

Dike12 Burlington
PL12-0191
Hearing Date 4/24/13

Exhibits Received Prior to or at 4/24/13 Hearing

1. Staff Report 4/24/13 recommend approval w/conditions
2. SL app pkt 7/9/12 SL12-0050
3. SC Assessor for PL12-0191
4. Site Plans
5. Notice Dev. App 11/22-29/12
6. SEPA Final EIS 7/16/10 by City of Burlington
7. Wetland Site Assessment by Graham Bunting 11/8/12
8. Fish and Wildlife Assessment by **Graham Bunting Associates** 2/27/13

Comment Letters

9. Dike Dist 20 1/2/13 comment letter %Alice Devries
10. **DeVries Dairy** comment letter 1/2/13 12797 Thillberg Road Mount Vernon, WA 98273
11. **Kara Symonds**, SCPW, Skagit River General Investigation Project Manager 4/22/13
12. **Tom Slocum**, PE Skagit Conservation District 2021 E. College Way MV 98273 4/23/13
13. **Alice Devries**, Secretary **Skagit County Dike District 20** 12746 Thillberg Road MV 98273 4/23/13
14. **Eron Berg**, SW City Supervisor/Attorney eberg@ci.sedro-woolley.wa.us
15. **Concrete Nor'West** PO Box 280 Mount Vernon, WA 98273 danc@concretenorwest.com

John Semrau, engineer for project

16. Narrative of John Semrau in support of permit application
17. CD of all documents submitted to County by Semrau
18. Findings, staff report and minutes for SLSDP June 20, 2012 City of Burlington
19. Skagit River Flood Risk Management Study (for S.C.P.W.)
Hydraulic Effectiveness of Measurements
by Northwest Hydraulic Consultants January 12, 2012

Leonard Halvorsen (member of flood control committee)

20. bench mark certifications and map

Larry Kuntzler (not present)

21. Document 23 pages and CD comments/testimony prepared by Larry Kuntzler submitted to HE office 4/22/13

Exhibits Received After 4/24/13 During Open Comment Period:

22. John Semrau letter 4/29/13
23. John Semrau letter 4/29/13
24. John Semrau letter 4/29/13
25. Margaret Fleek letter 4/30/13
26. John Shultz letter 4/30/13
27. Corps of Engineers letter 5/1/13
28. John Shultz letter 5/1/13
- 28A. John Shultz amended letter 4/30/13
29. Chal Martin e-mail 5/2/13

Exhibits Received at 6/12/13 Hearing continuance:

John Cooper:

- 30. published notice of 4/24/13 hearing and mailed notice of public hearing
- 31. published notice of 6/12/13 hearing and mailed notice of public hearing

John Semrau:

- 32. testimony of Semrau

Dan Lefeber:

- 33. notice mailings for properties dike district owns
- 34. map showing parcels to which notices were mailed

Larry Kunzler:

- 35. packet containing:
 - map
 - 6/1/00 Golder Report
 - 4/1992 letter
 - 12/1982 Dames/Moore Report
 - 8/1993 FEMA letter
 - 10/1/1996 memo re: levy repair
 - e-mail exchange Kunzler/FEMA
 - graphic summary of levee system 1990 flood levels

John Semrau:

- 36. Flood Insurance Study 7/3/84 by FEMA for City of Burlington

Lorna Ellestad:

- 37. map of dike/drainage assessment

Larry Kunzler:

- 38. partial transcript by Kunzler of 4/24/13 hearing

WD:

- 39. Response by BCC to HE memo requested clarification

Orders/Memos/Appeals

- Hearing Examiner Order on PL12-0191 dated 6/28/2013
- Appeal (of PL12-0191) to BCC 13-0265 dated 7/2/2013
- BCC Resolution R20130278 dated 9/24/2013
- Report on Prehearing Conference/Scheduling Order dated 2/4/2014
- Hearing Examiner letter to BCC dated 2/4/2014
- BCC letter to HE dated 2/11/2014
- HE Memo dated 3/19/2014
- HE Memo dated 4/2/2014
- HE Memo dated 4/3/2014
- HE Memo dated 4/24/2014
- Hearing Examiner Ruling on Prehearing Motions 4/24/2014

Motions (received prior to 4/9/14 hearing)

Intervenor Motion to Recuse/Disqualify Hearing Examiner – 03/10/2014 – Larry Kunzler

Motion of Skagit County Dike, Drainage and Irrigation District No. 12 to Strike Pursuant to CR12(f), Rules of Procedure for Hearings; and Motion in Limine – 03/20/2014 – Dike District #12

Intervenor City of Burlington's First Motion in Limine and Motion to Strike – 3/20/2014 – City of Burlington

Intervenor City of Burlington's Joinder in Skagit County Dike, Drainage and Irrigation District No. 12's Motion to Strike Pursuant to CR12(f), Rules of Procedure for Hearings, and Motion in Limine – 3/20/2014 – City of Burlington

Response by City of Sedro Woolley to the city of Burlington's Motion in Limine – 4/2/14 – City of Sedro Woolley

Response of Skagit County Dike, Drainage and Irrigation District No. 12 to Intervenor Kunzler's Motion to Recuse/Disqualify Hearing Examiner – 4/3/2014 – Dike District #12

Intervenor City of Burlington's Response to Intervenor Kunzler's Motion to Disqualify Applicant Expert NHC due to Conflict of Interest – 4/3/2014 – City of Burlington

Intervenor City of Burlington's Response to Intervenor Kunzler's Motion to Recuse/Disqualify Hearing Examiner – 4/3/2014 – City of Burlington

Intervenor Reply to DD12 and City of Burlington Motions to Strike and Motions in Limine – 4/3/2014 – Larry Kunzler