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BEFORE THE HEARING EXAMINER FOR SKAGIT COUNTY

In the Matter of the Remand of the Application)
of)
SKAGIT COUNTY DIKE, DRAINAGE)
AND IRRIGATION DISTRICT NO. 12)
For a Shoreline Substantial Development)
Permit for Improvements to a Portion of Dike)
along the Skagit River)

PL 12-0191
LIST OF WITNESSES TO BE CALLED AT
TIME OF HEARING

COMES NOW, Respondent, SKAGIT COUNTY DIKE, DRAINAGE AND IRRIGATION DISTRICT NO. 12, by and through their attorneys, JOHN R. SHULTZ and JOHN A. SHULTZ of SHULTZ LAW OFFICES, and hereby provides a list of witnesses intended to be called or who may be called, and the exhibits which are identified for their testimony. A Notice for Intent to Offer Documents under ER 904 has previously been filed herein on December 31, 2014. That Notice is incorporated herein by reference. Said Notice identifies each exhibit that the proposed witness will intend to introduce. The following is a list of the witnesses, including brief description of subject of witness's testimony and of the expertise of each witness, as follows:

- 1) John Semrau, P.E
Semrau Engineering & Surveying
2118 Riverside Drive, Suite 208
Mount Vernon, WA 98273

LIST OF WITNESSES TO BE CALLED
AT TIME OF HEARING - 1

SHULTZ LAW OFFICES
CASCADE PROFESSIONAL CENTER
160 CASCADE PLACE, SUITE 211
BURLINGTON, WASHINGTON 98233
Telephone: (360) 404-2017
Facsimile: (360) 404-2018

P: (360) 424-9566

1 a) Witness is a currently licensed professional engineer in the State of Washington. Witness
2 will testify based on his knowledge, skill and experience as a Professional Engineer, and his
3 work as a Professional Engineer hired by Respondent Dike District No. 12 for engineering
4 services for this permit and project. Semrau has provided engineering services to Dike District
5 No. 12 for approximately 10 years. He is familiar with and will testify based on first-hand
6 knowledge, and his expertise in providing engineering for this permit process for the last
7 approximately 10 years. He will testify as to the prior EIS, along with the past history of this
8 project, including permit applications, engineering drawings, plans, specifications and the history
9 of Dike District 12 with the Army Corps of Engineers, the City of Burlington regarding repairs,
10 projects, levee certification and this permit. He will also testify as to environmental, habitat, and
11 Hydraulic and Hydrology issues relating to the prior permit applications and the current permit
12 application herein. He will also testify as to the three issues proposed by the Board of County
13 Commissioners in Resolution #R20130278, and providing answers to those issues. Witness may
14 testify as to prior Exhibits admitted herein, and Exhibit 41, 42, 43-46, 47, and 48-62, as
15 identified in Respondent's Notice of Intent to Offer Documents filed December 31, 2014.

16 2) Dan Lefeber, Dike District 12 Operations Manager
17 Skagit County Dike District No. 12
18 1317 S. Anacortes Street
19 Burlington, WA 98233
20 P: (360) 757-3484

21 a) Dan Lefeber is the Operations Manager for Dike District No. 12. Dan will testify as an expert
22 witness based on his knowledge, skill and experience and longstanding association with Dike
23 District No. 12, involving the permit process, work regarding prior projects, and repairs of
24 levees. He was a Dike District 12 Commissioner, and is now the Operations Manager. He has
25 intimate knowledge of the history of flooding, levee repair, and construction, over the past 20
years in Skagit County and for Dike District No. 12. He will also testify as to the issues a), b),
and c) noted in the BCC Remand Order. He will also testify as a lay witness based on his first-
hand knowledge and experience with Dike District 12 repairs and projects, the prior EIS, the
permit applications, and the effects of the permit on the Skagit River and surrounding areas.
Witness may testify as to Exhibit 41, 42, 43-46, 54, and 61 as identified in Respondent's Notice
of Intent to Offer Documents dated December 31, 2014.

19 3) Malcolm Leytham, Ph.D., P.E.
20 Northwest Hydraulic Consultants
21 16300 Christensen Road, Suite 350
22 Seattle, WA 98188
23 P: (206) 241-6000

24 a) The witness is a licensed Professional Engineer and a principle of Northwest Hydraulic
25 Consultants. NHC has worked on improvements to the levee previous to the permit and is now
providing engineering analysis for the permit. NHC is also the contractor involved in
preparation of the Hydraulics and Hydrology analysis dated May 2014 contained in the General
Investigation Study with U.S. Army Corps of Engineers. These documents have previously been

1 provided under Notice of Intent to Offer Documents filed December 31, 2014. Witness will
2 testify regarding the GI Study, the Hydraulics and Hydrology analysis in the GI Study, as well as
3 issues relating to the questions presented by the BCC in the Remand Order, including a)
4 involving the analysis of the actual effects of the levee modification pre and post-project
5 conditions, and the b) pathway and volume of water outside of the main river channel in the 100
6 year flood and further issues contained in the Remand Order. Witness is a principle in NHC, and
7 is a licensed Professional Engineer licensed in the State of Washington, and has extensive
8 knowledge, skill and experience, as well as extensive first-hand knowledge, which would qualify
9 him both as an expert and a lay witness. Witness would testify as to memorandum of Northwest
10 Hydraulic Consultants, designated as Exhibit 42-46, and Exhibits 53-60 as provided in the
11 Respondent's Notice of Intent to Offer Documents dated December 31, 2014.

7 4) Alex Anderson, P.E.
8 Northwest Hydraulic Consultants
9 16300 Christensen Road, Suite 350
10 Seattle, WA 98188
11 P: (206) 241-6000

10 a) The witness is a licensed Professional Engineer and employed with Northwest Hydraulic
11 Consultants as an Engineer. NHC has worked on improvements to the levee previous to the
12 permit and is now providing engineering analysis for the permit. Witness will testify regarding
13 the GI Study, the Hydraulics and Hydrology analysis in the GI Study, as well as issues relating to
14 the BCC Remand Order a) and b) regarding an analysis of effects of levee modification, and
15 pathway and volume of water in the Skagit River in a 100 year flood event. Witness is a licensed
16 Professional Engineer licensed in the State of Washington and has extensive knowledge,
17 experience and skill as well as first-hand knowledge, which would qualify her both as an expert
18 and lay witness. She would testify to the memorandum of Northwest Hydraulics Consultants
19 dated May 22, 2014, as designated Exhibit 42-46 in the Respondent's Notice of Intent to Offer
20 Documents dated December 31, 2014.

16 5) Margaret Fleek, Burlington City Planning Director
17 City of Burlington
18 833 S. Spruce Street
19 Burlington, WA 98233
20 P: (360) 755-9717

19 a) Margaret Fleek is the City of Burlington Planning Director. She has held this capacity for
20 many years. She was involved with the initial EIS which preceded the current permit action.
21 She would testify regarding preparation of the EIS, her first-hand knowledge and expertise
22 regarding the current permit application, along with work involving Burlington and Dike District
23 12 to certify the levees which has been undertaken for several years. She will also testify about
24 the current status of the permit, the goals of the permit process and intended work, as well as the
25 involvement of USACE, NHC, Anchor QEA, and Dike District 12 in the levee certification
process. She would also testify regarding issues in the permit appeal remand regarding issues a),
b) and c), as well as issues related to the EIS and the NMFS BiOp. The witness has been
involved in levee and flood projects and issues for many years with the City of Burlington, and

1 has extensive knowledge, skill and experience, giving her expertise in this area, as well as
2 extensive first-hand knowledge, which would qualify her both as an expert and a lay witness.
3 Witness would testify regarding Exhibit No. 41-46, 53-54, and 61 as provided in Respondent's
4 Notice of Intent to Offer Documents dated December 31, 2014, as well as prior Exhibits
5 admitted in these proceedings.

6 6) Marv Pulst, Director of Public Works
7 City of Burlington
8 833 S. Spruce Street
9 Burlington, WA 98233
10 P: (360) 755-9715

11 a) Marv Pulst is the current Director of Public Works for the City of Burlington. He has
12 occupied this position during the current permit application process, and levee certification
13 project, and in hiring and consultation process with NHC. The witness will testify regarding
14 matters relating to the three issues, a), b), and c) addressed in the BCC Remand Order. This
15 would include a) the effects of the levee modification pre and post-project as well as b) the
16 pathway and volume of water resulting from the 100 year flood under this project. He will also
17 testify regarding concerns with flooding, analysis of the river levels, graphs and charts, and the
18 effects of the project on outlying areas, as provided in his Response to Concerns of Flooding due
19 to the "Levee Project", based on NHC's report of April 11, 2014. The witness is qualified as an
20 expert based upon his knowledge, skill and experience as an Engineer, and involvement with
21 various engineering firms, including NHC, and his experience in this permit process, as well as
22 being qualified as a lay witness based on his first-hand knowledge of this project as to Exhibits
23 43-46, 53-54, and 61 as identified in Respondent's Notice of Intent to Offer Documents dated
24 December 31, 2014.

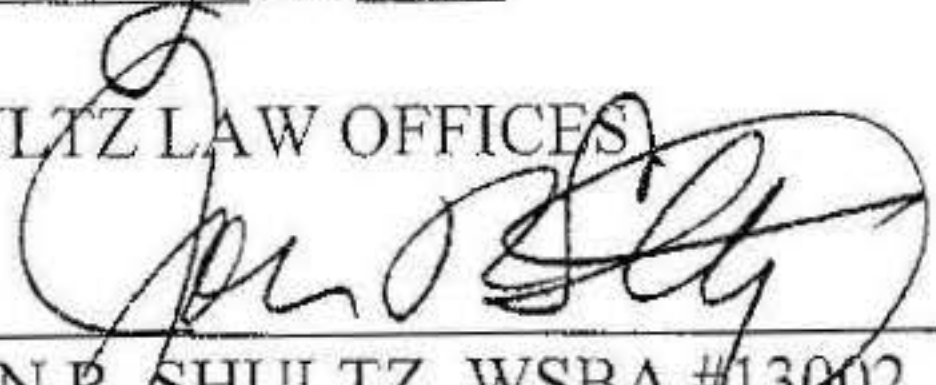
25 7) Cathie Desjardin
U.S. Army Corps of Engineers
Seattle District
P.O. Box 3755
Seattle, WA 98124
P: (206) 764-3452

a) Witness is an employee of the Army Corps of Engineers in the Seattle District, Emergency
Management Division. For many years she has been assigned to the Skagit County area, and has
dealt with numerous flood disasters, extensive flood and levee repairs and projects, and has vast
experience in all areas of flood management and USACE involvement in Skagit County and on
the Skagit River. She would testify concerning effects of the project pre and post-permit, and the
three issues addressed by the BCC in the Remand Order. This would include effects of levee
modification and surrounding areas, and the volume and path of flood waters using 100 year
Corps hydrology and other issues relating to GI Study status, the NHC analysis of Hydraulics
and Hydrology and the selection of this project, with modifications of the CULI. The witness is
qualified as an expert based on her position with USACE, and years of knowledge, skill and
experience as one of the flood disaster managers in the Emergency Management office of the
Seattle District USACE, as well as being a lay witness based on her first-hand knowledge of

1 Skagit River flooding, projects, repairs, and this particular permit involving DD12. She would
2 testify as to exhibits previously contained in the Notice of Intent to Offer Documents filed
3 December 31, 2014, including exhibits designated as No. 52-60.

4 DATED this 7th day of January, 2015.

5 SHULTZ LAW OFFICES

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8 JOHN R. SHULTZ, WSBA #13002
9 JOHN A. SHULTZ, WSBA #42542
10 Attorneys for Respondent

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25 LIST OF WITNESSES TO BE CALLED
AT TIME OF HEARING - 5

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