in new authorization and public notice?

7 A. Well, it is somewhat speculative for me to
8 think out what it could be, but I gave an example of
9 if, for instance, it was discovered that new
10 wetlands -- additional wetlands were going to be filled
11 or needed to be filled as a result of some change of
12 the project, that would be an example.

13 Q. Are there criteria that Ecology uses to
14 determine whether a revision is such that it would
15 trigger the requirement that you've referred to there
16 in your last paragraph of "new authorization and public
17 notice"?

18 A. I don't know if there are.

19 Q. Well, who would make that determination?

20 A. The same people who make the determination on
21 reasonable assurance.

22 Q. That's you, isn't it?

23 A. Well, in terms of the team. If there are
24 changes to the Stormwater Management Plan or there are
25 changes in the footprint that lend to -- that lead to

1 Q. Have you discussed with your in-house
2 technical experts the revisions that the Port submitted
3 to the Department of Ecology in mid December 2001 with
4 respect to low flow?

5 A. No, I have not.

6 Q. Do you have any plans on doing that?

7 A. No.

8 Q. As the individual that represents to the Army
9 Corps of Engineers that Department of Ecology has
10 reasonable assurance that state water quality standards
11 won't be violated by this project, aren't you
12 interested to know what these revisions are that the
13 Port has submitted since you made that representation?

14 A. Yes.

15 Q. And do you have plans to go back and talk to
16 your technical experts to determine whether those
17 revisions will affect Ecology's decision?

18 A. The way they would come to me, if there are
19 areas that would be of question, raise a question
20 around our reasonable assurance determination, then I
21 expect them to be brought to me. But once a
22 determination is made at my level, when I make a
23 decision like this, I expect the technical experts
24 involved to continue with the project and review these
25 submittals, and if they are -- somehow don't meet our

1 test of adequacy, then I will need to be advised of
2 that.

3 Q. In your review for purposes of coming to a
4 conclusion of reasonable assurance, did you discuss the
5 design of the mechanically stabilized earthen wall with
6 anyone and whether that design impacted water quality
7 standards?

8 A. I don't think I specifically discussed it
9 with anyone, but I do recall Kevin Fitzpatrick
10 addressing it in some general way in terms of his
11 comments on how the stormwater master plan interfaced
12 with the wall design.

13 Q. Did you have any discussion with
14 Mr. Fitzpatrick regarding how or whether the MSE wall
15 design would impact water quality standards?

16 A. I don't think so. I don't recall.

17 Q. Did you have any discussion with
18 Mr. Fitzpatrick as to how or whether the embankment
19 would impact water quality standards?

20 A. No.

21 Q. If I have questions about the impact of the
22 MSE wall design on water quality standards, who should
23 I ask those questions of within the Department of
24 Ecology?

25 A. Kevin Fitzpatrick.

1 Q. Other than Kevin Fitzpatrick, are you aware
2 of anyone else within the Department of Ecology that
3 may have reviewed the potential impact of the MSE wall
4 design on water quality standards?

5 A. Erik Stockdale, in terms of its interaction
6 with NRMP.

7 Q. But you didn't have any discussions with Erik
8 Stockdale with respect to that, did you?

9 A. I don't think so. I don't recall. I think,
10 just like with my recollection of the presentation by
11 Kevin Fitzpatrick on the SMP, that Erik may have
12 touched on the wall and its interaction with the issues
13 surrounding the NRMP because of how groundwater would
14 be discharged from it and its impact on the wetlands.

15 Q. Well, do you recall discussions with Erik
16 Stockdale about the potential impact of the MSE wall
17 design on wetlands?

18 A. Just at a general level, yes.

19 Q. When did those discussions occur?

20 A. I don't remember. It may have been on the
21 July 17th meeting, but I don't recall.

22 Q. Does the 401 Certification impose any
23 conditions on the design of the MSE wall?

24 A. I don't remember.

25 Q. When was the last time that you read the 401

1 Certification?

2 A. Several weeks ago.

3 Q. And in that review did you see any conditions
4 imposed on the Port with respect to design of the MSE
5 wall?

6 A. I don't remember.

7 Q. One way or the other?

8 A. I don't remember one way or the other, yes.

9 Q. Have you had any involvement with respect to
10 the 401 Certification since you signed the
11 recertification on September 21, 2001?

12 (Reporter read back as requested.)

13 A. I don't recall any. There may have been like
14 a very summarial status update from Ann or Ray. But
15 I'm just not recalling any specifics. And then, of
16 course, just --

17 Q. Preparing for this deposition?

18 A. Preparing for this deposition.

19 Q. But other than this summarial meeting or
20 discussions that you may have had with Mr. Hellwig or
21 Ms. Kenny and preparing for this deposition, have you
22 had any other involvement in the 401 Certification for
23 the Port's project since you signed the certification
24 on September 21?

25 A. I recall that I talked to Ray Hellwig about

1 assuring that the Port was following through on laying
2 out the groundwork for ensuring that Ecology staff
3 would be available to review key components of our
4 conditions to make sure the conditions were met.

5 Q. I don't understand what you said, Mr. White.
6 Explain it to me in a different way.

7 A. There are conditions in the 401 that require
8 Ecology to make -- to make determinations on various
9 aspects of the project and to do site visits. And we
10 are requiring the Port to fund Ecology's time to do
11 that, and I recall a discussion with Ray about
12 following up with the Port to do that.

13 Q. Okay. Other than that, have you had any
14 other involvement with the 401 Certification since
15 September 21?

16 A. Not that I recall, no.

17 Q. I take it sitting here today you still hold
18 the opinion that Ecology has reasonable assurance that
19 state water quality standards won't be violated by the
20 project?

21 A. Yes.

22 Q. And the opinion that you hold today with
23 respect to reasonable assurance is based upon the same
24 information that you had available to you when you made
25 that determination on August 10, 2001; is that correct?

1 A. Yes.
 2 Q. So none of the additional information that
 3 the Port has submitted since August 10, 2001 influences
 4 your opinion today that there's reasonable assurance
 5 the project won't result in a violation of state water
 6 quality standards; isn't that right?
 7 A. Yes.
 8 Q. Are you aware that the PCHB has issued a stay
 9 of the effectiveness of the 401 Certification?
 10 A. Yes.
 11 Q. When did you become aware of that and how?
 12 A. I don't know exactly when.
 13 Q. The decision was issued on December 17, if
 14 that helps.
 15 A. Yeah. I believe I became aware of it a day
 16 or two afterwards, Joan Marchioro informed me of that.
 17 Q. Other than conversations that you may have
 18 had with Ms. Marchioro, have you had discussions with
 19 anyone else regarding the PCHB's order of staying the
 20 effectiveness of the 401 Certification?
 21 A. I don't think so, no.
 22 Q. You don't think so or you didn't?
 23 A. I don't remember -- I'm relatively sure that
 24 I haven't talked to anybody else about it.
 25 Q. Do you know what Ecology is doing in response

1 the Port's NPDES permit?
 2 A. Yes.
 3 Q. Who did you discuss that with?
 4 A. Joan Marchioro.
 5 Q. Other than Ms. Marchioro, have you had any
 6 discussions with anyone?
 7 A. No.
 8 Q. Have you read the PCHB's summary judgment on
 9 the NPDES appeal?
 10 A. No, I have not.
 11 Q. Have you read the PCHB's stay decision?
 12 A. No.
 13 Q. Do you understand that you will be testifying
 14 at the hearings before the PCHB in this matter?
 15 A. Yes.
 16 Q. And what do you expect to testify about?
 17 A. The basis for my decision.
 18 Q. And other than what you've told me sitting
 19 here today as to what the basis of your decision was,
 20 is there any other basis that you haven't told me
 21 about?
 22 A. No.
 23 Q. Put another way, you've shared with me today
 24 everything that your decision that there was reasonable
 25 assurance on August 10 when you signed that 401

1 to the stay?
 2 A. I believe we've appealed the decision.
 3 Q. Other than in the context -- well, let me ask
 4 that.
 5 Why is Ecology appealing the decision?
 6 A. I don't know the specifics of our legal
 7 arguments.
 8 Q. I'm not asking the specifics of the legal
 9 arguments. Why has Ecology gone ahead and joined in
 10 the Port's appeal of the stay? Isn't that something
 11 for the project proponent to do?
 12 A. I believe it was based on the recommendation
 13 from our attorney general to do so.
 14 Q. Ecology isn't a project proponent, is it?
 15 A. No.
 16 Q. So other than in the context of the legal
 17 proceedings, are you aware of any action that Ecology
 18 is taking in response to the PCHB staying the
 19 effectiveness of the 401 Certification?
 20 A. No.
 21 Q. Have you had any discussions with Tom
 22 Fitzsimmons about the stay?
 23 A. No.
 24 Q. Have you discussed with anyone the PCHB's
 25 summary judgment with respect to the modification of

1 Certification was based upon?
 2 A. Yes, everything that I can remember how we
 3 went through the decision, yes.
 4 Q. How does AKART relate to your conclusion of
 5 reasonable assurance on this project, if it does at
 6 all?
 7 A. I don't know.
 8 Q. You also on September 21 concurred in the
 9 Port's certification that the project was consistent
 10 with the Coastal Zone Management Act, did you not?
 11 A. Yes.
 12 Q. Did you do any independent analysis as to
 13 whether the Port was in compliance -- the Port's
 14 project was in compliance with the Coastal Zone
 15 Management Act?
 16 A. I did not.
 17 Q. Did Ecology do any independent analysis as to
 18 whether the Port's project was in compliance with the
 19 Coastal Zone Management Act?
 20 A. Yes.
 21 Q. Who did that independent analysis?
 22 A. Ann Kenny would have led the effort to do
 23 that.
 24 Q. What did you base your concurrency on when
 25 you signed this letter on August 10 and then again on

CORRECTION & SIGNATURE PAGE

1 September 21?
2 A. The discussions that I had with Ann in terms
3 of her analysis in working with other experts in the
4 program around the issues and the policies of our
5 Coastal Zone Management plan that touch upon the
6 project, that interface with the project.

7 Q. You had a specific conversation with
8 Ms. Kenny about the requirements of the Coastal Zone
9 Management Plan?

10 A. I believe it came up as we were moving
11 towards a decision.

12 Q. Do you recall a specific conversation with
13 her about that?

14 A. No.

15 Q. So you don't know whether you talked to her
16 about the Coastal Zone Management Act and whether the
17 Port's project was in compliance with that?

18 A. I asked her that question.

19 Q. So you do recall a specific conversation?

20 A. Yeah. I asked her the question, I just can't
21 recall the specifics --

22 Q. Specifics of the conversation?

23 A. Other than that we asked the question -- I
24 asked the question and she explained to me how it
25 would.

1
2
3 RE: ACC V. STATE OF WASHINGTON, ET AL.
4 PCHB No. 01-160
5 DEPOSITION OF: GORDON WHITE, JANUARY 16, 2002

6 I, GORDON WHITE, have read the
7 within transcript taken JANUARY 16, 2002, and the same
8 is true and accurate except for any changes and/or
9 corrections, if any, as follows:

10 PAGE LINE CORRECTION

11
12
13
14
15
16
17
18
19
20
21
22 Signed at _____,
23 on the _____ day _____, 2002.

24
25 GORDON WHITE

REPORTER'S CERTIFICATE

1 Q. What did she say was the basis of Ecology's
2 concurrence that the Port was in compliance with the
3 Coastal Zone Management Act?

4 A. I don't remember. Although, legally the
5 basis would be the Coastal Zone Management program or
6 plan.

7 Q. Do you have any understanding as to whether
8 the Department of Ecology's concurrence is effective in
9 the absence of an effective 401 Certification?

10 MS. MARCHIORO: Objection, calls for a legal
11 conclusion.

12 A. I don't have an opinion.

13 Q. (BY MR. STOCK) Have you ever had any
14 discussion within Department of Ecology as to the
15 relationship between concurrency under the Coastal Zone
16 Management Act and 401 Certification?

17 A. No, not that I can recall.

18 MR. STOCK: That's all the questions I've
19 got, Mr. White. Thank you.

20 (Deposition concluded at 2:54 P.M.)

21 (Signature reserved.)
22
23
24
25

1
2
3 I, CARLA R. WALLAT, the undersigned Certified Court
4 Reporter and Notary Public, do hereby certify:

5 That the testimony and/or proceedings, a transcript
6 of which is attached, was given before me at the time
7 and place stated therein; that any and/or all
8 witness(es) were by me duly sworn to tell the truth;
9 that the sworn testimony and/or proceedings were by me
10 stenographically recorded and transcribed under my
11 supervision, to the best of my ability; that the
12 foregoing transcript contains a full, true, and
13 accurate record of all the sworn testimony and/or
14 proceedings given and occurring at the time and place
15 stated in the transcript; that I am in no way related
16 to any party to the matter, nor to any counsel, nor do
17 I have any financial interest in the event of the
18 cause.

19 WITNESS MY HAND AND SEAL this 23rd day of
20 January 2002.

21
22 CARLA R. WALLAT, RPR, CRR, CCR #WALLCR346BE
23 Notary Public in and for the State
24 of Washington, residing in King
25 County. Commission expires 1/17/06.

AR 028973

<p># #WALLACR346BE (1) 1:25 #WALLCR346BE (1) 140:22</p>	<p>(1) 71:13 1500 (1) 2:7 16 (6) 1:17 5:1 65:12 68:8 139:4-5 17 (5) 116:1,7,17,19 133:13</p>	<p>(1) 138:20 2nd (1) 2:14 3 30 (1) 35:14 303 (1) 2:21 304th (2) 80:15 83:7 360 (1) 82:14 3:32 (1) 3:9 3:48 (1) 3:23</p>	<p>(1) 3:23 8/6/2001 (1) 3:5 86 (4) 79:9,15 83:2 85:18 9 9/27/2000 (2) 3:9,12 98111-3846 (1) 2:8 98501 (1) 2:22 98504-0117 (1) 2:16 99 (1) 3:19</p>
<p>'98 (5) 17:4 38:19 41:24 84:23 85:14 '99 (4) 16:24 38:20 51:21 85:15 'early (1) 81:1 'end (1) 81:2 'end-around' (1) 81:2 'hostile' (1) 87:2 'not (2) 87:2,10</p>	<p>17th (1) 130:21 18 (7) 100:6,11,14 101:6,17,21 102:6 18th (1) 101:14 199 (1) 84:9 1997 (2) 12:23-24 1998 (13) 10:18 12:6,8,19 16:23 17:1 42:4,9 84:10 98:5,8 1999 (1) 16:25 42:9</p>	<p>401 (16) 4:2 8:23 9:7-8,10,17 11:24 12:7 13:22,25 14:10,24 15:2,8-9,14,21 16:3,7,11,14-15,21,25 17:1,6-7,10,16,22 18:3,11,13,20 19:1,13,18 20:7,14,18 21:1,9,14,20 22:5,22 24:19,22 25:1,11 26:7 27:10 28:13 30:4 31:11,24 32:6,18,22,25 33:11 34:6,16,21 35:1,18 39:5 41:17 45:25 46:22 47:2 48:9,19 49:4,13,15,20,24 50:4,13,15,24 51:15,24 52:16 53:23 55:23 56:21 60:13 61:14,18 63:14 64:2 66:10,22 67:1,3,13 71:4,14 72:6,13,16 73:8 74:10,21 75:6 76:13 89:14 91:5-6,8 92:8 95:13,16 96:13 97:5,13 98:15,19 99:1 104:7,10,18,20,22 105:2,9,24 106:24 107:24 108:14 109:11,23 110:4,13 111:18 112:2 113:1,22,25 114:9,22 119:11 121:1-2,11,15 122:17 130:22,25 131:10,22 132:7,14 133:9,20 134:19 135:25 138:9,16 40117 (1) 2:15 401s (1) 17:5 421 (1) 2:21 43 (1) 3:5 4:48 (1) 3:15</p>	<p>4 A A.M. (2) 1:16 5:2 Ability (2) 26:18 140:11 Able (10) 37:16 43:5 56:4 74:9,13 82:10 97:4 100:21 103:6,22 Absence (1) 138:9 Absorbed (1) 41:11 ACC (5) 41:2 71:1,9 116:3 139:3 ACC's (2) 40:5,23 Acceptance (1) 110:3 Accompanied (2) 36:14,17 Accomplishments (1) 96:7 Account (1) 60:5 Accurate (2) 139:6 140:13 Achieve (1) 112:9 Acquaintance (1) 13:19 Act (10) 40:5,23 41:4,6 136:10,15,19 137:16 138:3,16 Action (1) 134:17 Activities (1) 96:10 Adding (2) 56:10 112:9 Addition (1) 37:4 Additional (20) 58:13 71:9 104:11,21 105:19 108:14,24 109:12 112:24 113:13 114:4 115:5,10,19 120:8,10,14 125:12 126:10 133:2 Address (8) 5:17 82:2 83:12 94:20 118:20 122:2-3 127:20 Addressed (10) 57:10 58:23 60:17 89:3,9 94:6,18 95:11 120:9,16 Addressing (1) 129:10 Adequacies (1) 101:15 Adequacy</p>
<p>0 01-160 (2) 1:6 139:3 1 1/17/06 (1) 140:25 10 (45) 9:7,9,17 11:24 21:18 28:13 29:5,9 32:6,22 33:10 34:6,16 35:1 42:19 60:12,22 71:4 72:6,9 104:8 105:10 107:1,8,13,16 108:8 115:9 116:18 119:12 121:2,16,18-19 122:7,13,17,22 123:24 124:4 132:25 133:3 135:25 136:25 10:00 (1) 117:1 10:05 (2) 1:16 5:2 10th (8) 22:18 33:3 42:16 105:3,17,25 106:3,6 11 (3) 42:6 51:14,23 110 (1) 3:23 115 (1) 4:4 11th (1) 65:18 12 (3) 42:4,6 51:14 120 (4) 3:5 43:11,14,22 121 (6) 3:9 55:9,12 61:23 62:2-3 122 (3) 3:12 62:15,17 123 (3) 3:15 65:3,6 124 (6) 3:19 99:4,7 100:1 102:23 125 (3) 3:23 110:9,12 126 (3) 4:4 115:22,25 12:15 (1) 78:9 1325 (1) 2:7 15</p>	<p>1997 (2) 12:23-24 1998 (13) 10:18 12:6,8,19 16:23 17:1 42:4,9 84:10 98:5,8 1999 (1) 16:25 42:9 1:00 (1) 78:10 1:05 (1) 79:3</p>	<p>4 A A.M. (2) 1:16 5:2 Ability (2) 26:18 140:11 Able (10) 37:16 43:5 56:4 74:9,13 82:10 97:4 100:21 103:6,22 Absence (1) 138:9 Absorbed (1) 41:11 ACC (5) 41:2 71:1,9 116:3 139:3 ACC's (2) 40:5,23 Acceptance (1) 110:3 Accompanied (2) 36:14,17 Accomplishments (1) 96:7 Account (1) 60:5 Accurate (2) 139:6 140:13 Achieve (1) 112:9 Acquaintance (1) 13:19 Act (10) 40:5,23 41:4,6 136:10,15,19 137:16 138:3,16 Action (1) 134:17 Activities (1) 96:10 Adding (2) 56:10 112:9 Addition (1) 37:4 Additional (20) 58:13 71:9 104:11,21 105:19 108:14,24 109:12 112:24 113:13 114:4 115:5,10,19 120:8,10,14 125:12 126:10 133:2 Address (8) 5:17 82:2 83:12 94:20 118:20 122:2-3 127:20 Addressed (10) 57:10 58:23 60:17 89:3,9 94:6,18 95:11 120:9,16 Addressing (1) 129:10 Adequacies (1) 101:15 Adequacy</p>	<p>2 (3) 57:10 80:25 124:21 20 (2) 35:14 69:10 2000 (4) 10:25 11:2,5 31:10,23 39:4 42:10 43:4 49:10 51:21 53:6-7,9,24 54:8,16,23 59:1,11 60:7 62:5,24 63:12,14 64:19,23 65:12 69:17 70:2 73:2,8 76:10,13,17,25 77:9,12 92:10,15,19 102:2 2001 (6) 11:24 21:18 32:2,7,22 33:10 34:6 35:11 38:12,16 39:4 42:10-11,13 43:4,25 47:12 49:10 51:21 52:14,21 53:3 60:12,22 61:12 70:18,22 71:3-4,11,19 72:9 86:12 92:22 93:11,19,23 94:12 100:11,14 101:2,17,21 102:6 107:1,8,13,16 108:8 110:13 116:1 119:12 121:2,16,19-21 123:25 124:4 127:24 128:3 131:11 132:25 133:3 2002 (8) 1:17 5:1 42:25 43:5 139:4-5,23 140:20 21 (11) 9:8,10 121:20,24 123:20 124:20 131:11,24 132:15 136:8 137:1 23 (6) 70:18,22 71:3,11,19 101:2 23rd (1) 140:19 2425 (2) 1:18 2:14 2431 (1) 5:18 27th (1) 55:15 2:10 (2) 3:5 43:25 2:21 (1) 3:19 2:41 (1) 3:12 2:54</p>
<p>AR 028974</p>	<p>AR 028974</p>	<p>5 (3) 3:2 110:13 111:18 5/11/2001 (1) 3:15 55 (1) 3:9 6 (3) 43:25 103:1,4 62 (1) 3:12 65 (1) 3:15 7 7/18/2001 (1) 3:19 8 (6) 44:5,12 46:4 49:12,19 52:19 8/5/2001</p>	<p>5 (3) 3:2 110:13 111:18 5/11/2001 (1) 3:15 55 (1) 3:9 6 (3) 43:25 103:1,4 62 (1) 3:12 65 (1) 3:15 7 7/18/2001 (1) 3:19 8 (6) 44:5,12 46:4 49:12,19 52:19 8/5/2001</p>

<p>(2) 89:1 129:1 Administrative (1) 95:1 Adopting (1) 50:9 Advance (2) 45:21 67:7 Adverse (1) 58:13 Advice (1) 22:21 Advised (4) 21:16 77:12 102:3 129:1 Advisory (1) 15:22 Affect (1) 128:17 AFTERNOON (1) 79:1 Afterwards (1) 133:16 Agency (2) 81:18 83:14 Ago (6) 6:3 8:6 10:16 43:9 62:6 131:2 Agree (15) 26:24 27:12,16,19,23 33:8 34:4 40:22 56:14,16 58:5 72:2 86:1 101:17 106:18 Agreed (2) 95:23 102:6 Ahead (15) 19:18 20:14,18 21:1,14,19, 22 33:14,21 43:22 63:13 71:14 123:1,19 134:9 Airport (8) 1:4 2:3 20:8 21:14 119:2, 14,18,22 AKART (1) 136:4 AL (1) 139:3 Allow (2) 61:3 71:2 Almost (1) 104:2 Alone (1) 97:16 Amount (1) 38:22 Amounts (1) 29:20 Analyses (1) 31:2 Analysis (8) 70:23 71:3,20 101:3 136:12, 17,21 137:3 Andy (6) 79:11,20 83:12-13,16 86:8 Ann (37) 9:24 23:14,17 25:6,10 26: 6,13,24 27:9 28:1 29:17,21 30: 10 40:3,13,16 44:1 92:23 93: 14,21 94:1,14,19 95:8 111:9, 13 112:13 113:18 114:20 121:1 122:9 123:2,10 124:10 131:14 136:22 137:2 Announcing (2) 45:22 53:15 Answer (19) 6:8-9 8:25 26:10,17 28:2, 5 29:14 32:2 33:14,18-19,24 69:25 71:22 82:11 100:9 105:5, 13 Answered</p>	<p>(8) 18:16 33:20 49:25 93:25 105:4,11-12 126:4 Anticipate (2) 100:25 103:6 Anxious (1) 82:6 Appeal (2) 134:10 135:9 Appealed (1) 134:2 Appealing (1) 134:5 Appellant (1) 1:5 Applicant (1) 102:18 Applicants (3) 81:6 82:1,5 Applicants' (1) 81:1 Application (39) 11:16 12:12 15:2 16:3,12 19:3 31:11,24 35:22 47:2 49: 13,15,20 51:15,24 52:16 53:8, 10-11,16,23 54:9,15 55:23 64: 17 67:16 70:9 77:14 86:18 87: 14,19 95:13 97:6,13,24 98:16, 19 100:15 102:4 Applications (2) 14:10,24 Appropriate (1) 25:12 Approval (1) 19:8 Area (1) 27:8 Areas (6) 6:19 28:8 93:9 123:15,17 128:19 Argument (2) 71:21,24 Argumentative (1) 124:7 Arguments (2) 134:7,9 Arises (1) 15:24 Army (1) 128:8 Around' (1) 81:2 Arrow (3) 117:6 120:2,4 Arrowleaf (4) 80:18,20-21 83:7 Arts (1) 6:15 Aspect (1) 26:12 Aspects (2) 50:24 132:9 Assembled (2) 21:3,16 Assessment (3) 119:17 120:18 127:16 Assigned (1) 14:24 Assistance (8) 12:17,22 14:8,22 15:20 16: 11 80:2 97:1 Assistant (1) 2:13 Association (1) 45:16 Assumption</p>	<p>(2) 106:20 109:10 Assurance (108) 20:13,17,25 21:13,19 22:7, 11 23:5,12,24 24:1,8,12 25:9 26:14 29:2 30:5 32:5,23 33:3- 5,9,15 34:1,3,6 35:3 46:17 51: 11 52:1,5,12 54:2,11,22 55:3, 6 58:6 59:12 60:9,12,22 61:4 63:13 73:7 74:2,14 75:2,18,24 76:10,19,25 78:5 86:6,11,18, 22 92:11,16,20,24 93:12,19,23 94:11 95:7 101:7,10,13,15 102: 12 105:2,10,18,25 107:1-2,6, 14 108:10 109:4,14,18-19,22, 25 112:10 113:10 115:12,20 116:11 117:9 118:4,24 119:23 120:7,22 126:21 128:10,20 129: 4 132:18,23 133:4 135:25 136:5 Assurances' (1) 81:2 Assure (2) 46:18 81:7 Assured (7) 60:16 74:6 100:4,22 101:23 117:8,16 Assuring (1) 132:1 Attached (2) 80:13 140:6 Attaching (1) 41:4 Attachments (1) 4:3 Attempts (1) 81:1 Attend (2) 10:8 39:10 Attendance (1) 44:17 Attended (1) 7:21 Attention (3) 45:19 89:25 123:22 Attorney (8) 2:5,12-13 6:8 8:19 10:9 26: 16 134:13 August (78) 9:5,7,9,17 10:18 11:4,24 12:6-7,18 21:18 22:18 28:13 29:5,9 32:6,22 33:3,10 34:6, 16 35:1 42:16,19 43:25 44:5, 12 46:4 49:12,19 52:19 58:24 60:12,22 71:4 72:6,9 84:10,24 86:12 92:22 93:11,19,23 94:12 98:8 103:1,4 104:8 105:3,10, 17,25 106:3,6 107:1,8,13,16 108:8 110:13 111:18 115:9 119: 12 121:2,16,18-19 122:7,13,17, 22 123:24 124:4 132:25 133:3 135:25 136:25 Authorization (6) 125:4,14,18 126:6,16 127:13 Available (3) 96:15 132:3,24 Avenue (1) 2:7 Avoid (1) 119:18 Aware (12) 39:2 61:6 65:19 73:22 119: 3-4,6 130:1 133:8,11,15 134:17</p>	<p>Barbara (3) 85:4-6 BARNETT (15) 2:19 19:24 30:1 32:8,12 33:12 34:8 49:25 50:17 76:20 93:25 105:4,11 109:5 124:7 Base (3) 91:3-4 136:24 Based (22) 15:10 34:14 48:10,16 51:3 52:8 53:25 54:9 60:21,24 71: 14 81:9 83:2 89:23 91:23 100: 16,23 101:15 109:19 132:23 134:12 136:1 Basis (13) 39:19 40:18 51:2 53:21 73: 12-13 74:11 76:8 135:17,19-20 138:1,5 Battle (9) 5:19 17:10,14 18:7,12,17, 25 19:16 80:14 Became (1) 133:15 Become (2) 12:21 133:11 Beginning (1) 16:24 Behalf (1) 33:6 Behavior (1) 81:16 Behind (2) 25:20 26:4 Belief (1) 106:18 Bell (1) 35:12 Below (2) 21:6 56:22 Benefit (4) 117:10 118:5,15,23 Best (8) 26:18 28:2 31:22 46:12,14 82:10 122:2 140:11 Better (2) 15:4 117:12 Between (18) 32:1 39:3 44:8 46:10,24 64:22 65:20 66:3 67:10 68:8 72:4 73:21 77:2 90:10 113:17, 21 122:19 138:15 Beyond (1) 127:18 Big (10) 20:2,6,10,23 54:18 79:13 80:10 81:13,19 82:10 Bit (1) 62:14 BMG (2) 17:8-9 BMPs (3) 119:18,22,24 BOARD (1) 1:1 Body (1) 8:2 Bottom (1) 85:18 Box (1) 2:15 Branded (3) 87:1,10,14 Break (2) 26:15 38:5 Brief (6) 45:6,11,13,21 53:20 67:6</p>
---	--	---	--

AR 028975

<p>Briefed (1) 45:24</p> <p>Briefing (2) 3:8 44:2</p> <p>Briefly (1) 52:25</p> <p>Bring (3) 62:9 89:24 90:4</p> <p>Bringing (1) 59:16</p> <p>Bristol (2) 1:18 2:14</p> <p>Broke (1) 116:22</p> <p>Brought (6) 13:15 43:9 78:3 84:8 123:22 128:21</p> <p>Brown (1) 2:20</p> <p>Budget (1) 45:16</p> <p>Build (1) 59:21</p> <p>Building (1) 114:16</p> <p>Business (1) 116:23</p>	<p>115:9 119:11 121:1-2,12,18,20,24 122:3-4,7,13,17,21 123:20,24 124:5,21-22 125:2 130:22 131:1,10,22-23 132:14 133:9,20 134:19 136:1,9 138:9,16</p> <p>Certifications (5) 17:7 18:11,20 19:13 123:5</p> <p>Certified (1) 140:3</p> <p>Certify (2) 75:10 140:4</p> <p>Cetera (5) 28:11 48:13 81:8 96:23</p> <p>Chain (2) 40:8 74:22</p> <p>Change (6) 15:10 74:17 125:11,15,22 126:11</p> <p>Changed (4) 16:22 60:11,15 61:2</p> <p>Changes (23) 69:11 72:15 99:22-23 108:22 110:18,20,23 111:2-3,6,8,12,16 120:25 121:4,10,14 125:25 126:24-25 127:1 139:6</p> <p>Channel (1) 19:5</p> <p>Characterization (2) 18:9 31:17</p> <p>Charge (1) 21:4</p> <p>Charlie (2) 84:7 85:7</p> <p>Checking (1) 88:14</p> <p>Chief (6) 44:19,25 49:19,23 50:3,12</p> <p>Ching-Pi (10) 22:24-25 23:1,3 24:17,21 25:17 26:4 29:25 108:23</p> <p>Choe (2) 65:20 66:3</p> <p>Chronology (4) 8:17,21 10:13 11:14</p> <p>Cities (1) 117:14</p> <p>Clarification (8) 14:22 62:9 119:24 120:4 123:10,13,16,23</p> <p>Clarifications (6) 122:1,4,6 124:3,11,18</p> <p>Clarify (7) 16:13 27:3 47:3 61:25 62:12 123:21</p> <p>Clarifying (5) 9:9 41:16 94:19 112:21 124:16</p> <p>Classes (2) 7:12,15</p> <p>CLE (1) 8:2</p> <p>Clean (3) 24:19,22 30:6</p> <p>Clear (6) 26:2 28:9 82:24 83:1 123:4 125:10</p> <p>Close (1) 116:22</p> <p>COALITION (2) 1:4 2:3</p> <p>Coastal (9) 136:10,14,19 137:5,8,16 138:3,5,15</p> <p>Collection (2) 14:12 87:6</p> <p>College</p>	<p>(2) 6:16 7:15</p> <p>Columbia (2) 5:18 19:5</p> <p>Combination (1) 117:19</p> <p>Coming (14) 24:7 25:8 26:13 29:1 30:5 51:10,25 64:9 76:18 88:13 92:9 96:11 117:13 129:3</p> <p>Command (1) 74:22</p> <p>Comments (6) 45:15 56:11,14,16 88:20 129:11</p> <p>Commission (1) 140:25</p> <p>Commissioners (3) 13:14 122:12,20</p> <p>Commit (1) 82:19</p> <p>Commitment (1) 82:6</p> <p>Commitments (4) 60:5 81:20 82:2,8</p> <p>Committed (1) 78:1</p> <p>Communicate (1) 82:16</p> <p>Communication (2) 82:15 122:9</p> <p>COMMUNITIES (2) 1:4 2:3</p> <p>Compensated (1) 58:20</p> <p>Complaint (1) 98:23</p> <p>Complaints (1) 98:15,18,25</p> <p>Completed (1) 96:1</p> <p>Complex (12) 15:23 16:2,9 18:5,8,18,21,25 19:10 46:13 80:13 81:19</p> <p>Complexity (3) 14:1,13 18:12</p> <p>Compliance (5) 136:13-14,18 137:17 138:2</p> <p>Component (1) 58:5</p> <p>Components (1) 132:3</p> <p>Concern (13) 48:21,23,25 49:3 59:9 68:24 73:25 81:25 83:20 86:13,17 87:22 115:8</p> <p>Concerned (2) 58:22 96:4</p> <p>Concerning (1) 47:2</p> <p>Concerns (14) 60:1 66:8 68:22-23 78:1 82:3 83:9 88:1 98:21-22 119:3,6,9,15</p> <p>Concluded (3) 45:7 59:11 138:20</p> <p>Conclusion (42) 22:11,20 23:4,11 24:7 25:8 26:14 29:2 30:5 32:9,13 33:13 34:9,14 42:6 51:11 52:1,5 54:10 60:7 61:4 74:1,14 86:18 92:10,19,23 93:11,18,23 102:7,9 103:2 107:14 108:9 109:4,14 119:22 120:21 129:4 136:4 138:11</p> <p>Conclusions (1) 45:11</p>	<p>Concurred (1) 136:8</p> <p>Concurrence (2) 138:2,8</p> <p>Concurrency (2) 136:24 138:15</p> <p>Condition (2) 29:23 72:23</p> <p>Conditions (23) 23:25 25:13 46:17 61:22 105:18,20 106:8,14 112:8,18-19,22 114:9 117:12 120:8,10,15 127:19 130:23 131:3 132:4,7</p> <p>Confused (4) 18:1 22:4 30:1 34:12</p> <p>Conjunction (1) 51:18</p> <p>Consider (2) 18:21 34:24</p> <p>Consistent (4) 56:21 58:2,10 136:9</p> <p>Consult (2) 19:8 26:16</p> <p>Consultant (1) 37:7</p> <p>Consultants (3) 25:23,25 54:6</p> <p>Consulted (2) 97:19-20</p> <p>Consulting (2) 17:12 26:18</p> <p>Contact (2) 65:19 73:20</p> <p>Contacts (1) 48:1</p> <p>Contains (1) 140:12</p> <p>Contaminants (2) 109:1,13</p> <p>Contamination (1) 109:22</p> <p>Context (3) 115:4 134:3,16</p> <p>Continue (2) 88:7 128:24</p> <p>CONTINUING (1) 79:6</p> <p>Continuity (1) 96:23</p> <p>Control (2) 1:1 58:2</p> <p>Conversation (20) 53:18 64:10 68:19 73:5 74:5,8 75:17 85:10 96:19 103:14,18,23 108:2 109:7,10 112:5 137:7,12,19,22</p> <p>Conversations (15) 47:1,4,15 48:16 49:6 84:20 85:7,12 97:22 98:2,13 108:18,20,23 133:17</p> <p>Convey (1) 63:25</p> <p>Coordination (2) 17:1</p> <p>Coordinator (3) 14:23 15:2 67:13</p> <p>Copy (4) 65:18 79:17 114:25 124:20</p> <p>Corps (3) 116:9 125:3 128:9</p> <p>Correct (31) 17:8,14,19 26:8 27:25 32:19 39:5,8 40:6,18 44:5 49:8 50:4 53:16 59:2,14 60:23 63:15 71:11 73:8 90:21 93:24 94:</p>
C			
<p>Calendar (6) 42:22-25 43:3-4</p> <p>Capability (1) 111:7</p> <p>Capacity (3) 13:6 15:23 89:16</p> <p>Capitol (1) 2:21</p> <p>Caps (1) 57:15</p> <p>Careful (2) 7:4 37:24</p> <p>CARLA (3) 1:25 140:3,22</p> <p>Carry (2) 105:21 106:16</p> <p>Case (6) 5:20 14:6 21:13 43:8 69:25 94:13</p> <p>Cc's (1) 65:8</p> <p>CCR (1) 1:25 140:22</p> <p>Cert (3) 94:6 123:3,21</p> <p>Certain (2) 53:3 85:25</p> <p>Certainly (8) 35:13 45:17-18 81:21 82:1,4 83:4 97:19</p> <p>Certificate (3) 10:18 115:16 140:1</p> <p>Certification (132) 8:23 9:8,11,17 11:24 12:7,11,19 13:22 14:11 15:21 16:21 17:10,16,22 18:3,5,13 19:1,18,21 20:8,14,18 21:2,9,15,20 22:6 24:23 25:2,12 26:8 28:13 29:9 30:4 32:6,18,22 33:1-2,11 34:6,16,21 35:2,18 39:5 45:25 48:19 49:4,24 50:4,14-15 55:24 56:21 60:13 61:14,18 63:14 64:2 66:10 71:4,14 72:6,13,16 73:8 74:10,21 75:6 76:13 86:12 93:16 94:3 104:8,10,18,20,22 105:2,9,24 106:25 107:24 108:14 109:11,23 110:4,13 111:19 112:3 113:1,22,25 114:9,22</p>	<p>Calendar (6) 42:22-25 43:3-4</p> <p>Capability (1) 111:7</p> <p>Capacity (3) 13:6 15:23 89:16</p> <p>Capitol (1) 2:21</p> <p>Caps (1) 57:15</p> <p>Careful (2) 7:4 37:24</p> <p>CARLA (3) 1:25 140:3,22</p> <p>Carry (2) 105:21 106:16</p> <p>Case (6) 5:20 14:6 21:13 43:8 69:25 94:13</p> <p>Cc's (1) 65:8</p> <p>CCR (1) 1:25 140:22</p> <p>Cert (3) 94:6 123:3,21</p> <p>Certain (2) 53:3 85:25</p> <p>Certainly (8) 35:13 45:17-18 81:21 82:1,4 83:4 97:19</p> <p>Certificate (3) 10:18 115:16 140:1</p> <p>Certification (132) 8:23 9:8,11,17 11:24 12:7,11,19 13:22 14:11 15:21 16:21 17:10,16,22 18:3,5,13 19:1,18,21 20:8,14,18 21:2,9,15,20 22:6 24:23 25:2,12 26:8 28:13 29:9 30:4 32:6,18,22 33:1-2,11 34:6,16,21 35:2,18 39:5 45:25 48:19 49:4,24 50:4,14-15 55:24 56:21 60:13 61:14,18 63:14 64:2 66:10 71:4,14 72:6,13,16 73:8 74:10,21 75:6 76:13 86:12 93:16 94:3 104:8,10,18,20,22 105:2,9,24 106:25 107:24 108:14 109:11,23 110:4,13 111:19 112:3 113:1,22,25 114:9,22</p>	<p>Calendar (6) 42:22-25 43:3-4</p> <p>Capability (1) 111:7</p> <p>Capacity (3) 13:6 15:23 89:16</p> <p>Capitol (1) 2:21</p> <p>Caps (1) 57:15</p> <p>Careful (2) 7:4 37:24</p> <p>CARLA (3) 1:25 140:3,22</p> <p>Carry (2) 105:21 106:16</p> <p>Case (6) 5:20 14:6 21:13 43:8 69:25 94:13</p> <p>Cc's (1) 65:8</p> <p>CCR (1) 1:25 140:22</p> <p>Cert (3) 94:6 123:3,21</p> <p>Certain (2) 53:3 85:25</p> <p>Certainly (8) 35:13 45:17-18 81:21 82:1,4 83:4 97:19</p> <p>Certificate (3) 10:18 115:16 140:1</p> <p>Certification (132) 8:23 9:8,11,17 11:24 12:7,11,19 13:22 14:11 15:21 16:21 17:10,16,22 18:3,5,13 19:1,18,21 20:8,14,18 21:2,9,15,20 22:6 24:23 25:2,12 26:8 28:13 29:9 30:4 32:6,18,22 33:1-2,11 34:6,16,21 35:2,18 39:5 45:25 48:19 49:4,24 50:4,14-15 55:24 56:21 60:13 61:14,18 63:14 64:2 66:10 71:4,14 72:6,13,16 73:8 74:10,21 75:6 76:13 86:12 93:16 94:3 104:8,10,18,20,22 105:2,9,24 106:25 107:24 108:14 109:11,23 110:4,13 111:19 112:3 113:1,22,25 114:9,22</p>	<p>Calendar (6) 42:22-25 43:3-4</p> <p>Capability (1) 111:7</p> <p>Capacity (3) 13:6 15:23 89:16</p> <p>Capitol (1) 2:21</p> <p>Caps (1) 57:15</p> <p>Careful (2) 7:4 37:24</p> <p>CARLA (3) 1:25 140:3,22</p> <p>Carry (2) 105:21 106:16</p> <p>Case (6) 5:20 14:6 21:13 43:8 69:25 94:13</p> <p>Cc's (1) 65:8</p> <p>CCR (1) 1:25 140:22</p> <p>Cert (3) 94:6 123:3,21</p> <p>Certain (2) 53:3 85:25</p> <p>Certainly (8) 35:13 45:17-18 81:21 82:1,4 83:4 97:19</p> <p>Certificate (3) 10:18 115:16 140:1</p> <p>Certification (132) 8:23 9:8,11,17 11:24 12:7,11,19 13:22 14:11 15:21 16:21 17:10,16,22 18:3,5,13 19:1,18,21 20:8,14,18 21:2,9,15,20 22:6 24:23 25:2,12 26:8 28:13 29:9 30:4 32:6,18,22 33:1-2,11 34:6,16,21 35:2,18 39:5 45:25 48:19 49:4,24 50:4,14-15 55:24 56:21 60:13 61:14,18 63:14 64:2 66:10 71:4,14 72:6,13,16 73:8 74:10,21 75:6 76:13 86:12 93:16 94:3 104:8,10,18,20,22 105:2,9,24 106:25 107:24 108:14 109:11,23 110:4,13 111:19 112:3 113:1,22,25 114:9,22</p>

AR 028976

<p>12 99:2 100:7 104:8,12,15 105: 10 107:5 132:25 CORRECTION (1) 139:1,7 Corrections (1) 139:6 Counsel (1) 140:16 Counterpart (1) 96:19 County (9) 13:1,3,8,10-11,13 25:25 54: 7 140:25 Couple (5) 64:20 84:11,25 85:5 100:2 Course (11) 10:8 14:7 20:12,16,20 26: 3 41:21 51:14,23 80:22 131:16 Courses (7) 6:21,23 7:8-9,17-18 8:2 Court (5) 1:18 2:14 7:5 8:25 140:3 Creates (1) 118:17 Creeks (1) 58:3 Criteria (6) 24:22 30:6 109:23 110:3 126:13 127:6 Crossed (1) 42:25 Crown (1) 83:5 CCR (2) 1:25 140:22 Current (2) 12:14 Curt (1) 44:1</p>	<p>5 18:24 27:11 35:4,15 44:16 45:7,20,22 46:16,22 48:3,10, 15 49:1 50:8,15-16 51:2 53:11, 15 57:8 60:24 70:4 74:7,12,23 82:6 84:10,24 86:13,21 90:24 92:15 93:22 94:11 95:12 97:9, 12,18 98:5 100:3,21 101:22 102:11,15,25 103:3,9,12,20,22 105:6 109:19 112:21 127:3 128: 17,23 133:13 134:2,5 135:11, 17,19,24 136:3 137:11 Decisionmaking (4) 8:18 10:13 16:25 99:13 Decisions (2) 82:12 85:19 Deepening (1) 19:5 Defensible (5) 100:3 101:22 102:11,16 Define (1) 48:13 Degree (3) 6:15,25 125:21 Degrees (1) 30:18 Delayed (1) 96:13 Deleted (1) 56:19 Demonstrate (1) 58:10 Denial (9) 3:14 19:8 53:21 62:21,25 63:4 64:14 73:13 Deny (10) 11:15,20 53:11,16,23 54:9, 15 63:7 64:16 77:13 Department (32) 1:8 2:10 12:14 13:15 20:9 31:3 34:20 39:1,3 41:3 45:25 48:19 66:4 67:21 69:20 70:8 80:10 84:14 86:16 89:13 94:10 101:1 104:12 112:25 113:10 127:24 128:3,9 129:23 130:2 138:8,14 Departments (1) 13:8 Deposed (1) 5:19 Deposition (26) 1:12 5:23,25 8:15 9:19,22, 25 10:3,6,8,14,23 11:12 43:11 55:9 62:15 65:3 78:9 99:4 110: 9 115:22 131:17-18,21 138:20 139:4 Depositions (1) 6:4 Deputy (2) 13:17 44:25 Des (1) 58:3 Describe (4) 13:22 47:21 52:25 53:8 Described (7) 36:12 53:21 62:6 98:20 107: 4 123:14-15 Describing (4) 17:3 55:4,25 102:17 Description (1) 48:21 Descriptions (2) 36:10-11 Design (9) 129:5-6,12,15,22 130:4,17, 23 131:4 Designing (1) 25:13 Destination</p>	<p>(1) 80:22 Detail (2) 46:14 76:5 Detailed (1) 74:4 Determination (39) 12:4 20:11,13,17,24-25 21: 12,17 22:16 24:20 33:25 42:18 49:20 50:24 52:11 53:13 54:25 58:6 63:12 64:8,14,20 78:4 86: 2,10 88:13 104:24 105:17 106: 3 107:6 118:25 119:20 126:19- 20 127:5,7 128:20,22 132:25 Determinations (4) 15:18 22:21 35:24 132:8 Determine (2) 126:14 128:16 Determined (2) 11:15 15:1 Determines (1) 125:3 Determining (1) 125:16 Developed (1) 106:15 Developing (1) 60:4 Developments (1) 117:14 Difference (1) 21:11 Different (9) 10:20 13:8 21:8 30:17 35: 23 37:24 49:7 109:17 132:6 Differently (2) 105:15 106:1 Dimensions (1) 36:4 Dinsmore (6) 3:13,17 66:3 68:8 122:12,21 Directed (1) 124:12 Directly (3) 13:13 66:5 88:16 Director (6) 13:17 44:20 51:19-20 65:16 67:7 Director's (1) 50:8 Disagreements (2) 87:1,9 Discharged (1) 130:14 Disclosure (4) 40:5,23 41:3,6 Discover (1) 125:12 Discovered (1) 126:9 Discretion (1) 15:17 Discuss (10) 31:6 50:23 75:16 76:2 77: 8 80:3 112:2 116:9 129:4 135:3 Discussed (13) 35:21 36:12 45:10 46:25 51:1,23 77:4,6 114:10 127:21 128:1 129:8 134:24 Discussing (1) 51:13 Discussion (20) 43:20 46:24 55:8 66:7 78: 8 97:7 98:1 102:20 108:13 112: 23 113:4,7,20 114:3 115:5,17 129:13,17 132:11 138:14 Discussions</p>	<p>(25) 40:11 46:3,7,10 63:21,25 65:10 66:12 73:21 77:16 83:15 87:17,21 90:11 96:24 97:3 103: 10 130:7,15,19 131:20 133:18 134:21 135:6 137:2 Distinguish (1) 90:10 DL (1) 79:23 Document (20) 3:8 25:14 30:21 31:8 42:3 44:3 55:20 56:3-4 62:18 65:6 79:10-11 80:6,8 93:15 94:3 99: 8 101:6 124:12 Documents (8) 9:18 31:6 36:1 41:2 89:5, 12,20 103:6 Done (7) 17:2 67:25 82:4 96:11,18 101:13 124:2 Double (1) 94:14 Down (11) 7:5,7 30:20,24 42:1 56:19 58:8 116:25 118:10 120:2 125:8 Download (1) 68:17 Dozen (4) 17:11-12 19:13 Drabek (1) 3:25 Draft (20) 3:14 4:2 55:21 56:8,18,23 57:9,15 62:21,25 63:4 110:12, 15,18 111:18,24 112:2 114:22 Drafted (1) 56:9 Driven (1) 37:13 Duly (1) 140:8 During (7) 29:12 31:10 32:2 51:20 64: 19 86:15 103:3 Duties (1) 97:10</p>
D		E	
<p>Damming (1) 14:6 Dan (1) 13:17 Data (1) 19:15 Date (8) 34:7 35:6 38:18 42:15 43: 10 70:24 103:16 116:17 Dated (9) 3:5,9,12,15,19,23 71:10,19 110:13 Dates (5) 42:22 43:2 65:2 72:1 121:22 Days (4) 35:14 54:4 62:6 71:13 Dealt (3) 88:6 95:4,9 Dear (1) 68:8 Debrief (1) 83:4 Debriefed (1) 83:8 December (3) 61:12 128:3 133:13 Decide (3) 21:18 82:13 127:11 Decided (6) 15:3 54:8,14 63:4,7 97:14 Decides (2) 15:4,6 Decision (75) 8:22 9:3-4 11:3,16,21 12:</p>	<p>Damming (1) 14:6 Dan (1) 13:17 Data (1) 19:15 Date (8) 34:7 35:6 38:18 42:15 43: 10 70:24 103:16 116:17 Dated (9) 3:5,9,12,15,19,23 71:10,19 110:13 Dates (5) 42:22 43:2 65:2 72:1 121:22 Days (4) 35:14 54:4 62:6 71:13 Dealt (3) 88:6 95:4,9 Dear (1) 68:8 Debrief (1) 83:4 Debriefed (1) 83:8 December (3) 61:12 128:3 133:13 Decide (3) 21:18 82:13 127:11 Decided (6) 15:3 54:8,14 63:4,7 97:14 Decides (2) 15:4,6 Decision (75) 8:22 9:3-4 11:3,16,21 12:</p>	<p>(1) 80:22 Detail (2) 46:14 76:5 Detailed (1) 74:4 Determination (39) 12:4 20:11,13,17,24-25 21: 12,17 22:16 24:20 33:25 42:18 49:20 50:24 52:11 53:13 54:25 58:6 63:12 64:8,14,20 78:4 86: 2,10 88:13 104:24 105:17 106: 3 107:6 118:25 119:20 126:19- 20 127:5,7 128:20,22 132:25 Determinations (4) 15:18 22:21 35:24 132:8 Determine (2) 126:14 128:16 Determined (2) 11:15 15:1 Determines (1) 125:3 Determining (1) 125:16 Developed (1) 106:15 Developing (1) 60:4 Developments (1) 117:14 Difference (1) 21:11 Different (9) 10:20 13:8 21:8 30:17 35: 23 37:24 49:7 109:17 132:6 Differently (2) 105:15 106:1 Dimensions (1) 36:4 Dinsmore (6) 3:13,17 66:3 68:8 122:12,21 Directed (1) 124:12 Directly (3) 13:13 66:5 88:16 Director (6) 13:17 44:20 51:19-20 65:16 67:7 Director's (1) 50:8 Disagreements (2) 87:1,9 Discharged (1) 130:14 Disclosure (4) 40:5,23 41:3,6 Discover (1) 125:12 Discovered (1) 126:9 Discretion (1) 15:17 Discuss (10) 31:6 50:23 75:16 76:2 77: 8 80:3 112:2 116:9 129:4 135:3 Discussed (13) 35:21 36:12 45:10 46:25 51:1,23 77:4,6 114:10 127:21 128:1 129:8 134:24 Discussing (1) 51:13 Discussion (20) 43:20 46:24 55:8 66:7 78: 8 97:7 98:1 102:20 108:13 112: 23 113:4,7,20 114:3 115:5,17 129:13,17 132:11 138:14 Discussions</p>	<p>(25) 40:11 46:3,7,10 63:21,25 65:10 66:12 73:21 77:16 83:15 87:17,21 90:11 96:24 97:3 103: 10 130:7,15,19 131:20 133:18 134:21 135:6 137:2 Distinguish (1) 90:10 DL (1) 79:23 Document (20) 3:8 25:14 30:21 31:8 42:3 44:3 55:20 56:3-4 62:18 65:6 79:10-11 80:6,8 93:15 94:3 99: 8 101:6 124:12 Documents (8) 9:18 31:6 36:1 41:2 89:5, 12,20 103:6 Done (7) 17:2 67:25 82:4 96:11,18 101:13 124:2 Double (1) 94:14 Down (11) 7:5,7 30:20,24 42:1 56:19 58:8 116:25 118:10 120:2 125:8 Download (1) 68:17 Dozen (4) 17:11-12 19:13 Drabek (1) 3:25 Draft (20) 3:14 4:2 55:21 56:8,18,23 57:9,15 62:21,25 63:4 110:12, 15,18 111:18,24 112:2 114:22 Drafted (1) 56:9 Driven (1) 37:13 Duly (1) 140:8 During (7) 29:12 31:10 32:2 51:20 64: 19 86:15 103:3 Duties (1) 97:10</p>

AR 028977

<p>(19) 49:1 53:15 55:22 56:1 58:6,25 62:25 66:9 68:22 89:13 94:10 98:11 100:12 101:18 102:8 128:17 132:10 138:1,8</p> <p>Economics (1) 6:20</p> <p>ECY (1) 79:23</p> <p>Edited (1) 56:10</p> <p>Editorial (3) 56:11 110:24 120:25</p> <p>Edits (2) 56:4 111:3</p> <p>Education (1) 6:14</p> <p>Effective (2) 138:8-9</p> <p>Effectiveness (4) 119:21 133:9,20 134:19</p> <p>Effort (1) 136:22</p> <p>Efforts (1) 13:9</p> <p>Ehlers (6) 62:11 96:3 97:9,14 98:2,14</p> <p>Either (13) 14:14 27:8 28:4 38:19 40:2,13 47:16 52:24 54:3 68:11 72:25 95:25 111:20</p> <p>Electronic (3) 42:23-24 43:4</p> <p>Electronically (1) 111:12</p> <p>Elements (1) 96:9</p> <p>Eleven (1) 42:4</p> <p>Elizabeth (5) 85:2-3,11-12 98:10</p> <p>Embankment (1) 129:18</p> <p>Emphasis (1) 6:19</p> <p>Employed (1) 86:15</p> <p>Employee (1) 37:7</p> <p>End (4) 16:23 81:13 83:24 113:25</p> <p>End-around (3) 81:13 83:21,24</p> <p>Engaged (2) 10:21 67:8</p> <p>Engineers (1) 128:9</p> <p>Ensure (5) 58:9 118:1,12 120:8,15</p> <p>Ensuring (1) 132:2</p> <p>Enter (1) 109:3</p> <p>Entire (2) 30:21 31:8</p> <p>Environmental (16) 6:21,23 7:1,18,22 12:17,22 14:8,21 15:20 16:11 50:21 78:5 80:1 97:1 102:18</p> <p>Erik (25) 22:24 23:2 24:6,9,13 25:17 28:10,24 29:5,10 54:6 55:16 59:6,9,16 60:15,19 61:22 108:12 120:12,20 130:5,7,11,15</p> <p>Erik's (1) 26:3</p>	<p>Essentially (1) 125:13</p> <p>Establishes (1) 34:5</p> <p>Estimate (1) 31:22</p> <p>Et (6) 28:11 48:13 81:8 96:23 139:3</p> <p>Evaluating (1) 30:18</p> <p>Evening (1) 116:24</p> <p>Event (3) 11:1,13 140:17</p> <p>Events (3) 11:22 53:3 123:8</p> <p>Evergreen (5) 6:16,18 7:15,19,23</p> <p>Exact (10) 16:22 38:18 42:15 43:2,10 52:23 65:2 70:24 72:1,22</p> <p>Exactly (5) 53:2 64:6 71:17 117:2 133:12</p> <p>EXAMINATION (4) 1:12 3:1 5:9 79:6</p> <p>Examine (1) 71:25</p> <p>Example (3) 59:20 126:8,12</p> <p>Exceedence (1) 119:8</p> <p>Exceedences (4) 119:1,5,13,19</p> <p>Except (1) 139:6</p> <p>Exclusively (3) 92:18 110:6 120:20</p> <p>Excuse (4) 23:1 32:10 99:16 115:13</p> <p>Exhibit (27) 43:11,14,22 55:9,12 61:23 62:2-3,15,17 65:3,6 79:9,15 83:2 85:18 99:4,7 100:1 102:23 110:9,12 115:22,25 116:6 124:21</p> <p>EXHIBITS (1) 3:4</p> <p>Exist (1) 33:10</p> <p>Existing (5) 58:20 119:18,22,24 127:19</p> <p>Expect (11) 69:1,12 70:14 72:3 102:25 127:6,11,15 128:21,23 135:16</p> <p>Expected (4) 69:6 89:16,19,24</p> <p>Expecting (3) 69:19 70:3 101:9</p> <p>Experience (1) 81:21</p> <p>Experienced (1) 81:12</p> <p>Experiences (2) 83:3</p> <p>Expert (6) 89:14 90:14 91:25 92:2 116:9 120:12</p> <p>Expertise (33) 14:11 23:20 24:6,14 25:7 26:12,25 27:4,7,10,13,17,20,24 28:1,3,6,8 89:23 90:10-12,16,18 91:1,6,18 92:5 93:9 94:23-24 95:1 127:4</p> <p>Experts</p>	<p>(33) 14:3,12 21:16 22:22 25:15-16,21 28:9 31:9 35:25 36:12 88:22 89:4,19 90:22-23 92:7 94:7,19 106:15,19 107:3,11 116:9 127:4,6,11,22 128:2,16,23 137:3</p> <p>Experts' (1) 89:11</p> <p>Expires (1) 140:25</p> <p>Explain (6) 46:12,15 60:21 61:1 76:1 132:6</p> <p>Explained (6) 75:23 80:12 88:11 112:10,19 137:24</p> <p>Exploration (1) 109:25</p> <p>Express (10) 66:21 67:23 68:4 73:25 74:10 75:5 83:20 86:12,16 87:22</p> <p>Expressed (11) 59:9 66:9 67:18 68:21,23 74:11 75:1 86:19,21 88:15 119:10</p> <p>Expressing (2) 49:2 118:11</p> <p style="text-align: center;">F</p> <p>Facets (2) 81:20 83:6</p> <p>Facilitate (1) 14:10</p> <p>Facilitated (7) 39:2,7,10,14,16 40:11 41:9</p> <p>Facilitating (3) 67:8 89:11 90:11</p> <p>Facilitator (2) 89:22 95:4</p> <p>Facilities (1) 118:11</p> <p>Facility (2) 59:21 80:22</p> <p>Fact (10) 15:9 27:2 64:22 70:17 71:13 72:2 82:19 88:18 115:15 122:10</p> <p>Fair (5) 18:8 31:16 106:6 109:9,14</p> <p>Fairly (3) 11:10 53:20 74:4</p> <p>Fall (1) 38:19</p> <p>Far (1) 76:17</p> <p>Felt (3) 57:6 74:6 104:23</p> <p>Fetterman (1) 2:6</p> <p>Few (3) 54:4 69:12 120:7</p> <p>Fewer (1) 38:25</p> <p>File (2) 41:10</p> <p>Fill (4) 24:19,22 30:6 110:3</p> <p>Filled (2) 126:10-11</p> <p>Final (8) 14:14 18:23 20:11,24 21:17 45:22 60:16 86:1</p> <p>Financial (1) 140:17</p> <p>Findings (1) 86:5</p>	<p>Finger (2) 71:17 119:7</p> <p>Finishing (1) 116:25</p> <p>Firm (1) 39:8</p> <p>First (19) 10:16-17 12:21 15:4 42:14 50:2 65:23 67:25 68:3 79:15 80:12,24 85:17 99:25 102:24 116:5 117:3-4 124:25</p> <p>Firsthand (1) 36:13</p> <p>Fit (5) 25:14 29:23 59:9,16,19</p> <p>Fits (1) 59:20</p> <p>Fitzpatrick (34) 3:10,25 22:24 23:2,20,23 24:3-4 25:17 28:10,14 29:15 54:1,6 55:16 57:12 59:7 60:15,18 61:1 73:20,22 74:3 75:17,22 107:23 108:6 117:20 129:9,14,18,25 130:1,11</p> <p>Fitzpatrick's (2) 54:10 76:3</p> <p>Fitzsimmons (89) 3:6,16 41:23 44:1,9,21 45:3,9 46:3,7,11,19,25 47:13,19,24 48:8,17 49:7 51:9,14,24 52:4,10,15,19,22 53:4,7,12,19,22 63:11,21 64:5,11,23 65:8,19,24 66:2,8,13,16,25 67:11,24 68:4,8,10,13 73:1,6,10,22,25 74:20 75:12,16,21 76:2,9,12,24 77:8,21,23 96:24 97:3,8 99:15-16,18 100:1,5 101:18 103:10,15,24 111:25 112:3,10 113:17,24 114:19 122:10,20 134:22</p> <p>Fitzsimmons's (1) 76:16</p> <p>Five (11) 8:6,11 14:3 28:22 29:3,12 31:24 32:1,3 37:1,8</p> <p>Flood (1) 13:12</p> <p>Floor (3) 1:19 2:14 114:17</p> <p>Flow (19) 31:2 58:2 70:19,23 71:3,10,15,19 72:3,8,12,17 101:3 108:25 109:13 114:6 117:3 128:4</p> <p>Focus (4) 13:8,10 15:12 89:11</p> <p>Focused (3) 10:24 11:7 77:5</p> <p>Follow (1) 106:15</p> <p>Follow-up (1) 106:15</p> <p>Followed (1) 83:16</p> <p>Following (2) 132:1,12</p> <p>Follows (2) 5:7 139:6</p> <p>Footprint (1) 35:7,17 36:6 59:23-25 125:11,15 126:25</p> <p>Forecasting (1) 100:17</p> <p>Foregoing (1) 140:12</p> <p>Forgot (1) 23:15</p> <p>Form</p>
---	--	---	--

AR 028978

<p>(6) 19:24 31:15 50:17 93:15 94:2 111:9 Format (1) 25:11 Formatting (2) 26:7 29:22 Forward (2) 17:4 88:7 Four (19) 8:6,11 10:16 14:2 23:9 37:1,7 38:14,22 41:24 42:10,12 51:15 52:21 98:6 113:21 114:10 Fourth (1) 2:7 Frame (4) 11:6 41:25 53:21 69:15 Fresh (1) 11:10 Front (1) 102:23 Frustrated (1) 88:4 Frustration (3) 67:18,23 68:4 Frustrations (1) 66:21 Full (2) 102:24 140:12 Fully (2) 16:23 67:7 Functions (2) 120:8,15 Fund (1) 132:10 Fundamental (1) 106:3 Future (6) 106:20,25 107:18,22,25 108:22 FW (2) 3:13,20</p>	<p>12,16,19 45:6,12-13,21,24 46:13 49:13-14 50:11 51:7 76:1 99:12,18 100:1,6 101:19 103:21,24 Governor's (28) 44:24 46:4,20-21 47:1,5,16,20,25 48:9-10,15,18 49:3,18,23 50:3,7,13,25 52:20 65:20 66:3 68:9 75:6,9 104:6 Graduate (2) 7:8 Graduated (1) 7:12 Graduating (2) 7:19,22 Great (2) 42:2 76:5 Ground (1) 13:9 Groundwater (1) 130:13 Groundwork (1) 132:2 Group (6) 35:25 37:6 55:19 56:13 89:25 90:2 Guess (6) 29:20 34:12 40:24 82:23 87:11 125:24 Guidelines (2) 50:9</p>	<p>131:20,25 Hellwig's (2) 98:21-22 Help (6) 15:11 20:19 26:21 89:6 91:15 95:19 Helpful (1) 22:17 Helping (1) 89:11 Helps (1) 133:14 Helsell (1) 2:6 Hereby (1) 140:4 Hesitating (1) 71:16 High (3) 45:21 117:9 118:3 Himself (2) 51:4,9 Hinkle (4) 85:4-6 98:9 Hired (2) 10:17 13:18 Historic (3) 119:1,4,13 Hold (3) 113:22 132:17,22 Hour (3) 44:23 46:15 53:20 Hours (3) 38:14-15,23 House (2) 127:21 128:1 HQ (1) 79:23 Hydrology (3) 58:14,19 59:14 Hypothetical (3) 34:13 87:6,8</p>	<p>(5) 72:11 86:20 89:10,22 94:17 Impose (1) 130:22 Imposed (1) 131:4 Imposes (1) 104:10 Impression (2) 48:20 117:21 Improve (2) 83:18 118:22 Improved (1) 117:11 In-house (2) 127:21 128:1 Inability (1) 74:1 Inaccurate (1) 57:6 Inadequacies (2) 54:11 73:15 Inadequate (2) 67:2,19 Inappropriate (1) 57:6 Include (1) 86:5 Included (2) 80:14 121:1 Including (2) 37:6 80:1 Independent (4) 120:17 136:12,17,21 Indicate (1) 79:16 Indication (1) 50:14 Individual (4) 14:3 26:24 84:19 128:8 Individually (2) 83:8 84:2 Individuals (2) 23:9 55:19 Influenced (3) 92:15 93:21 94:10 Influences (1) 133:3 Inform (3) 31:9 50:11 88:25 Information (35) 46:8 67:2,19 88:24 104:11,17,21,23,25 105:8,17,19,23 106:2,4,10,16,19,23 107:7,17,21,24 108:7,14,24 109:12 112:24 113:13 114:4 115:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24 133:2 Informed (2) 28:5 133:16 Initial (1) 74:8 Initiate (1) 96:18 Initiated (1) 45:3 Initiatives (1) 96:12 Input (5) 51:5,10,25 80:6 99:20 Inquired (2) 48:14,25 Inquiries (3) 47:5,20,25 Inquiry (3) 47:16,23 103:25</p>	
H				
<p>Garland (1) 3:25 Garner (1) 80:9 Gates (1) 37:24 Gather (4) 22:5 31:12 56:4 57:11 General (9) 2:13 8:1 15:14 55:25 76:6 106:12 129:10 130:18 134:13 General's (1) 10:9 Generated (1) 40:18 Given (4) 50:12 117:20 140:6,14 Goal (9) 100:2,12 101:18,22 102:1,7-8,10,14 Goals (1) 102:17 Gold (10) 5:20 17:10,14 18:7,13,18 19:1,16 80:14 83:5 Golf (1) 80:22 Gordon (9) 1:14 5:5,16 44:1 55:14 69:24 139:4-5,25 Governor (28) 3:18,21 42:17-18 44:4,9,</p>	<p>Half (6) 17:11 19:12 35:8 53:20 61:8 83:17 HAND (1) 140:19 Handed (5) 43:21 55:11 79:8 99:6 110:11 Handing (2) 65:5 115:24 Handle (3) 15:8 80:9 86:3 Handwritten (2) 4:4 42:5 Hard (3) 31:13,20 60:1 Hart (3) 3:7,20 44:1 Head (2) 83:14 84:8 Head's (1) 53:13 Headquarters (14) 15:19 16:3,7,10,13,15,20 17:2,6 79:16,25 95:17 96:25 114:16 Hear (5) 18:1 32:10 82:21 98:18 122:24 Heard (11) 68:20-21 78:1 83:9 87:16 93:7 98:14,20,25 118:10 123:1 Hearing (1) 93:8 Hearings (2) 1:1 135:14 Held (2) 12:18 78:8 Hellwig (32) 3:6,10,16,20,24 10:2 40:3,16 43:24 44:20 51:20 55:16 56:10 65:7,16,18,24 67:11 68:5 73:1 77:3,20 87:17,21,25 88:9 103:16 113:17 114:19 123:3</p>	<p>Hour (3) 44:23 46:15 53:20 Hours (3) 38:14-15,23 House (2) 127:21 128:1 HQ (1) 79:23 Hydrology (3) 58:14,19 59:14 Hypothetical (3) 34:13 87:6,8</p>	<p>Identified (8) 15:6,15 86:19 89:7,21 94:2 100:23 118:11 Identifies (1) 96:9 Identify (5) 43:13,17,23 54:21 55:12 Identifying (2) 65:8 88:2 Imagine (1) 66:18 Immediate (1) 55:25 Impact (13) 46:16 59:22,25 125:12 127:8-9,18 129:15,19,21 130:3,14,16 Impacted (3) 36:9 129:6 Impacts (5) 58:13,18 59:13 126:2 127:15 Implementation (1) 16:24 Implementing (1) 16:24 Importance (2) 82:14 127:17 Important</p>	<p>I Identification (8) 3:4 43:12 55:10 62:16 65:4 99:5 110:10 115:23 Identified (8) 15:6,15 86:19 89:7,21 94:2 100:23 118:11 Identifies (1) 96:9 Identify (5) 43:13,17,23 54:21 55:12 Identifying (2) 65:8 88:2 Imagine (1) 66:18 Immediate (1) 55:25 Impact (13) 46:16 59:22,25 125:12 127:8-9,18 129:15,19,21 130:3,14,16 Impacted (3) 36:9 129:6 Impacts (5) 58:13,18 59:13 126:2 127:15 Implementation (1) 16:24 Implementing (1) 16:24 Importance (2) 82:14 127:17 Important</p>
G				

AR 028979

<p>Insignificant (1) 19:23 Instance (7) 14:7 16:4 86:8 87:7 95:18 125:13 126:9 Instead (1) 63:3 Instructs (1) 6:8 Intense (1) 63:17 Intensive (1) 52:8 Interaction (5) 98:7-9 130:5,12 Interest (2) 74:11 140:17 Interested (3) 73:12 74:15 128:12 Interface (1) 137:6 Interfaced (1) 129:11 Internally (1) 35:21 Interpretation (1) 48:17 Involve (1) 14:2 Involved (26) 8:18 10:13,16 12:11 13:12 15:21-22 16:3,11,15,20 17:12 18:22 19:6 20:7,10 21:11 51: 19 65:14-15 69:11 70:8,12 83: 6 84:17 128:24 Involvement (5) 41:21 69:8 131:9,22 132:14 Isaki (4) 44:19 50:21,23 51:4 Issuance (2) 16:21 66:9 Issue (25) 15:23 16:1-2,4,9 21:14,19 32:25 45:20,23 50:10 54:18 59: 17 63:4,14 74:21 77:2 88:6 92: 7 95:5 103:3 104:19 115:18 Issued (22) 12:7 17:17 32:6 33:11 34: 7,21 45:25 48:19 56:21 64:2 71:14 72:5 104:7 113:25 122:5, 13,17,21 123:24 124:4 133:8,13 Issues (57) 11:8 13:13 15:10,12 23:17 27:14,17,21,24 29:22 31:23 35: 23 36:1 41:16 48:3,6 50:1,10 54:20-21 55:5 59:15 60:17 78: 2 83:16 84:11 86:20 88:2 89:2, 6-7 90:17,19,24 91:10,12,20, 25 94:5,10,16-17 95:3,11,14, 17 96:12,14 108:10 116:12 118: 21 123:11,13,21 130:12 137:4 Issuing (9) 15:21 20:14,18 21:1 49:4 71:3 73:7 113:22 121:16 Item (5) 11:17 57:10 80:25 115:2 Itself (1) 118:20</p>	<p>(9) 2:11 23:7 24:25 44:1 55:16 57:11 59:7 133:16 135:4 Joan/Kevin (1) 57:11 Job (5) 88:2,18,21 95:15,24 Joe (1) 68:8 Joined (1) 134:9 Jotted (1) 116:25 Judgment (3) 91:24 134:25 135:8 July (20) 35:11 70:18,22 71:3,11,19 100:6,11,14 101:2,6,14,17,21 102:6 116:1,7,17,19 130:21</p>	<p>(15) 6:2 38:13 44:22 56:19 84: 7,23 95:25 99:25 100:2 112:13 114:12 120:2 124:25 126:16 130:25 Late (3) 39:4 85:14 127:24 Law (3) 2:5,12 8:2 Lawyer (2) 32:15,17 Lay (1) 96:8 Laying (2) 94:15 132:1 Lead (6) 16:7,14 37:3 83:13 94:19 126:25 Leaned (1) 121:9 Leaps (1) 85:24 Learn (3) 73:18 77:24 122:6 Learned (5) 79:13 80:9 82:9 85:18 86:25 Least (1) 64:25 Leavitt (3) 85:2,11 98:10 Led (3) 95:12 121:23 136:22 Left (2) 54:24 55:4 Legal (11) 23:8 25:1 32:8,13-14 33: 12 34:8 134:6,8,16 138:10 Legally (3) 102:11,15 138:4 Legislation (1) 95:18 Legislators (2) 45:16 47:17 Lend (1) 126:25 Less (4) 28:22 29:3,12 31:24 Lessons (5) 79:13 80:9 82:9 85:17 86:24 Letter (11) 3:14 56:8,18 57:10 62:21- 22,25 63:4-5 127:14 136:25 Level (15) 7:9 19:10 21:6 45:19 58:2 69:7 98:22 117:9,11 118:4 125: 22,25 126:4 128:22 130:18 Levels (3) 25:10 28:3 118:16 Licensing (1) 14:6 Light (1) 56:20 Likelihood (1) 96:20 Likely (1) 121:8 Line (7) 59:24 79:20 84:12 99:25 111:6 117:5 139:7 Line's (1) 64:8 Lines (1) 49:7 Lining (1) 35:22 List</p>	<p>(2) 95:9,11 Listed (1) 94:7 Locke (3) 3:21 44:19 100:2 Logical (2) 83:18 103:20 Look (16) 24:3 36:3 41:12 42:22 56: 18 59:18 62:17 83:8 84:12 85: 17 88:19 89:8 102:22 103:6 125:23-24 Looked (4) 31:5 43:7 120:14 124:13 Looking (6) 59:8 62:1,3,8 75:10 103:15 Looks (3) 44:6 55:21 120:6 Loop (1) 83:11 Low (14) 31:2 70:19,23 71:3,10,15, 19 72:3,8,12,17 101:3 114:5 128:4 Luster (28) 3:10,13 54:21 55:1,15 56: 10 57:1,17 62:4,22,24 67:10, 18 69:14 83:25 86:15 87:13 88: 25 89:13,16 90:25 91:24 92:2, 9,14 95:13 97:4,12 Luster's (11) 56:14 62:11 87:18,22 88: 18 90:16 91:9,17 98:15,19 99:1</p>
K		<p>(1) 121:9 Leaps (1) 85:24 Learn (3) 73:18 77:24 122:6 Learned (5) 79:13 80:9 82:9 85:18 86:25 Least (1) 64:25 Leavitt (3) 85:2,11 98:10 Led (3) 95:12 121:23 136:22 Left (2) 54:24 55:4 Legal (11) 23:8 25:1 32:8,13-14 33: 12 34:8 134:6,8,16 138:10 Legally (3) 102:11,15 138:4 Legislation (1) 95:18 Legislators (2) 45:16 47:17 Lend (1) 126:25 Less (4) 28:22 29:3,12 31:24 Lessons (5) 79:13 80:9 82:9 85:17 86:24 Letter (11) 3:14 56:8,18 57:10 62:21- 22,25 63:4-5 127:14 136:25 Level (15) 7:9 19:10 21:6 45:19 58:2 69:7 98:22 117:9,11 118:4 125: 22,25 126:4 128:22 130:18 Levels (3) 25:10 28:3 118:16 Licensing (1) 14:6 Light (1) 56:20 Likelihood (1) 96:20 Likely (1) 121:8 Line (7) 59:24 79:20 84:12 99:25 111:6 117:5 139:7 Line's (1) 64:8 Lines (1) 49:7 Lining (1) 35:22 List</p>	<p>(2) 95:9,11 Listed (1) 94:7 Locke (3) 3:21 44:19 100:2 Logical (2) 83:18 103:20 Look (16) 24:3 36:3 41:12 42:22 56: 18 59:18 62:17 83:8 84:12 85: 17 88:19 89:8 102:22 103:6 125:23-24 Looked (4) 31:5 43:7 120:14 124:13 Looking (6) 59:8 62:1,3,8 75:10 103:15 Looks (3) 44:6 55:21 120:6 Loop (1) 83:11 Low (14) 31:2 70:19,23 71:3,10,15, 19 72:3,8,12,17 101:3 114:5 128:4 Luster (28) 3:10,13 54:21 55:1,15 56: 10 57:1,17 62:4,22,24 67:10, 18 69:14 83:25 86:15 87:13 88: 25 89:13,16 90:25 91:24 92:2, 9,14 95:13 97:4,12 Luster's (11) 56:14 62:11 87:18,22 88: 18 90:16 91:9,17 98:15,19 99:1</p>
K		<p>(1) 121:9 Leaps (1) 85:24 Learn (3) 73:18 77:24 122:6 Learned (5) 79:13 80:9 82:9 85:18 86:25 Least (1) 64:25 Leavitt (3) 85:2,11 98:10 Led (3) 95:12 121:23 136:22 Left (2) 54:24 55:4 Legal (11) 23:8 25:1 32:8,13-14 33: 12 34:8 134:6,8,16 138:10 Legally (3) 102:11,15 138:4 Legislation (1) 95:18 Legislators (2) 45:16 47:17 Lend (1) 126:25 Less (4) 28:22 29:3,12 31:24 Lessons (5) 79:13 80:9 82:9 85:17 86:24 Letter (11) 3:14 56:8,18 57:10 62:21- 22,25 63:4-5 127:14 136:25 Level (15) 7:9 19:10 21:6 45:19 58:2 69:7 98:22 117:9,11 118:4 125: 22,25 126:4 128:22 130:18 Levels (3) 25:10 28:3 118:16 Licensing (1) 14:6 Light (1) 56:20 Likelihood (1) 96:20 Likely (1) 121:8 Line (7) 59:24 79:20 84:12 99:25 111:6 117:5 139:7 Line's (1) 64:8 Lines (1) 49:7 Lining (1) 35:22 List</p>	<p>(2) 95:9,11 Listed (1) 94:7 Locke (3) 3:21 44:19 100:2 Logical (2) 83:18 103:20 Look (16) 24:3 36:3 41:12 42:22 56: 18 59:18 62:17 83:8 84:12 85: 17 88:19 89:8 102:22 103:6 125:23-24 Looked (4) 31:5 43:7 120:14 124:13 Looking (6) 59:8 62:1,3,8 75:10 103:15 Looks (3) 44:6 55:21 120:6 Loop (1) 83:11 Low (14) 31:2 70:19,23 71:3,10,15, 19 72:3,8,12,17 101:3 114:5 128:4 Luster (28) 3:10,13 54:21 55:1,15 56: 10 57:1,17 62:4,22,24 67:10, 18 69:14 83:25 86:15 87:13 88: 25 89:13,16 90:25 91:24 92:2, 9,14 95:13 97:4,12 Luster's (11) 56:14 62:11 87:18,22 88: 18 90:16 91:9,17 98:15,19 99:1</p>
L		<p>(1) 121:9 Leaps (1) 85:24 Learn (3) 73:18 77:24 122:6 Learned (5) 79:13 80:9 82:9 85:18 86:25 Least (1) 64:25 Leavitt (3) 85:2,11 98:10 Led (3) 95:12 121:23 136:22 Left (2) 54:24 55:4 Legal (11) 23:8 25:1 32:8,13-14 33: 12 34:8 134:6,8,16 138:10 Legally (3) 102:11,15 138:4 Legislation (1) 95:18 Legislators (2) 45:16 47:17 Lend (1) 126:25 Less (4) 28:22 29:3,12 31:24 Lessons (5) 79:13 80:9 82:9 85:17 86:24 Letter (11) 3:14 56:8,18 57:10 62:21- 22,25 63:4-5 127:14 136:25 Level (15) 7:9 19:10 21:6 45:19 58:2 69:7 98:22 117:9,11 118:4 125: 22,25 126:4 128:22 130:18 Levels (3) 25:10 28:3 118:16 Licensing (1) 14:6 Light (1) 56:20 Likelihood (1) 96:20 Likely (1) 121:8 Line (7) 59:24 79:20 84:12 99:25 111:6 117:5 139:7 Line's (1) 64:8 Lines (1) 49:7 Lining (1) 35:22 List</p>	<p>(2) 95:9,11 Listed (1) 94:7 Locke (3) 3:21 44:19 100:2 Logical (2) 83:18 103:20 Look (16) 24:3 36:3 41:12 42:22 56: 18 59:18 62:17 83:8 84:12 85: 17 88:19 89:8 102:22 103:6 125:23-24 Looked (4) 31:5 43:7 120:14 124:13 Looking (6) 59:8 62:1,3,8 75:10 103:15 Looks (3) 44:6 55:21 120:6 Loop (1) 83:11 Low (14) 31:2 70:19,23 71:3,10,15, 19 72:3,8,12,17 101:3 114:5 128:4 Luster (28) 3:10,13 54:21 55:1,15 56: 10 57:1,17 62:4,22,24 67:10, 18 69:14 83:25 86:15 87:13 88: 25 89:13,16 90:25 91:24 92:2, 9,14 95:13 97:4,12 Luster's (11) 56:14 62:11 87:18,22 88: 18 90:16 91:9,17 98:15,19 99:1</p>
J		<p>(1) 121:9 Leaps (1) 85:24 Learn (3) 73:18 77:24 122:6 Learned (5) 79:13 80:9 82:9 85:18 86:25 Least (1) 64:25 Leavitt (3) 85:2,11 98:10 Led (3) 95:12 121:23 136:22 Left (2) 54:24 55:4 Legal (11) 23:8 25:1 32:8,13-14 33: 12 34:8 134:6,8,16 138:10 Legally (3) 102:11,15 138:4 Legislation (1) 95:18 Legislators (2) 45:16 47:17 Lend (1) 126:25 Less (4) 28:22 29:3,12 31:24 Lessons (5) 79:13 80:9 82:9 85:17 86:24 Letter (11) 3:14 56:8,18 57:10 62:21- 22,25 63:4-5 127:14 136:25 Level (15) 7:9 19:10 21:6 45:19 58:2 69:7 98:22 117:9,11 118:4 125: 22,25 126:4 128:22 130:18 Levels (3) 25:10 28:3 118:16 Licensing (1) 14:6 Light (1) 56:20 Likelihood (1) 96:20 Likely (1) 121:8 Line (7) 59:24 79:20 84:12 99:25 111:6 117:5 139:7 Line's (1) 64:8 Lines (1) 49:7 Lining (1) 35:22 List</p>	<p>(2) 95:9,11 Listed (1) 94:7 Locke (3) 3:21 44:19 100:2 Logical (2) 83:18 103:20 Look (16) 24:3 36:3 41:12 42:22 56: 18 59:18 62:17 83:8 84:12 85: 17 88:19 89:8 102:22 103:6 125:23-24 Looked (4) 31:5 43:7 120:14 124:13 Looking (6) 59:8 62:1,3,8 75:10 103:15 Looks (3) 44:6 55:21 120:6 Loop (1) 83:11 Low (14) 31:2 70:19,23 71:3,10,15, 19 72:3,8,12,17 101:3 114:5 128:4 Luster (28) 3:10,13 54:21 55:1,15 56: 10 57:1,17 62:4,22,24 67:10, 18 69:14 83:25 86:15 87:13 88: 25 89:13,16 90:25 91:24 92:2, 9,14 95:13 97:4,12 Luster's (11) 56:14 62:11 87:18,22 88: 18 90:16 91:9,17 98:15,19 99:1</p>
J		<p>(1) 121:9 Leaps (1) 85:24 Learn (3) 73:18 77:24 122:6 Learned (5) 79:13 80:9 82:9 85:18 86:25 Least (1) 64:25 Leavitt (3) 85:2,11 98:10 Led (3) 95:12 121:23 136:22 Left (2) 54:24 55:4 Legal (11) 23:8 25:1 32:8,13-14 33: 12 34:8 134:6,8,16 138:10 Legally (3) 102:11,15 138:4 Legislation (1) 95:18 Legislators (2) 45:16 47:17 Lend (1) 126:25 Less (4) 28:22 29:3,12 31:24 Lessons (5) 79:13 80:9 82:9 85:17 86:24 Letter (11) 3:14 56:8,18 57:10 62:21- 22,25 63:4-5 127:14 136:25 Level (15) 7:9 19:10 21:6 45:19 58:2 69:7 98:22 117:9,11 118:4 125: 22,25 126:4 128:22 130:18 Levels (3) 25:10 28:3 118:16 Licensing (1) 14:6 Light (1) 56:20 Likelihood (1) 96:20 Likely (1) 121:8 Line (7) 59:24 79:20 84:12 99:25 111:6 117:5 139:7 Line's (1) 64:8 Lines (1) 49:7 Lining (1) 35:22 List</p>	<p>(2) 95:9,11 Listed (1) 94:7 Locke (3) 3:21 44:19 100:2 Logical (2) 83:18 103:20 Look (16) 24:3 36:3 41:12 42:22 56: 18 59:18 62:17 83:8 84:12 85: 17 88:19 89:8 102:22 103:6 125:23-24 Looked (4) 31:5 43:7 120:14 124:13 Looking (6) 59:8 62:1,3,8 75:10 103:15 Looks (3) 44:6 55:21 120:6 Loop (1) 83:11 Low (14) 31:2 70:19,23 71:3,10,15, 19 72:3,8,12,17 101:3 114:5 128:4 Luster (28) 3:10,13 54:21 55:1,15 56: 10 57:1,17 62:4,22,24 67:10, 18 69:14 83:25 86:15 87:13 88: 25 89:13,16 90:25 91:24 92:2, 9,14 95:13 97:4,12 Luster's (11) 56:14 62:11 87:18,22 88: 18 90:16 91:9,17 98:15,19 99:1</p>

AR 028980

<p>Marten (1) 2:20</p> <p>Martha (2) 65:20 66:3</p> <p>Master (1) 129:11</p> <p>Matched (1) 17:22</p> <p>Matter (6) 10:6,10,14 125:21 135:14 140:16</p> <p>McMillan (4) 79:12,21 80:4 83:13</p> <p>Mean (18) 9:6 20:20 27:4 40:25 42:20 48:22 57:19 69:23 91:19 100:20 117:6,15,22,25 118:3,14 125:6,9</p> <p>Meaning (2) 84:5 117:13</p> <p>Means (2) 103:9 125:7</p> <p>Meant (7) 10:12 57:14,20 86:23 118:7,9 124:15</p> <p>Measures (4) 117:9,18,23 118:8</p> <p>Mechanically (1) 129:5</p> <p>Meet (14) 28:14,24 29:5,9 30:3 31:6 33:16 44:12 52:25 75:25 81:18 118:2,19 128:25</p> <p>Meeting (84) 3:16 30:7 35:10,24 40:10 41:9 42:17 44:4,7-8,14-15,18,22 45:2,5 46:21 49:12 52:18-19 53:4,14,19 54:5 62:5 63:10-11 64:22 65:9,11,21 66:2,13,19 67:6-7,10 68:7,10,12,14,17,20 73:2 77:11,17,23-24 78:2 82:15,20 83:17 85:14 102:1 112:12,15,17,24 113:5,13,16,21,24 114:3,8,12,16,23 116:2,6,8,15,18,21-22 122:11,15,19,24 123:5,9 130:21 131:19</p> <p>Meetings (11) 39:3,11,14,17 42:11-12 65:1 82:25 84:2 116:1</p> <p>Meets (2) 102:16 118:13</p> <p>Memo (13) 3:20 55:4,21 62:4,10 80:13,24 83:2 85:18 86:25 99:11,23 111:6</p> <p>Memory (1) 11:22</p> <p>Mentioned (2) 23:10 87:16</p> <p>Merits (1) 94:13</p> <p>Meshed (1) 60:17</p> <p>Met (16) 24:11 35:2,5 41:22 42:16 49:14 52:22 53:6 59:7 78:6 84:13 86:22 91:7 105:20 132:4</p> <p>Methow (1) 80:23</p> <p>Mic (4) 3:17 66:3 122:12,20</p> <p>Mid (3) 17:1 61:12 128:3</p> <p>Might (7) 15:24 16:6 69:10 81:20 84:12 103:6 116:24</p> <p>Miller</p>	<p>(1) 58:3</p> <p>Mind (26) 10:15 11:8,10 12:1 21:25 22:10 35:19-20 36:7 50:6 55:6 69:4 72:21 74:18 76:16 85:24 86:8 87:11 98:23 100:15 107:6,13 109:25 123:24 125:8,15</p> <p>Minds (1) 107:10</p> <p>Mine (1) 83:5</p> <p>Minor (1) 31:13</p> <p>Mischaracterize (3) 69:24 93:3,6</p> <p>Mischaracterizes (3) 69:21 93:1 109:5</p> <p>Misimpression (1) 90:12</p> <p>Mitigate (2) 59:13 127:19</p> <p>Mitigated (2) 58:14,20</p> <p>Mitigation (24) 24:10,15 25:24 29:1,6 30:15,25 58:10-11,15,21 59:2,25 60:20 61:3,7,12,16,20 104:15 108:16 113:5,9 127:23</p> <p>Modification (1) 134:25</p> <p>Moines (1) 58:3</p> <p>Monday (1) 43:25</p> <p>Month (2) 35:13 61:8</p> <p>Months (8) 12:2,13 64:20 68:25 69:2 84:18 95:25 98:6</p> <p>Morning (2) 5:12-13</p> <p>Most (8) 17:1,5 18:4,7 42:14 51:20 59:8 88:21</p> <p>Mountain (9) 5:20 17:10,14 18:7,13,18 19:1,16 80:14</p> <p>Move (2) 38:4 88:7</p> <p>Moved (2) 66:22 67:1</p> <p>Moving (1) 137:10</p> <p>MSE (6) 129:14,22 130:3,16,23 131:4</p> <p>Multiple (1) 40:5</p> <p>Must (1) 125:4</p>	<p>12 91:5 107:9 110:24 121:6-7</p> <p>Need (26) 6:7 8:25 15:12 16:15 26:10,17 32:5 45:13 58:9 59:18 96:7,10,17 100:9 103:9 104:25 105:7,22 106:1 113:7 115:18 123:23 124:5 126:4 127:12 129:1</p> <p>Needed (16) 45:11 55:5 69:15 75:1,14 86:20 88:24 89:8 106:7,16 112:11,20 115:10 120:15 126:11</p> <p>Needs (2) 57:25 58:1</p> <p>Net (4) 117:10 118:5,15,23</p> <p>Never (9) 31:7 75:1,9 84:1 85:10 86:21-22 87:16 98:25</p> <p>New (12) 56:1 84:9 89:7 118:18 125:4,14,17 126:1,6,9,16 127:12</p> <p>News (1) 65:23</p> <p>Next (7) 11:13,17,21 18:7 19:17 21:6 82:19</p> <p>Nobody (2) 74:22 83:23</p> <p>None (4) 2:24 19:9 43:1 133:2</p> <p>Normal (5) 20:12,16,19-20</p> <p>Northwest (2) 44:20 95:23</p> <p>Notary (3) 5:6 140:4,23</p> <p>Note (1) 56:22</p> <p>Notes (15) 4:4 39:13,16 40:10,20 41:4,9,14 42:5 115:25 116:2,5,14,25 117:5</p> <p>Nothing (7) 48:5 52:9 84:23 85:24 87:11 92:14 93:21</p> <p>Notice (6) 125:5,14,18 126:6,17 127:13</p> <p>Noticed (1) 42:24</p> <p>Notified (1) 63:6</p> <p>Noting (1) 96:16</p> <p>November (1) 127:24</p> <p>NPDES (2) 135:1,9</p> <p>NRMP (15) 59:8,12,16 60:6,8,11 77:3,8 120:4,6,18,22 127:2 130:6,13</p> <p>Number (4) 16:22 29:18 31:14 55:2</p> <p>Numbered (1) 56:22</p> <p>Nutshell (1) 47:22</p>	<p>Obligation (1) 104:11</p> <p>Observed (1) 119:8</p> <p>Obtain (2) 55:6 125:4</p> <p>Occasion (2) 41:13 49:14</p> <p>Occasionally (1) 85:19</p> <p>Occurrences (7) 48:7 49:8 52:14,21,23 96:16</p> <p>Occur (2) 112:5 130:19</p> <p>Occurred (2) 45:5 116:21</p> <p>Occurring (1) 140:14</p> <p>October (2) 12:23-24</p> <p>Offer (3) 99:22</p> <p>Office (36) 10:9 14:18-19 15:15 44:24 45:1 46:4,20-21 47:2,5,16,20,25 48:9-10,15,18 49:3,18-19,23 50:3,7,10,13,25 52:20 65:20 66:4 68:9 75:6,9 95:23 96:25 104:6</p> <p>Offices (3) 13:25 15:7 95:16</p> <p>Officials (1) 35:5</p> <p>Offset (1) 101:2</p> <p>Oftentimes (2) 82:2,25</p> <p>Olympia (5) 1:20 2:16,22 5:1,18</p> <p>On-site (1) 35:6</p> <p>Once (9) 28:17-18 29:3 65:23 66:1 74:3 84:14 88:3 128:21</p> <p>One (42) 7:3 8:7,9,13 14:2,5 25:10 32:1-2 37:12 38:4 40:3 42:14 63:18,22 64:3,8,25 66:10 69:1,6,19 70:4,14 79:19 81:14 84:14,22 90:3,24 93:22 96:11 102:16-17 111:20-21 114:16 118:16 127:15 131:7-8</p> <p>One-day (3) 8:7,9,13</p> <p>One-year (5) 63:18,22 64:3,8 66:10</p> <p>Ones (5) 7:11 18:22 22:23 85:20 110:21</p> <p>OOo (2) 5:3 79:4</p> <p>Operations (1) 119:14</p> <p>Opinion (9) 32:15 90:14 91:12 94:4,8 132:18,22 133:4 138:12</p> <p>Option (1) 100:15</p> <p>ORAL (1) 1:12</p> <p>Order (10) 32:25 55:5 86:20 105:5,11 113:9 115:11,19 118:12 133:19</p> <p>Original (3) 12:7,19 56:3</p> <p>Otherwise</p>
N		O	
<p>Name (3) 5:14 84:7 85:7</p> <p>Named (1) 84:7</p> <p>Names (1) 36:18</p> <p>Narrow (1) 42:1</p> <p>Natural (22) 24:10,15 25:23 28:25 29:6 30:14,24 58:11,15,21 59:1 60:20 61:3,7,11,15,19 104:15 108:15 113:4,9 127:22</p> <p>Nature (11) 52:7 64:7 72:14,22 88:1,</p>	<p>Object (1) 19:24</p> <p>Objection (13) 31:15 32:8,12 33:12 34:8 50:17 69:21 92:25 105:4 109:5 124:7 125:19 138:10</p> <p>Objectives (2) 78:5 102:18</p>	<p>AR 028981</p>	

<p>(1) 124:1 Outcome (1) 68:12 Overall (1) 112:21 Own (3) 26:14 51:11 52:4</p>	<p>(4) 81:5,10,17,23 Performance (4) 87:22 98:15,19 99:1 Perhaps (1) 95:25 Period (6) 63:18,22 64:3 66:10 70:5 72:4</p>	<p>Policies (1) 137:4 Policy (8) 16:5,7,9 95:14,17 96:12 97:5,10 Political (2) 6:19 50:15 POLLUTION (1) 1:1</p>	<p>(2) 31:3 46:8 Presently (1) 58:14 Preserve (1) 96:22 Pressure (6) 34:15,18,24 48:10,13,18 Pressures (1) 63:17</p>
<p style="text-align: center;">P</p>	<p>Permit (17) 13:25 14:23 15:1,8,13,25 16:5 17:1 67:13 82:3,12-13 95:16 105:19,21 127:19 135:1</p>	<p>Port (131) 1:9 2:18 3:21 11:4,19 12:11 17:23 18:4 21:20 24:11 31:3 34:20 35:2,5 36:14 37:2,4,7-8,13 38:25 39:3 41:16,18 45:17 47:17 48:1,11,14,18,25 49:2,13 51:15 53:10,14,19 55:22-23 56:9 59:1 60:3 61:6,10,15,19 63:5-6,11 64:1,7,22 65:1,9,11,21 66:8,13,20 67:2,20 68:7,21 69:5,18 70:3,14,18,22 72:16 73:2 77:11-12 78:1 83:21 84:3,5,8,15-16,20 85:8 88:19,24 97:23 98:2 102:2-3 103:25 104:11,14,18,21 105:1,8,23 106:24 107:7,17,25 108:7,15,24 112:25 113:8,14 114:5 115:6,10 116:10 122:2,7,12,16,20 123:3,15,21 127:23 128:2,13 131:4 132:1,10,12 133:3 136:13 138:2</p>	<p>Pretty (1) 125:10 Previous (1) 13:21 Previously (3) 79:9 93:2 124:21 Primarily (1) 51:19 Primary (2) 14:9 16:18</p>
<p>P.m. (3) 79:3 116:18 P.O. (1) 2:15 Page (118) 3:4 57:9 79:15 80:12,24 85:17-18 86:24 99:25 100:2 102:24 116:5-6 120:3 124:23,25 139:1,7 PAGE(S) (1) 3:1 Pages (1) 69:12 Panel (1) 35:24 Paperwork (2) 37:19 38:1 Paragraph (7) 56:19 57:22 58:8 102:24 112:13 124:25 126:16 Paragraphs (1) 100:24 Parallel (1) 29:19 Parameters (1) 45:7 Parsing (1) 109:16 Part (13) 28:5 32:15 36:2 50:14 65:10 81:18 105:24 106:18 109:13,17 110:1 112:15 115:8 Particular (9) 11:1 12:1 13:10 15:2,23 45:22 80:11 92:6-7 Partly (1) 88:21 Parts (1) 24:19 Party (1) 140:16 Pass (1) 91:24 Past (6) 8:10 12:2 51:15 61:8 86:25 87:9 Path (1) 12:4 Paul (3) 44:19 50:21,23 Paula (5) 62:11 96:3,17 97:8,14 PCHB (5) 1:6 133:8 134:18 135:14 139:3 PCHB's (4) 133:19 134:24 135:8,11 People (20) 23:13 25:20-22 26:3 36:18,23 37:1,4,8 38:24-25 39:1 83:1 85:13 95:20 97:19 107:10 126:20 Perceiving (1) 88:15 Percent (6) 31:10,13,22,25 32:1,3 Perception</p>	<p>Permitable (1) 81:8 Permitted (1) 117:14 Person (14) 15:7 16:5-6 37:3 71:5-6 82:22 83:13 84:6 85:3 88:12 92:6 96:14 124:14 Personal (8) 13:19 22:20 23:4,11 25:8 29:1 30:5 52:4 Personally (10) 17:8 18:5 22:6,15 30:11,14,17 41:22 71:2 110:4 Personnel (2) 36:14 37:13 Perspective (4) 56:1,20 77:25 98:12 Phone (4) 84:6,10,13 124:13 Phrasing (1) 105:15 Physical (1) 36:4 Piece (1) 57:16 Pieces (2) 31:5 106:15 Place (9) 17:4 37:16 38:18-19 114:14-15 116:18 140:7,14 Plain (2) 13:12 125:9 Plan (65) 23:22,24 24:2,10,15 25:24 26:1 28:15 29:1,6 30:12,15,22,25 54:1,12 57:23 58:1,12,15,21,24 59:2,10 60:4,20-21 61:3,7,12,16,20 69:5 70:15,18 71:10,15 72:4,8,12,18 73:16,23 75:14,19 76:4,14 77:1,3 95:6 96:8-9 104:15 108:16 113:5,9 114:6 126:24 127:1,23 129:11 137:5,9 138:6 Plans (6) 60:21 69:18 70:4,6 128:6,15 Plate (1) 95:22 Play (1) 90:4 Played (1) 112:20 Player (1) 87:15 Player' (1) 87:2 Players' (1) 87:10 Plays (1) 89:10 PM (10) 3:5,9,12,15,19,23 43:25 78:9-10 138:20 Point (3) 11:21 22:10 123:9</p>	<p>Port's (29) 31:11,24 47:2 49:15 52:15 53:8 54:5,9,15 58:11 67:16 70:9 84:9 90:1 92:11 95:13 97:5,13 100:14 101:2 109:12 124:10 131:23 134:10 135:1 136:9,13,18 137:17 Portion (1) 13:11 POS (1) 3:17 Position (4) 10:17 12:14,18 97:18 Possibility (1) 66:2 Possible (1) 103:16 Potential (4) 108:25 127:9 130:3,16 Potentially (2) 87:2 126:1 Practicing (1) 82:14 Predetermined (1) 15:9 Prefigure (1) 57:8 Preliminary (1) 22:3 Premeeting (1) 65:15 Preparation (3) 9:18 11:12 28:12 Prepare (3) 8:15 10:9 52:19 Prepared (4) 11:3 39:20 62:25 79:11 Preparing (4) 62:5 131:17-18,21 Preproject (1) 117:12 Prerogative (1) 63:9 Present (8) 2:24 46:14 104:11 114:18-20 Presentation (1) 130:10 Presented</p>	<p>Private (3) 84:20 85:7,10 Probability (1) 127:10 Problems (4) 76:3,14 77:1 89:18 Procedural (1) 23:17 Proceedings (4) 134:17 140:5,9,14 Process (27) 13:23-24 20:8,10 22:1 25:11 26:7 27:10 36:2 41:17 51:18 53:1 56:2 57:7 66:22 67:1,8 83:9 84:9,11 85:15 95:3-4 99:13 104:4 127:2 Processes (3) 10:20 83:19 94:2 Processor (1) 111:8 Produce (1) 43:5 Produced (1) 41:5 Profile (1) 45:21 Program (21) 12:16-17,21-22,25 13:2 14:4-5,8,15,22 15:20 79:12,14,16 80:2,11 90:23 96:6 137:4 138:5 Programmer (1) 83:14 Programs (2) 14:3 79:13 Progress (2) 68:5 96:8 Project (106) 3:22 10:16 12:12 14:2,14 15:24 19:5,17 20:23 21:4,10,14 22:12 23:5 33:16 35:18 36:6 41:22-23 43:8 45:20 46:12-13,15-16 47:18 53:1 54:19 56:1 57:8 62:12,23 63:7 66:18 74:23 75:3,7,10 80:3,14,20-21 81:1-2,6-7,12,14,19,21 82:1,11,16-17,22 83:5,21-22 84:17,21 85:20,24 86:1,3,11 87:23 92:11 95:21 96:1,15,21 97:10 98:11 99:1,14 102:14 106:17 107:16 116:11-12 118:17-18 120:13 125:2,4,11,16,22 126:5,12 127:12 128:11,24 131:23 132:9,20 133:5 134:11,14 136:5,9,14,18 137:6,17 Projecting (2) 101:8,14 Projects (18) 17:21 18:18 19:20,23 20:2,</p>

AR 028982

6,10 79:13 80:10,13 81:13,19
82:4,10 85:20 87:6 96:10,18
Prompted
(1) 47:25
Proponent
(4) 82:16,23 134:11,14
Proponents
(3) 81:13,19 82:11
Proposal
(3) 44:16 80:21 98:5
Propose
(1) 110:18
Proposed
(9) 3:21 110:20 111:3 117:8,18,
22 118:8,18 120:25
Proposing
(1) 23:25
Protected
(3) 100:4 101:24 102:13
Protecting
(1) 13:9
Provide
(7) 51:4,9,25 58:1 60:8 90:14
95:20
Provided
(2) 67:2 106:2
Providing
(2) 67:20 99:13
Provisions
(1) 56:22
Prudent
(1) 46:17
PSRC
(1) 3:18
Public
(13) 5:7 40:5,23 41:3,5 125:5,
14,18 126:6,16 127:13 140:4,23
Pulling
(1) 27:10
Pure
(1) 106:20
Purpose
(7) 44:11,14-15 51:13 55:18 80:
8 125:3
Purposes
(15) 10:14,23 20:13,17 21:1 24:
7 25:7 29:1 30:4 51:10 52:11
71:21,24 106:8 129:3
Pursuant
(1) 41:3
Push
(1) 74:17
Pushing
(2) 48:18 113:24
Put
(9) 10:9 17:25 31:13 48:18 71:
16 73:20 119:7 121:24 135:23

Q

Quality
(41) 14:4 22:7,13 23:6 32:24
33:2,17 55:24 75:25 90:23 91:
7 92:12 94:3,6 100:4,22 101:
23 102:13 107:15 118:2,13,19,
22 119:1,5,13,19 120:23 126:2
127:8-9,16 128:10 129:6,15,19,
22 130:4 132:19 133:6
Quarter
(1) 96:7
Quarterly
(1) 96:6
Questioning
(2) 40:8 90:15
Questions
(25) 23:8 25:1 29:22 30:8-9 41:
16,18-19 48:8 52:6-7 66:17 75:
13 82:11 89:21,24-25 90:2 93:

14 94:1 112:21 123:3 129:21,
23 138:18
Quickly
(1) 66:22
Quite
(2) 69:15 86:23
Quote
(1) 81:7

R

Raise
(2) 126:1 128:19
Raised
(2) 113:16,20
Range
(1) 83:16
Rapid
(1) 69:13
Ray
(42) 10:2 40:3,13,16 43:24 44:
20 45:10 51:20 52:24 55:16 56:
9 59:7 65:7,16-17,24 67:4,6-7,
11,25 68:2,12,16,18 69:14 77:
3,7,20 87:17 88:11,14-15 98:
20 103:13 104:3 113:17 114:19
123:2 131:14,25 132:11
Re
(2) 3:18 139:3
Reach
(2) 76:9 115:11
Reached
(1) 46:16
Reaches
(1) 127:16
Read
(23) 9:10,15 21:22,24 30:20-21,
24 31:2,8 33:21,23 41:10 47:9
90:6,8 115:14 117:4 120:3 130:
25 131:12 135:8,11 139:5
Realized
(2) 11:19 53:10
Really
(6) 26:21 85:24 94:18,25 95:10
123:8
Reapplication
(2) 84:9 85:15
Reason
(7) 33:9 43:7 54:14 67:1 76:12,
17,23
Reasonable
(111) 20:13,17,25 21:13,19 22:6,
11 23:5,11,24-25 24:8,12 25:9
26:14 29:2 30:5 32:5,23 33:3-
5,9,15 34:1-2,5 35:3 46:16-17
51:11 52:1,5,12 54:2,11,22 55:
3,6 58:6 59:12 60:9,12,22 61:
4 63:13 73:7 74:2,14 75:2,18,
24 76:9,18,25 78:4 81:25 86:6,
11,17,22 92:11,16,20,24 93:12,
18,23 94:11 95:7 101:6,10,13,
15 102:12 103:5 105:2,9,18,25
106:25 107:2,6,14 108:9 109:3,
14,18-19,22,24 112:9 113:10
115:11,19 116:11 118:24 119:
23 120:7,22 124:14 126:21 128:
10,20 129:4 132:18,23 133:4
135:24 136:5
Reasonably
(5) 100:3,22 101:23 117:8,15
Reasons
(5) 16:8,14,19 55:2 77:7
Recalling
(2) 67:5 131:15
Receive
(5) 39:13,19 40:2,10,20
Received
(12) 40:1,17 45:15 47:16 48:8
66:1 79:16 101:2,5 103:25 104:
20 107:3

Receiving
(3) 48:11 58:2 65:17
Recent
(3) 42:14 59:8 120:6
Recently
(1) 43:7
Recertification
(2) 77:2 131:11
Recess
(2) 38:6 102:21
Recessed
(1) 78:9
Recognize
(3) 79:9 99:7 110:12
Recognized
(1) 83:8
Recollection
(6) 35:16 42:8 110:22 111:11
116:23 130:10
Recommendation
(5) 24:10,14 109:18,20 134:12
Recommendations
(10) 14:13 22:22 25:14 53:25
60:24 79:14 81:15 107:3 110:
23 121:15
Recommended
(1) 61:22
Recommending
(1) 107:11
Reconvened
(1) 78:10
Record
(16) 5:14 38:7 43:19-20,23 55:
7-8 71:25 78:7-8 102:19-20
117:5 119:9 120:3 140:13
Recorded
(1) 140:10
Recounting
(1) 120:11
Rectified
(1) 60:3
Red
(2) 56:5 111:6
Refer
(2) 27:5 99:25
Reference
(5) 81:3-5 85:22 87:4
Referencing
(2) 85:23 94:18
Referred
(2) 112:12 126:15
Referring
(10) 14:17 19:4 25:16 27:6-7
44:7 45:8 80:24 125:1 126:5
Refers
(3) 44:4 58:8 87:7
Reflect
(1) 66:19
Refresh
(1) 11:22
Regard
(4) 46:11 47:14 64:5 110:7
Regarding
(16) 53:7 55:22 56:1 62:11,23
64:1 65:10,20 84:21 97:23 99:
10 112:24 115:18 116:7 129:14
133:19
Regardless
(1) 40:14
Region
(4) 16:1,5 96:2,19
Regional
(10) 13:25 14:17,19 15:7 44:20
51:18,20 95:15,20 96:21
Regionalizing

(1) 16:25
Regular
(2) 39:19 40:17
Reissuance
(4) 121:20,23 122:3 124:6
Reissue
(1) 123:19
Reissued
(1) 121:25
Reject
(1) 102:3
Rejection
(2) 58:25 100:14
Relate
(4) 48:14 59:22 103:21 136:4
Related
(3) 31:24 49:15 140:15
Relating
(3) 7:21 25:1 73:23
Relationship
(1) 138:15
Relatively
(2) 69:13 133:23
Relied
(31) 11:16 22:19 23:10,13,17,
21,23 24:9,25 25:10 26:1-2,5-
6,13 28:9 31:8 89:1 91:11 92:
18,22 93:8,10,14 94:1,4,6,14
107:2 110:6 120:20
Rely
(19) 23:3,14 24:3,6,13,17,21
25:4,6-7,21 28:6 90:13,22 92:
6,8-9 93:17 119:21
Relying
(10) 14:11 52:3,10 94:22 106:
23 107:7,17,21 108:9 127:3
Remember
(65) 6:24 19:19,21 20:1 26
28:16,19 29:11 30:9 31:2
18-19,21-22 37:21 39:23 43
46:23 52:23-24 54:17 57:20 62:
8 64:12 65:15 68:16 73:3 76:7
77:22 84:7 89:6 99:21 108:5-6,
11,17,19,21 110:21 111:1,23
112:6 113:2 114:13,21 116:21
117:1-2 121:8,13 122:8,25 123:
7,18 124:2,19 130:20,24 131:6,
8 133:23 136:2 138:4
Remembering
(3) 57:5 74:5 111:2
Reminded
(2) 62:13 89:4
Reminds
(3) 62:1,3,10
Render
(1) 102:25
Repeat
(4) 6:12 17:24 20:15 21:21
Replace
(1) 95:12
Replaced
(1) 85:3
Reporter
(9) 7:5 9:1 21:24 33:23 47:9
90:8 115:14 131:12 140:4
REPORTER'S
(1) 140:1
Reports
(2) 51:17 108:22
Representation
(2) 100:6 128:13
Representative
(3) 84:4-5,21
Representatives
(4) 64:1 84:3 98:3 116:2
Represented
(1) 25:22

AR 028983

<p>Representing (1) 101:19</p> <p>Represents (1) 128:8</p> <p>Request (4) 41:1 43:3 71:1 104:6</p> <p>Requested (11) 21:24 33:23 47:9 65:9 71:9 90:8 99:11 115:14 122:2,7 131:12</p> <p>Requesting (2) 105:1 124:10</p> <p>Requests (3) 40:5,23 41:6</p> <p>Require (3) 72:16 125:14 132:7</p> <p>Required (8) 61:15,19 106:24 108:14,24 109:11 115:11 125:18</p> <p>Requirement (3) 117:10 118:4 126:15</p> <p>Requirements (6) 41:17 58:11 106:17 110:1 121:11 137:8</p> <p>Requires (1) 104:14</p> <p>Requiring (11) 104:18,21 105:1,8,23 107:24 112:25 113:14 114:5 115:6 132:10</p> <p>Reread (1) 47:7</p> <p>Rescinded (1) 121:25</p> <p>Rescission (1) 121:19</p> <p>Reserved (1) 138:21</p> <p>Reserving (1) 125:13</p> <p>Residential (1) 5:17</p> <p>Residing (1) 140:24</p> <p>Resolve (2) 88:3,8</p> <p>Resolved (6) 55:5 75:14 86:20 88:3 90:3,5</p> <p>Resort (1) 80:22</p> <p>Resource (3) 24:10 25:24 59:2</p> <p>Resources (20) 14:6 24:15 28:25 29:6 30:15,25 58:11,15,21 60:20 61:3,7,11,16,20 104:15 108:16 113:5,9 127:23</p> <p>Respect (62) 21:9 24:15 26:6 27:13,17,20,24 28:14,25 29:5,14 30:6 35:3,20 46:22 47:20,24 48:9 49:20 50:13 51:25 52:4-5,15 60:19 67:19 70:19 73:1 75:13,19 86:6 90:16 91:10,17,25 92:2,16 94:4,9 97:4 103:12,25 106:19 107:25 108:7,10,13,15,25 109:22 112:17 113:13 114:4-5 120:21 121:11 128:4 130:8 131:4,9 132:23 134:25</p> <p>Respond (1) 88:9</p> <p>Respondents (1) 1:10</p> <p>Response (4) 41:5 73:17 133:25 134:18</p> <p>Responsibilities</p>	<p>(3) 13:5 97:11,15</p> <p>Responsive (3) 40:4,23 41:1</p> <p>Result (13) 16:10 22:12 23:5 58:12 117:10 118:5,15 119:14 120:22 125:16 126:5,11 133:5</p> <p>Resulted (2) 87:1,10</p> <p>Retained (1) 95:16</p> <p>Retrofit (4) 117:10 118:4,20,22</p> <p>Review (48) 9:3,7,18 14:10,24 17:2 21:3 22:23 26:2-3 30:11,14,17 39:16 44:15 52:8 54:5 55:22 56:1 68:5,22 69:2,16 70:9 71:2,10 72:3 80:10 82:3 83:9 87:18,23 89:11,20 95:7,16,18 97:24 99:17 103:7 110:3,15 111:10 127:2 128:24 129:3 131:3 132:3</p> <p>Reviewed (19) 5:25 6:2 8:22 10:13 19:14 25:23,25 30:7 41:8 54:3 62:4,6,10 89:5,20 101:12 110:22 112:19 130:3</p> <p>Reviewer (4) 15:9,14-15 91:5</p> <p>Reviewers (3) 14:1 91:6 92:8</p> <p>Reviewing (12) 30:17 36:1 42:3 53:10 55:20 60:4,16 88:23 89:4 90:1 99:8 116:10</p> <p>Reviews (1) 96:6</p> <p>Revised (20) 4:2 57:22 58:9 59:1,5 61:11 69:5,18 70:4-5,15,18,23 71:10,15 72:3 122:4 125:2,4,17</p> <p>Revision (5) 61:11 125:10 126:4,14 127:12</p> <p>Revisions (13) 58:12 61:15,19 72:8,12,17,20 104:14 113:8 127:22 128:2,12,17</p> <p>Revolved (1) 48:2</p> <p>Reward (2) 81:1,15</p> <p>Rings (1) 35:12</p> <p>Rise (2) 98:22 125:25</p> <p>Risen (1) 19:9 45:18</p> <p>Rises (1) 125:22</p> <p>River (1) 19:5</p> <p>Robust (1) 69:15</p> <p>Role (7) 14:9 19:8 89:10,22 91:5 94:17 112:20</p> <p>Roles (1) 90:3 95:16</p> <p>Room (4) 85:16 88:14 96:13 118:10</p> <p>Rooms (1) 114:16</p> <p>RPR (1) 1:25 140:22</p> <p>Rule (1) 15:14</p>	<p>Runoff (4) 118:1,12,17,22</p> <p>Runway (19) 3:22 4:2 12:12 18:17 44:16 55:24 75:7 80:15 83:6,22 84:21 87:14,18,23 99:14 102:25 103:3,12 118:18</p> <p>Rural (1) 13:11</p> <p style="text-align: center;">S</p> <p>Sat (1) 116:25</p> <p>Saved (2) 41:10 43:7</p> <p>Saw (1) 116:10</p> <p>Schedule (2) 103:5,20</p> <p>Science (4) 6:20 7:1 8:1 34:4</p> <p>Sciences (1) 7:22</p> <p>Scientifically (1) 52:8</p> <p>Scientifically-based (1) 52:8</p> <p>Scope (2) 17:22 83:15</p> <p>Screen (1) 25:15</p> <p>SEA (1) 79:23</p> <p>SEAL (1) 140:19</p> <p>SeaTac (14) 3:18 17:16 19:1,17 20:8 21:9,13 41:22-23 80:14 83:6 86:11,18 87:13</p> <p>Seattle (44) 1:9 2:8,18 3:21 11:4 17:23 18:4 21:20 31:4 35:3 37:2,5,8 39:1,3 45:17 48:1,11 51:16 53:15 56:9 64:1,23 65:11,21 66:8,14 67:2,20 68:7 73:2 77:12-13 84:3-4 85:8 88:19 97:23 98:3 102:2 113:8 122:12,16,20</p> <p>Seattle's (3) 12:12 55:23 65:9</p> <p>Second (12) 1:19 25:15 43:16 57:9 86:24 102:24 112:13 116:6 117:6 118:19 120:2 124:23</p> <p>Section (11) 14:15-17,19 15:17 19:7 21:7 95:24 96:3 117:3-4</p> <p>Security (1) 37:23</p> <p>See (26) 35:7,17 36:5,8-9,13,20 37:17 43:6 56:4 57:13 58:16 71:25 81:23 98:4 105:22 109:17 116:17 118:16 119:8 124:5,14 126:1 131:3</p> <p>Seeing (1) 36:10</p> <p>Seeking (1) 123:15</p> <p>Seem (2) 58:23 60:2</p> <p>Seminar (1) 8:7</p> <p>Seminars (6) 7:21,25 8:1,9,12-13</p> <p>Sending (2) 39:25 99:12</p>	<p>Senior (2) 16:7 89:13</p> <p>Sense (1) 96:22</p> <p>Sent (11) 40:12,15 43:24 55:15,21 62:22 63:5 99:18 110:15 111:9,13</p> <p>Sentence (3) 56:19,23 86:25</p> <p>Separate (2) 14:5 43:8</p> <p>September (40) 9:5,8,10 11:5 53:9,23 54:8,15,22 55:15 58:24 59:1,7,11 60:7 62:4-5,24 63:12,14 76:10,13,16,25 77:9,12 92:10,15,19 102:2 121:20,24 122:5 123:20 124:20 131:11,24 132:15 136:8 137:1</p> <p>Sequence (1) 123:7</p> <p>Series (1) 11:20</p> <p>SESSION (1) 79:1</p> <p>Set (1) 65:11</p> <p>Seven (1) 13:4</p> <p>Several (7) 12:2 48:7 49:7 54:21 68:25 96:16 131:2</p> <p>Shade (1) 56:5</p> <p>Shall (1) 125:1</p> <p>Share (1) 111:24</p> <p>Shared (1) 135:23</p> <p>Sheet (1) 37:25</p> <p>Shift (3) 97:9,14</p> <p>Shorelands (9) 12:16,22 14:8,20-21 15:20 16:10 80:1 97:1</p> <p>Shoreline (1) 50:9</p> <p>Short (1) 47:15</p> <p>Show (1) 124:20</p> <p>Side (1) 121:9</p> <p>Sign (8) 19:7 32:25 34:15 37:19 38:1 60:12 74:9 76:13</p> <p>Signature (6) 14:14 63:1 124:23-24 138:21 139:1</p> <p>Signed (43) 9:4,14 10:19 11:24 12:6,19 17:8,11,14,16,23 18:4-5,9-11,19,21,23 19:12,18,21 22:5 29:8 32:18,22 33:2,17,25 34:1 35:18 37:22 72:13 86:11 119:11 121:18 124:22 131:10,23 135:25 136:25 139:22</p> <p>Significant (5) 41:14-15,18 72:21 125:23</p> <p>Signing (8) 12:10 28:12 30:4 35:1 37:22,25 39:5 115:9</p> <p>Silver (2) 13:17,20</p>
---	--	--	--

AR 028984

Similar
 (2) 18:12 111:5
Single
 (1) 14:23
Sit
 (2) 30:20,24
Site
 (16) 35:6,18 36:3,6,15,23 37:9
 38:9,11-13,16-17,21 85:13 132:9
Sitting
 (9) 49:18,23 50:12,24 61:2 111:11,15 132:17 135:18
Situation
 (2) 55:25 56:7
Situations
 (2) 20:24 86:4
Six
 (4) 12:13 37:2 84:18 95:25
Size
 (1) 17:21
Sketch
 (1) 47:22
Ski
 (1) 80:22
Skill
 (1) 95:2
Skills
 (1) 95:3
Slow
 (1) 7:7
Small
 (1) 85:20
Smiling
 (4) 18:14 31:12,18-19
SMP
 (8) 58:9,12 59:17 60:8,11 77:5 118:12 130:11
SMP/Low
 (1) 117:3
Snider's
 (2) 39:7
Sometime
 (3) 22:18 38:20 85:14
Sometimes
 (4) 14:5 15:10 47:21 83:10
Somewhat
 (1) 126:7
Somewhere
 (2) 43:7 111:4
Soon
 (1) 34:21
Sorry
 (4) 20:21 26:11 35:10 36:21
Sort
 (7) 25:15 47:22 64:9 82:3,13 84:8 91:20
Sorts
 (2) 29:23 84:12
Sound
 (1) 87:8
South
 (1) 2:21
Southern
 (1) 13:11
Southwest
 (1) 5:18
Speaking
 (1) 33:6
Specific
 (13) 6:18 22:23 27:8 45:16 71:1 85:23 86:8 87:7 88:2,23 91:6 110:21 111:1,11 118:18 119:7 137:7,12,19
Specifically

(7) 6:24 67:9 77:5 106:11 113:3 122:8 129:8
Specifics
 (10) 60:14 61:21 62:8 85:25 113:6 131:15 134:6,8 137:21-22
Specified
 (1) 81:15
Speculate
 (2) 76:21,23
Speculating
 (2) 106:21 107:10
Speculation
 (2) 76:20 125:20
Speculative
 (1) 126:7
Spend
 (2) 31:11 68:25
Spent
 (2) 31:21,23
Stabilized
 (1) 129:5
Staff
 (35) 13:7 14:7 15:19 27:5 44:19 46:22 49:15,23 50:3,12 67:3 72:3 79:12,25 81:2,14,23 82:9,17,22 83:3,10,15,17,20-21 85:20 86:1,12 87:1,9 92:19 96:22 121:15 132:2
Staff's
 (3) 45:1 49:19 81:18
Stand
 (2) 12:1 105:5
Standard
 (1) 127:10
Standards
 (35) 22:7,13 23:6 32:24 33:17 75:25 78:2,6 82:12 91:7 92:12 100:23 102:13,16 107:15 118:2,13,19 119:1,5,13,19 120:23 126:2 127:8,10,16 128:10 129:7,15,19,22 130:4 132:19 133:6
Started
 (1) 11:2
Starting
 (2) 10:18,24
Starts
 (1) 117:6
State
 (17) 1:2,7 5:14 6:16 22:7,12 23:6 32:24 107:15 125:1 127:17-18 128:10 132:19 133:5 139:3 140:23
Statement
 (2) 106:6 109:15
Statements
 (4) 60:18 92:23 93:10,17
States
 (3) 80:25 85:19 102:24
Status
 (9) 47:17-18 51:17 55:22 62:12 66:17 99:13 117:4 131:14
Stay
 (6) 38:3 133:8 134:1,10,22 135:11
Staying
 (2) 133:19 134:18
Stenographically
 (1) 140:10
Steps
 (5) 10:20,22,24 11:21 12:4
Still
 (7) 42:22 54:19 70:13 84:15-16 95:22 132:17
Stimulated
 (1) 104:5
Stock
 (50) 2:4 3:2 5:11,13 20:2 21:

22 22:2 30:3 31:16 32:14 33:14,21,24 34:10 38:5,7-8 43:13,19,21 47:7,11 50:2,20 55:7,11 62:17 65:5 69:23 76:22 78:7 79:7 90:6,15 93:3 94:8 99:6 102:19,22 105:7,13 109:9 110:11 115:17,24 124:9 125:25 126:3 138:13,18
Stockdale
 (26) 3:11,24 22:24 23:3 24:6,9,13 25:17 28:11,25 29:5,10 54:6 55:17 59:6 60:15,19,25 61:22 108:12-13,18 120:12 130:5,8,16
Stockdale's
 (1) 120:21
Stood
 (1) 83:11
Stop
 (1) 43:16
Stormwater
 (57) 11:9 23:22 24:2 25:25 27:8,13,20 28:4,6,10,15 30:11,22 37:3 54:1,12 57:23 58:1 59:10,21,24 60:4,19 61:2 73:15,23 75:13,19,24 76:3,14 77:1,3 90:13-14,16,18,22,24 91:1,10,12,17,20,25 95:6 108:1,10 117:11,13 118:1,12,20 126:24 127:1 129:11
Streams
 (1) 36:9
Street
 (2) 80:15 83:7
Stretched
 (1) 116:24
Strike
 (3) 57:1,4,14
Strikeout
 (1) 111:7
Strong
 (1) 110:22
Struck
 (2) 56:23 57:3
Studying
 (1) 36:1
Stylistic
 (2) 121:6,9
Subject
 (7) 3:7,13,16,20 4:2 38:4 44:2
Submit
 (24) 61:15,19 70:22 72:17 104:14,18,22 105:1,8,23 106:24 107:8,18,22,25 108:8,15,25 112:25 113:8,14 114:5 115:6,11
Submittal
 (13) 11:4 33:16 47:18 54:5 68:25 69:8 70:21 89:8,17,24 112:9 120:6,13
Submittals
 (16) 41:19-20 59:6 60:16 68:24 69:14 88:23 89:1,3 90:1 100:24 101:9,16 103:8 116:10 128:25
Submitted
 (20) 23:23 24:11 58:23-24 59:1 61:6,10 69:5,18 70:4,15,18 71:17 72:5 88:19 106:5 127:23 128:2,13 133:3
Submitting
 (2) 70:5 109:12
Subsequent
 (2) 58:25 74:5
Subsequently
 (1) 73:5
Substance
 (3) 48:5 108:21 124:2
Substantive
 (2) 93:9 94:5

Sufficient
 (3) 76:1 109:24 119:18
Suggest
 (1) 99:22
Suggestions
 (1) 99:20
Suite
 (2) 2:7,21
Summarial
 (2) 131:14,19
Summary
 (2) 134:25 135:8
Summer
 (6) 10:25 11:1 38:11,16 64:19 101:2
Summerhays
 (1) 96:20
Supervision
 (1) 140:11
Supervisor
 (3) 62:11 96:17 97:17
Supplement
 (1) 61:7
Supplements
 (2) 72:17,20
Support
 (2) 85:21 95:19
Supported
 (1) 68:2
Surface
 (1) 13:9
Surprise
 (1) 74:10
Surprised
 (1) 124:9
Surprising
 (1) 82:21
Surrounding
 (2) 117:14 130:13
SW
 (3) 1:18 2:14 117:13
Sworn
 (4) 5:6 140:8-9,13
System
 (3) 16:23 17:3-4

T

Tangentially
 (1) 65:13
Tanya
 (2) 2:19 32:11
Tasks
 (1) 96:10
Team
 (13) 21:3,16 22:23 31:9 60:3 87:2,10,15 88:3,22 89:21 126:23
Technical
 (35) 18:12 26:25 27:4-5,7,9,13,17,20,24 50:23 51:5,10,25 52:6,8 89:25 90:2 92:18 94:9,13,22,24 95:2 106:19 121:7,9-11,15 127:4,22 128:2,16,23
Technically
 (5) 18:4,8,21,25 51:2
Ten
 (1) 36:24
Tend
 (1) 56:16
Term
 (1) 30:18
Terms
 (38) 12:3 23:7 25:1 28:1,3 30:16,18 35:12 37:23 51:17 55:25 57:7 59:24 62:13 64:14 66:17

AR 028985

82:1 85:24 88:5 92:6 93:14-16 94:5,17 103:5,21 104:3 106:15 109:12 116:11 120:13 123:8 125:21 126:23 129:10 130:5 137:2 Test (2) 24:11 129:1 Testified (2) 5:7 93:13 Testify (1) 135:16 Testifying (1) 135:13 Testimony (11) 51:22 69:22,24 92:14 93:1, 4 107:4 109:6 140:5,9,13 Therein (1) 140:7 They've (1) 69:2 Thick (1) 69:10 Thinking (4) 8:21 10:20 11:11 116:13 Third (19) 3:22 4:2 12:12 18:17 44: 16 55:24 56:19 75:7 80:15 83: 6,22 84:21 87:13,18,23 99:14 114:17 117:5 118:18 Thorough (2) 88:12-13 Thoroughness (1) 68:24 Three (14) 17:17-18 19:10 28:20-21 37:1 38:14,22,25 39:1 42:9 53: 7 84:6 98:6 Threshold (1) 127:17 Throughout (2) 13:10 39:4 Thumbnail (1) 47:22 Thurston (5) 12:25 13:3,8,10-11 Timeliness (4) 68:22-23 82:3,12 Timing (8) 35:13 48:3,6,9,15 49:3 103: 11 104:1 Today (8) 8:16 111:12,15 132:17,22 133:4 135:19,23 Together (2) 27:10 68:17 Tom (72) 41:23 42:16 43:25 44:2,8, 20 45:3,9-10 46:3,7,19 47:3 48:13,24 54:21 55:15 56:10 57: 1,17 62:4,11,22 63:10 64:16 65:1,7,18,24 66:5 67:10-11 68: 16 69:14 77:21-22 83:25 86:15 87:13,18,22 88:1,3,5,16,25 89: 1,5,10,19 90:3 95:12,24 96:2, 4,13 97:7,12 98:21 99:11-12, 15-16 104:3 112:20-21 113:17 114:19 122:10,19 134:21 Tom's (10) 48:20 56:16 62:12 88:12 95:14,22 96:17 97:14,17,24 Took (2) 114:15 118:14 Top (1) 86:25 Touch (1) 137:5 Touched	(1) 130:12 Towards (3) 16:23 121:9 137:11 Track (1) 43:10 Train (1) 95:19 Training (4) 10:8 28:3 50:21 91:20 Transcribed (1) 140:10 Transcript (4) 139:5 140:5,12,15 Transition (3) 96:1,21 97:9 Transitioned (2) 84:17 95:15 Trick (1) 9:6 Trigger (3) 53:4 126:15 127:12 True (2) 139:6 140:12 Truth (2) 5:22 140:8 Try (4) 9:6 81:6 82:2 88:16 Trying (12) 11:21 18:15 23:18 29:20 48:4 64:6 65:14 81:13 111:1 116:20 117:1 122:25 Turn (6) 26:4 57:9 67:23 69:6 70:3 86:24 Turnaround (4) 69:1,13,19 70:15 Twice (5) 17:13 38:10 42:9 84:13 Two (26) 6:3 8:4,9,13 16:18 18:18 19:20 25:10 28:20-21 40:3 62: 6 65:1 69:1,6,19 70:5,9,12,14 72:4 83:17 84:6 118:16 133:16 Two-and-a-half-day (1) 83:17 Two-week (4) 69:19 70:5,14 72:4 Typically (1) 29:19	(27) 22:1 30:16 35:19-20 36:6 40:7 43:9 53:13 59:16,24 64:9, 16 68:13 69:8 83:14,16 84:8 90:4 95:5,19,25 96:11 106:15 116:25 121:23 132:12 137:10 Update (3) 99:13 116:8 131:14 Updating (1) 104:3 Upper (1) 80:23 Uses (1) 126:13 Utility (1) 124:16	Wang (13) 3:25 22:25 23:1,3 24:17, 21 25:17 26:4 29:25 108:23 109:11,21 110:6 Washington (10) 1:2,7,20 2:8,16,22 5:1,18 139:3 140:24 Water (45) 8:2 12:25 13:2,9 14:4,6 22:7,12 23:6 32:24 33:2,16 55: 23 75:25 90:23 91:7 92:12 94: 3,6 100:4,22 101:23 102:12 107:15 118:2,13,19 119:1,5,13, 19 120:22 126:2 127:8-9,15 128:10 129:6,15,19,22 130:4 132:19 133:5 Waters (3) 58:3 127:17-18 Ways (1) 75:17 Wed (1) 3:8 Wednesday (3) 44:3,5 55:15 Week (12) 22:18 29:7-8,12 69:19 70: 5,14 72:4 102:25 103:3 114:1 Weeks (3) 69:1,6 131:2 Wes (1) 3:17 66:4 Wetland (10) 8:1 11:9 27:9,17 28:7 59: 22-23,25 83:13 92:7 Wetlands (18) 14:7 27:24 28:4,11 36:8 58:13-14,19 59:13-14 92:3 120: 12 125:12 126:10 130:14,17 Wherein (3) 100:3 101:23 102:11 White (26) 1:14 3:6,10,13,24 5:5,12, 16 26:17 32:15 34:11 43:22 44: 1 55:12,15 62:18 79:8 93:4 105:14 107:12 115:25 132:5 138:19 139:4-5,25 White's (1) 4:4 Whiting (2) 4:1 117:20 Withdraw (1) 63:8 Withdrawal (1) 62:22 Withdrawing (1) 11:19 Withdrawn (1) 125:1 Witness (8) 5:6 32:10 42:3 55:20 87:3 93:1 99:8 140:19 Witness's (2) 69:22 109:6 Witness(es) (1) 140:8 Witnesses (1) 10:10 Word (1) 111:7 Words (1) 100:2 Workload (8) 15:10,12,18 16:1-2,9 95:14 96:25 Write (1) 57:17 Writes
	U	V	
	Ulman (2) 3:17 66:4 Ultimately (6) 34:5 44:12 56:8 63:5 88:25 104:7 Uncommon (1) 45:19 Under (13) 20:20 34:15,18 57:10 63: 17 79:20 80:25 91:8 105:9 106: 24 117:3 138:15 140:10 Undersigned (1) 140:3 Understood (6) 47:6 69:13 74:4 77:6 88:6 100:5 Unit (1) 17:6 Unless (2) 6:8 102:15 Unreasonable (6) 69:4,12,18 70:2,14 72:2 Unusual (3) 49:17,22 50:6 Up	Vacation (2) 54:24 55:1 Valley (1) 80:23 Van (3) 37:10-12 Variety (5) 13:7,13 55:4 65:8 105:19 Various (3) 41:20 132:8 Vein (1) 104:3 Verification (1) 94:14 Verify (1) 94:16 Versa (1) 60:6 Version (1) 59:8 Versus (2) 117:11 121:9 Vice (1) 60:6 Violate (1) 92:12 Violated (6) 22:8 32:24 107:16 120:23 128:11 132:19 Violation (3) 22:12 23:6 133:5 Visit (7) 35:6 36:3,15,23 38:11,13,16 Visitor's (1) 37:25 Visits (1) 132:9 Volumes (1) 69:10 Vs (1) 1:6	W
		Wait (1) 104:19 Walk (1) 10:22 Walked (1) 10:19 Walker (1) 58:3 Wall (9) 129:5,12,14,22 130:3,12,16, 23 131:5 WALLAT (3) 1:25 140:3,22 Walter (1) 4:1	

AR 028986

(11) 100:1
Writing
(13) 71:7 95:2 111:4
Written
(13) 36:11 120:3 125:8
Wrote
(15) 57:18 86:9 118:7,9 125:6

Y

Year
(118) 31:10,23 32:2 35:8 43:4,9
47:12 49:10 53:6 63:18,22 64:
3,8 66:10 84:23 96:9
Years
(19) 6:3 8:6,11 10:16 13:4 41:
24 51:15 70:9,13
Young
(13) 3:7 4:1 44:2
Yourself
(2) 67:11 120:17

Z

Zone
(19) 136:10,14,19 137:5,8,16
138:3,5,15

AR 028987