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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:)	
	)	Hearing Examiner File
THE BALLARD COALITION)	
	)	W-17-004
of the adequacy of the Final Environmental Impact)	
Statement, prepared by the Seattle Department of	)	DECLARATION OF TADAS
Transportation for the Burke-Gilman Trail Missing	)	KISIELIUS IN SUPPORT OF
Link Project	)	SDOT'S SECOND MOTION <i>IN</i>
	)	<i>LIMINE</i>
)	
)	

I, Tadas Kisielius, under oath, declare and state as follows:

1. I am over eighteen years of age, have personal knowledge of the matters herein, and am competent to testify regarding all matters set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the transcript of the deposition of Mark Mazzola, taken on October 25, 2017.

3. Attached hereto as Exhibit B is a true and correct copy of pages 13-1 through 13-3 of Volume 1 of the FEIS for the "Burke-Gilman Trail Missing Link Project."

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the transcript of the deposition of Claire E. Hoffman, taken on October 24, 2017.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the transcript of the deposition of Mark Johnson, taken on October 26, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 10th day of November, 2017.



Tadas A. Kisielius, WSBA No. 28734

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EXHIBIT A

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In The Matter of the)	
Appeal Of:)	
)	
THE BALLARD COALITION)	
	)	Hearing Examiner
Of the Adequacy of the	)	File No. W-17-004
Final Environmental Impact)	
Statement, Prepared by the)	
Seattle Department of)	
Transportation for the)	
Burke-Gilman Trail Missing)	
Link Project,)	
)	
Appellant.)	

DEPOSITION UPON ORAL EXAMINATION OF
MARK S. MAZZOLA

Taken at Veris Law Group
1809 Seventh Avenue | Suite 1400
Seattle, Washington

DATE TAKEN: October 25, 2017
REPORTED BY: Mary A. Whitney, CCR - WCRL #2728

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1 Q. Sure.
 2 A. My role in the Burke-Gilman Trail Missing
 3 Link project is the environmental lead for the
 4 project. So my job is to ensure that we are
 5 complying with the requirements of the state
 6 Environmental Policy Act when we're doing our review,
 7 not to mention making sure that we have the
 8 appropriate permits, et cetera, that we need to
 9 actually build the project, which is much more
 10 straightforward.
 11 As the environmental lead making sure that
 12 we comply with the Washington State Environmental
 13 Policy Act, I'm responsible for ensuring that our
 14 review is technically sound and adequate, in terms of
 15 SEPA, and that we've adequately identified all of the
 16 potential impacts to the natural and built environment
 17 as a result of this project.
 18 Q. Right, and my question is, have you played or
 19 are you playing any role other than that as
 20 environmental lead?
 21 A. Thank you. That was the second part of your
 22 question.
 23 So, for a time, I served as the project
 24 manager in a couple different senses. Ron Scharf had
 25 been the project manager, but then in early 2016 had

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1 some health concerns and was out of the office as a
 2 result, and so kind of by default I was the project's
 3 lead or the project's project manager.
 4 However, all there was at that time
 5 was the EIS. We didn't have anybody working on the
 6 design outside of our consultant team that was working
 7 on it for the EIS -- just solely for the purposes
 8 of the EIS -- but we didn't have the rest of our SDOT
 9 team assembled to deliver the project as we would for
 10 a typical capital project.
 11 Then after we -- so I -- excuse me,
 12 I continued in that role through early 2017, and then
 13 after we decided on a preferred alternative, the
 14 project became -- excuse me, the project needed a
 15 team, to start pulling a team together, to be able to
 16 deliver the project as a capital project, so I stayed
 17 on as the project manager and began the work to
 18 assemble the team and do the other activities
 19 that were necessary in order to begin delivering
 20 that project.
 21 However, in late March or early April we
 22 assigned -- "we" meaning the Seattle Department of
 23 Transportation -- assigned another project manager to
 24 the project, Louisa Galassini, who has been the
 25 project manager and continues to be the project

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1 manager for the project now.
 2 Q. And I'm sorry, I'm not familiar with that
 3 name. Who is the current project manager?
 4 A. Louisa, L-o- -- I have to write it down.
 5 THE WITNESS: Well, I should ask you.
 6 Do you need me to spell it?
 7 A. So Louisa, L-o-u-i-s-a, and Galassini,
 8 G-a-l-a-s-s-i-n-i.
 9 Q. So you became -- and I'm sorry, I'm a little
 10 hard of hearing -- project manager in, was it, early
 11 2016, is that what you said, or '15?
 12 A. 2016.
 13 Q. '16. So for basically a year and some months
 14 you were project manager?
 15 A. Correct. And during that time, all that was
 16 happening with the project was the work for the
 17 environmental impact statement, except for the last
 18 month, six weeks of that time.
 19 Q. And I understand you've described what you
 20 did, but how would you describe the project manager's
 21 responsibilities in general?
 22 A. Sure. In general, the responsibilities of
 23 the project manager are the scope, schedule and budget
 24 of a project. So they are responsible for making sure
 25 that all of the other disciplines or teams that are

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1 working on the project are doing their job so all
 2 of the different facets of a project come together.
 3 That means the environmental review
 4 and permitting, of course, the actual engineering --
 5 excuse me -- and design work, the public outreach,
 6 and then ultimately the construction management
 7 of the project, as well.
 8 Q. Going back now to your role as the lead
 9 environmental manager of the project, how would you
 10 describe your responsibilities vis-à-vis the
 11 consultants and Mark Johnson in particular?
 12 For example, what is Mark responsible for, what are
 13 you responsible for, and how do the two of you
 14 interact in a general sense?
 15 A. Sure. So, speaking generally, my role is to
 16 make sure that the consultants are fulfilling their
 17 obligations under our contract, and beyond just the
 18 mechanics of monitoring their contract and making sure
 19 that they're spending money appropriately and,
 20 you know, taking care of their budget needs, if
 21 there's a legitimate reason to have more funding.
 22 I review their work and provide
 23 comments on it, and we work together collaboratively
 24 to make sure that the documents and the products,
 25 their deliverables, are meeting our needs such that

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1 decision earlier.
 2 And then, I'm sorry, the second part of
 3 your question was who was involved in that decision to
 4 move ahead?
 5 Q. Yes.
 6 A. That would have been several folks, I think,
 7 from the department, but ultimately our director,
 8 Mr. Kubly, has the say whether we move ahead with the
 9 project or not.
 10 Q. And do you know how he made that decision?
 11 Was it in a meeting, was it in writing?
 12 A. I'm sorry, I don't recall exactly how
 13 he would have made that decision. It may very well
 14 be, as many things are in a large department, several
 15 folks, you know, at my level and above, you know,
 16 making an agreement to say, Yes, we're moving forward
 17 with this, and Scott agreeing with the recommendations
 18 of his staff.
 19 Of course, this project has been --
 20 you know, this department has been trying to build
 21 this project since the early 2000s. So it was always
 22 my understanding, at least, that we would move ahead
 23 with the project as soon as we were legally able to do
 24 so, and I think a lot of other people felt that way
 25 and understood that, as well.

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1 Q. And your understanding was that you were
 2 legally able to move ahead, then, once you chose the
 3 preferred alternative?
 4 A. My understanding was that once we chose the
 5 preferred alternative, we could then start doing the
 6 groundwork necessary and preparing to begin designing,
 7 formally designing, the project through our capital
 8 projects design process.
 9 Q. And how was Perteet chosen as the engineering
 10 firm to do the design?
 11 A. The department had hired Perteet as an
 12 on-call engineering services design firm, and
 13 my understanding is that we took a look at our
 14 in-house resources and decided that, just given the
 15 amount of work that the department had and/or was
 16 already involved in and what our SDOT staff was
 17 involved in, that we needed to utilize the help of the
 18 on-call consultant, so we chose Perteet to help us out
 19 with that.
 20 Q. And did you enter into a specific contract
 21 with them to do this work?
 22 A. The contract was already committed -- I'm not
 23 sure if that's the right word. We already had
 24 a contract with Perteet because we hire them as an
 25 on-call firm, and so what you do, once you have an

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1 on-call firm, we set up a work authorization with
 2 them, where they -- where we gave them the scope of
 3 work, they give us an estimate, you know, there is
 4 some negotiation back and forth, and then they proceed
 5 with the work.
 6 Q. And were you involved in the drafting of that
 7 scope of work?
 8 A. I believe I saw the first draft of that,
 9 but then I was not -- at least that I recall, was not
 10 part of the kind of final approval of that work
 11 authorization.
 12 Q. And do you recall -- and again, I recognize
 13 you're going from memory -- when you would have seen
 14 that first draft of the scope of work?
 15 A. It would be sometime in probably late March.
 16 That is when I was still acting as the project manager
 17 for the project, and that was shortly before Louisa
 18 Galassini took over.
 19 Q. To your knowledge, have any decisions been
 20 made by SDOT or anyone else within the city about this
 21 project since the FEIS was published?
 22 A. Could you repeat that, please.
 23 Q. I'm asking whether any formal decisions by
 24 SDOT, the council or the mayor's office have been made
 25 about the Missing Link project since the FEIS was

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1 published near the end of May.
 2 A. Yes.
 3 Q. Could you please tell me what you mean by
 4 "formal decision."
 5 A. A decision to take an action, to award
 6 a contract, to do anything to advance the city's
 7 efforts to build the Missing Link.
 8 So, to answer your question, we have
 9 not advertised for any contracts as far as a formal
 10 decision. We've made lots of decisions internally
 11 just as part of the design and as the design evolves,
 12 you know, which is a natural process for any process
 13 as the design moves forward.
 14 However, to my knowledge there's been
 15 no formal decision, as you mentioned, related to
 16 letting any contracts or advertising or any council
 17 action.
 18 Q. Do you know who within SDOT, other than
 19 yourself, has reviewed the FEIS?
 20 A. I'm sorry, who at SDOT has also reviewed the
 21 final EIS as part of a draft review of the final EIS,
 22 or once the final EIS has been published?
 23 Q. Both ways.
 24 A. Both ways.
 25 We had a number of folks that were part

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1 of the review -- that reviewed the draft copies of the
 2 final EIS. There was Jill Macik, on my team,
 3 Louisa Galassini reviewed some sections.
 4 And again, I know that we have provided
 5 these names to you as part of the interrogatories, so
 6 I'll defer back to that response if I misstate
 7 anything here.
 8 I also think we had Jonathan Williams as
 9 somebody, but that's who I can recall at this time.
 10 I know there were more folks we had review
 11 the draft copies of the draft EIS before we went to
 12 the final.
 13 Q. And since the FEIS was published, are you
 14 aware of anyone who has reviewed it, either in SDOT or
 15 in any other part of the city?
 16 A. I'm not explicitly aware if anybody has read
 17 it or reviewed it. I'm trying to think if I had any
 18 feedback on the final EIS after it was published, but
 19 perhaps outside of people asking some questions or
 20 clarification about it, I don't recall anybody having
 21 reviewed it in a formal fashion.
 22 I guess there would be instances where
 23 folks from the design advisory committee and --
 24 whether that's city staff or consultant staff or
 25 members of the design advisory committee, they would

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1 have reviewed it. I know I get questions about it
 2 from time to time.
 3 Q. From whom do you recall getting questions?
 4 A. The questions would be funneled to me either
 5 through Louisa Galassini or our outreach staff.
 6 Q. Do you recall any specific questions you've
 7 received about the FEIS?
 8 A. Oh, I think most pertain to helping people
 9 find information in the EIS or whether the EIS covered
 10 particular information, and the examples that most
 11 readily pop back into my head are related to traffic
 12 volumes, driveway crossing counts, levels of service,
 13 studies which intersections we looked at, that type of
 14 information.
 15 Q. What role, if any, has the city council
 16 played in the decision to proceed with the preferred
 17 alternative?
 18 A. I'm not aware of a large role that the
 19 city council has played. I know council member
 20 O'Brien is very interested in the project and seeing
 21 it completed, but, at least at my level, I've had no
 22 communication with them whereas they -- excuse me,
 23 if I may back up.
 24 Q. Sure.
 25 A. I've not heard any direction from the

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1 city council at my level one way or the other,
 2 you know, outside of wanting to complete the trail.
 3 Q. Just to clarify what you just said --
 4 A. Sure.
 5 Q. -- have you had any personal communications
 6 with any city council members within the last year?
 7 A. Yes. We briefed -- or I was part of
 8 a briefing to council member O'Brien once or twice.
 9 Q. Do you remember when those briefings would
 10 have happened?
 11 A. It would be early in the year, probably the
 12 January/February time frame, if I recall.
 13 Q. Have there been any other direct
 14 communications between you and other city council
 15 members?
 16 A. Not that I recall.
 17 Q. Have you heard indirectly about the interest
 18 of other council members besides Mr. O'Brien?
 19 A. I have not.
 20 Q. And have you had any direct communications
 21 with anyone in the mayor's office?
 22 A. Over which time period?
 23 Q. In 2017.
 24 A. Yes, I have had direct communication with
 25 members of the mayor's office.

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1 Q. Which members?
 2 A. Just to clarify, you don't mean department
 3 directors but folks in the mayor's office?
 4 Q. Yes. The mayor's staff.
 5 A. Kiersten Grove.
 6 Q. How do you spell the last name?
 7 A. G-r-o-v-e, and Kiersten is K-i-e-r-s-t-e-n.
 8 Q. And what is her responsibility, as you
 9 understand it?
 10 A. I'm sorry, I don't know her title exactly,
 11 but I know her role is -- she is the mayor's liaison
 12 related to transportation operations, at least in
 13 my experience with her.
 14 Q. What communications do you recall having with
 15 her?
 16 A. So, just several meetings -- we were
 17 in several meetings together, and we've had some
 18 phone calls.
 19 Q. What do you recall about the meetings?
 20 Let me get more specific.
 21 A. Sure.
 22 Q. Did they take place in the mayor's office or
 23 at SDOT?
 24 A. We had a couple meetings in the mayor's
 25 office, and then several at the Seattle Municipal

14 (Pages 50 to 53)

EXHIBIT B



CHAPTER 13: LIST OF PREPARERS

Name and Employer	Degree and Relevant License	Years of Relevant Experience
City of Seattle		
Mark Mazzola, Reviewer Environmental Manager	B.S. Biology M.S. Community and Regional Planning	18
Ron Sharf, Reviewer Senior Project Manager	P.M.P. Certification	41
Art Brochet, Reviewer Communications	B.S.E. Nuclear Engineering	26
Jill Macik, Reviewer Associate Environmental Analyst	B.A. Geography	10
Consultant Team		
Mark S. Johnson ESA Project Director (Senior Planner)	B.L.A. Landscape Architecture Professional Landscape Architect, WA #510	26
Molly Adolfson, Reviewer ESA Project Manager	B.A. Environmental Science	41
Lisa Adolfson, Author ESA Project Manager	B.A. Geology	29
Peter Carr, Technical Editor ESA	B.S.J. Journalism	25
Air Quality and Greenhouse Gas		
Jennifer Hagenow, Author ESA	M.U.P. Urban Planning M.P.A. Public Administration	7
Chris Sanchez, Author ESA	B.S. Environmental Science	24
Anne Minihan, Author ESA	J.D. Law B.A. American Studies	8

Name and Employer	Degree and Relevant License	Years of Relevant Experience
Cultural Resources		
Sharon Boswell, Author SWCA Environmental Consultants	Ph.C. History M.A. American History and Native American Studies B.A. Public and International Affairs Meets Secretary of Interior's Professional Qualification Standards for History and Architectural History	35
Eileen Heideman, Author SWCA Environmental Consultants	M.S. Historic Preservation B.A. History and Anthropology Exceeds Secretary of Interior's Professional Qualification Standards in Architectural History and History	14
Lorelea Hudson, Author SWCA Environmental Consultants	M.A. Anthropology B.A. Anthropology Registered Professional Archaeologist (RPA) Exceeds Secretary of Interior's Professional Qualification Standards in Historical Archaeology	36
Brandy Rinck, Author SWCA Environmental Consultants	M.A. Geoarchaeology B.A. Anthropology Registered Professional Archaeologist (RPA) Meets Secretary of Interior's Professional Qualification Standards in Archaeology	10
Economics		
Jeffrey Ferris, Author ECONorthwest	Ph.D. Agricultural and Resource Economics B.S. Economics	5
Morgan Shook, Author ECONorthwest	M.A. Urban and Regional Planning B.S. Biology	16
Matthew Kitchen, Reviewer ECONorthwest	M.P.A. Washington B.A. Literature and Anthropology	21
Geology, Soils, and Hazardous Materials		
Eric Shniewind, Author ESA	B.A. Geological Sciences, University of California Santa Barbara	22

Name and Employer	Degree and Relevant License	Years of Relevant Experience
Malia Bassett, Author ESA	M.C.P. City Planning B.A. Political Science	6
Fish, Wildlife, and Vegetation		
Claire Hoffman, Author ESA	M.S. Environmental Science and Ecology B.S. Biology and Environmental Studies	17
Land Use		
Jennifer Hagenow, Author ESA	M.U.P. Urban Planning M.P.A. Public Administration	7
Mark Johnson, Reviewer ESA	B.L.A. Landscape Architecture Professional Landscape Architect, WA #510	26
Claire Hoffman, Author ESA	M.S. Environmental Science and Ecology B.S. Biology and Environmental Studies	17
Parking		
Brian Macik, Author Parametrix	B.A. Env. Studies/Political Science M.U.P. Master of Urban Planning	10
Ryan LeProwse, Reviewer Parametrix	B.S. Civil Engineering P.E. Washington and Oregon	18
Recreation		
Spencer Easton, Author ESA	B.A. Liberal Arts	9
Transportation		
Erinn Ellig, Author Parametrix	B.A. Geography M.U.P. Master of Urban Planning	6
Ryan LeProwse, Reviewer Parametrix	B.S. Civil Engineering P.E. Washington and Oregon	18
Utilities		
Spencer Easton, Author ESA	B.A. Liberal Arts	9

EXHIBIT C

Page 10

1 A. Yep.
 2 Q. Can you tell me what those are.
 3 A. Yeah. Well, Burke-Gilman trail. And
 4 Energize Eastside, which is a lead agent -- the lead
 5 agent is the City of Bellevue. And then we have the
 6 Keechelus -- we call it the K project. It's the
 7 Keechelus to Kachess Lakes, and the Bureau of
 8 Reclamation was our client for that, so SEPA/NEPA
 9 EIS. I was also kind of more in a project manager
 10 role with that one.
 11 So those are the three -- you know, there's
 12 other EISes I've been involved in, but I wouldn't say
 13 I've been -- yeah, I wouldn't say that I would be a
 14 lead in those ones.
 15 Q. So the K project, is that the Bureau's --
 16 A. Bureau of Reclamation, Federal Bureau of
 17 Reclamation for SEPA/NEPA. There must have been a
 18 different agency involved as well for it to be a
 19 SEPA/NEPA. I wasn't involved in the start of the
 20 project; I came in later. So those decision-making
 21 about who was the lead agency, I was not involved in
 22 that.
 23 Q. And that's the project to transfer water
 24 from one lake to another?
 25 A. That's correct, yes.

Page 11

1 Q. To supplement the Yakima Valley water
 2 supply?
 3 A. That is correct, exactly.
 4 Q. Energize Eastside, the City of Bellevue is
 5 the lead agency?
 6 A. Yeah. So there's a partnership with the
 7 Eastside cities, and so it's actually City of
 8 Kirkland, City of Bellevue, City of Renton, City of
 9 Newcastle, and Bellevue. And Bellevue, being the
 10 largest, is taking more of the lead. So it's
 11 actually -- they have an agreement between the five
 12 cities. They're technically all lead agencies, but
 13 Bellevue is being the lead for most of the project.
 14 So it's Puget Sound Energy is the applicant, and it's
 15 an upgrade of transmission lines from 115 to 230
 16 kilovolts from Redmond -- sorry, I missed Redmond --
 17 Redmond to Renton.
 18 Q. In the K project, who is the project
 19 applicant?
 20 A. I'm not sure. I can't remember. It's
 21 like three years ago.
 22 Q. On the Burke-Gilman trail, can you
 23 describe your role and responsibility on the EIS
 24 team.
 25 A. Yeah. So I, again, played multiple roles.

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1 You can call me the assistant assistant project
 2 manager, because Mark and Lisa were in those roles.
 3 So I did a lot of schedule management. I worked with
 4 the other authors to make sure there was consistency
 5 throughout the document. I concentrated on maybe the
 6 elements that were not quite as controversial. So
 7 plants and animals, recreation, geology and soils.
 8 So I worked primarily with those authors. I wrote I
 9 think we called them plants, animals and trees,
 10 something like that, I wrote that section.
 11 And then also I would review various sections
 12 when they'd come in, depending on who they were from.
 13 I didn't actually review -- I occasionally would
 14 review transportation, but more as an editor, not
 15 really -- more the technical review of those was
 16 somebody else.
 17 I did a lot of coordination with our
 18 subconsultants, reminding them when their deadlines
 19 were. I also worked with our graphics person,
 20 facilitating again scheduling issues. I wrote the --
 21 so we had the comments on the scoping. The scoping
 22 comments were actually managed by a different
 23 consultant. So I summarized the scoping comments,
 24 read them all, wrote the scoping summary document.
 25 What else did I do? I helped kind of make

Page 13

1 sure everything kept going at ESA. Sometimes I'd be
 2 reminding Mark and Lisa when they needed to have
 3 things done. I did a -- I did review -- then when --
 4 so Jenn, who you interviewed a couple days ago, last
 5 week --
 6 Q. Ms. Hagenow?
 7 A. Yes. She had left -- I don't actually
 8 remember when she left. Sometime between the draft
 9 and the final. And so I took over as the author of
 10 the land use section. So we were notified that -- so
 11 we -- yeah, so I basically updated the land use
 12 section for the final, which included -- I mean, we
 13 can maybe go into detail. Do you want me to go into
 14 detail about that?
 15 Q. Sure.
 16 A. Well, updated it. I did editing to it.
 17 There was some errors that were called out during the
 18 scoping process that we updated those. I'm always
 19 saying "we" because it's usually a team. There was a
 20 GIS analysis that we did the analysis of. We updated
 21 some -- the comp plan was adopted during -- between
 22 the draft and the final. So we updated that. Any
 23 elements related to that. Or any components that
 24 were related to that. Elements is not the right word.
 25 And then there was also the freight master

Page 22

1 Q. Was that process the same for the Parking
 2 Discipline Report, that you would receive a draft?
 3 A. Correct.
 4 Q. So it would be packaged by ESA and then
 5 sent to the City for review?
 6 A. Correct.
 7 Q. And I've also seen a lot of comment
 8 matrices.
 9 A. That's correct.
 10 Q. And who kept or prepared those comment
 11 matrices? How did that work?
 12 A. ESA provided SDOT with a template, and
 13 then we would send that along with the document to
 14 SDOT, and SDOT would have reviewers. There was
 15 generally more than one reviewer. And they would
 16 populate that spreadsheet and send it back to us.
 17 Q. And then what happened?
 18 A. Then we would answer their questions.
 19 Q. And sometimes the document would get
 20 revised based on the comments?
 21 A. That is correct.
 22 Q. Who had ultimate editorial control over
 23 the EIS?
 24 A. Can you rephrase your question?
 25 Q. Sure. So if SDOT told you guys to change

Page 23

1 some language, did you change it?
 2 A. Depending on what it was.
 3 Q. And how would you make that decision?
 4 A. We worked together as a team, and I -- I
 5 generally didn't make that decision. We would -- if
 6 it made sense and seemed logical, we would change it,
 7 because SDOT has knowledge of the project area that
 8 was often used for our analysis.
 9 Q. And SDOT here is both the project
 10 proponent and the lead agency, isn't it?
 11 A. That is correct.
 12 Q. Have you worked on an EIS where the
 13 project proponent is also --
 14 A. Yes, I have.
 15 Q. Please let me finish. -- where the
 16 project proponent is also the lead agency? Have you
 17 worked on one of those?
 18 A. I have.
 19 Q. And what project would that be?
 20 A. The SR 520 project.
 21 Q. That's a WSDOT project?
 22 A. WSDOT.
 23 Q. Any others?
 24 A. I looked up only one.
 25 Q. And you looked it up?

Page 24

1 A. I looked it up. Because I thought it was
 2 the case, but I didn't remember, so I looked it up.
 3 Q. Why were you looking it up?
 4 A. Because Erin told me some of the questions
 5 that I might expect.
 6 Q. So just one, and it's a WSDOT project?
 7 A. There may be others, but I had very little
 8 time to prepare, and it seemed like one was good.
 9 Q. On Exhibit 1 to your deposition, on page
 10 13-3 it lists Mark Johnson in the Land Use section as
 11 the reviewer. Mark was also the project manager,
 12 isn't he?
 13 A. That is correct.
 14 Q. Did he actually write sections of the EIS,
 15 do you know?
 16 A. He was very much involved. He was a -- he
 17 rewrote some sections of the EIS, in particular land
 18 use. I wouldn't call him an author. As a project
 19 manager, he's busy, but if he had a more -- we mostly
 20 talked to Mark and asked for his input, and we would,
 21 based on his -- based on his input, we would write,
 22 and then he would read, and we would review. So it
 23 was iterative.
 24 Q. I think you mentioned Lisa. Is that Lisa
 25 Adolfson?

Page 25

1 A. Lisa Adolfson, yep.
 2 Q. You said she's the assistant project
 3 manager?
 4 A. Correct.
 5 Q. So she worked with Mark?
 6 A. Correct.
 7 Q. And is Lisa related to Molly Adolfson?
 8 A. Correct.
 9 Q. How are they related?
 10 A. They're sisters.
 11 Q. And Molly, on page 13-1 of Exhibit 1, is
 12 also listed as a reviewer?
 13 A. That is correct.
 14 Q. Molly was not a project manager?
 15 A. She was not.
 16 Q. So going back to these drafts, did that
 17 same process happen for the Economic Discipline
 18 Report, where you received a draft from ECONorthwest,
 19 and then it was packaged and sent to SDOT?
 20 A. That is correct.
 21 Q. Do you know if that document was revised?
 22 A. Probably, yes.
 23 Q. Did you review all the drafts?
 24 A. Me?
 25 Q. Yes.

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<p>1 A. Too many to count.</p> <p>2 Q. You've been working on, I think you said,</p> <p>3 approximately eight large EISes.</p> <p>4 A. Yeah.</p> <p>5 Q. Did you mainly work on the same sections</p> <p>6 that you described earlier?</p> <p>7 A. I've worked on -- I don't think I've done</p> <p>8 geology and soils. I don't -- I've worked on all</p> <p>9 aspects of EISes. I do have a -- I do end up doing</p> <p>10 more plants and animals.</p> <p>11 Q. Because you're a biologist?</p> <p>12 A. Because I'm a biologist, yeah.</p> <p>13 (Exhibit 3 marked.)</p> <p>14 Q. Ms. Hoffman, you've been handed what's</p> <p>15 been marked as Exhibit 3 to your deposition, which is</p> <p>16 Chapter 4, the Land Use section in the Final</p> <p>17 Environmental Impact Statement dated May 2017. Do</p> <p>18 you recognize this document?</p> <p>19 A. I do.</p> <p>20 Q. And is this the Land Use section that you</p> <p>21 worked on as part of the Final EIS for the</p> <p>22 Burke-Gilman Trail?</p> <p>23 A. It is.</p> <p>24 Q. And if I remember your testimony earlier,</p> <p>25 Ms. Hagenow had left ESA at that point, so you were</p>	<p>1 understand how the team process worked. Did ESA have</p> <p>2 a scope of work for its work with the City of Seattle?</p> <p>3 A. Yes.</p> <p>4 Q. Did you help prepare that scope of work?</p> <p>5 A. I did not.</p> <p>6 Q. Do you know who did?</p> <p>7 A. I could speculate, but I do not.</p> <p>8 Q. Do you think it was Mark Johnson?</p> <p>9 A. I think it was probably Mark and Lisa.</p> <p>10 Q. Did you see that scope of work?</p> <p>11 A. Yes.</p> <p>12 Q. And did ESA have -- did you have scopes of</p> <p>13 work for the work done by the subconsultants?</p> <p>14 A. Yes.</p> <p>15 Q. So a scope of work for Parametrix and a</p> <p>16 scope of work for ECONorthwest?</p> <p>17 A. Yes.</p> <p>18 Q. And would there be two scopes of work for</p> <p>19 Parametrix, one for parking, one for transportation?</p> <p>20 A. It was probably one document.</p> <p>21 Q. And did you see those documents?</p> <p>22 A. Probably. I don't recall.</p> <p>23 Q. Were you involved in drafting them?</p> <p>24 A. No.</p> <p>25 Q. Do you know who did?</p>
Page 31	Page 33
<p>1 responsible for completing this section for the Final</p> <p>2 EIS?</p> <p>3 A. That is correct.</p> <p>4 Q. So would you consider yourself to be the</p> <p>5 lead author on this section for the Final EIS?</p> <p>6 A. Yes.</p> <p>7 Q. Were there any other authors who worked</p> <p>8 with you on this section of the Final EIS?</p> <p>9 A. I worked very closely with Mark. And we</p> <p>10 used the draft. We didn't start from scratch. And</p> <p>11 there was another junior planner, Malia Bassett, that</p> <p>12 helped out on some aspects of the EIS.</p> <p>13 Q. But Ms. Bassett isn't listed in Chapter 13</p> <p>14 in the table of list of preparers?</p> <p>15 A. No.</p> <p>16 Q. And why not?</p> <p>17 A. She had a fairly minor role.</p> <p>18 Q. What do you mean by "fairly minor"?</p> <p>19 A. At ESA, there's a lot of people who work</p> <p>20 there, and so there's people that will look up code,</p> <p>21 provide some additional research to it, and we work</p> <p>22 as a team, and so we -- she had done some initial</p> <p>23 work on revising it, and then we decided that it was</p> <p>24 better that I revise it, so --</p> <p>25 Q. I want to go back and make sure I</p>	<p>1 A. I do not, but I don't -- and I don't want</p> <p>2 to speculate.</p> <p>3 Q. But probably Mark and Lisa?</p> <p>4 A. Yes.</p> <p>5 Q. Going to Exhibit 3 to your deposition, on</p> <p>6 page 4-1, the last two sentences read, "Although</p> <p>7 economic considerations are not an element of the</p> <p>8 environment required to be evaluated in an EIS under</p> <p>9 SEPA, City code does require economic issues to be</p> <p>10 included in an EIS unless eliminated in the scoping</p> <p>11 process." And then it goes on to say, "SDOT chose to</p> <p>12 include additional analysis of the potential economic</p> <p>13 impacts of the Missing Link project in the EIS to</p> <p>14 assist in decision-making, since it was identified as</p> <p>15 an issue of concern." Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know why SDOT chose to consider</p> <p>18 economics in this EIS?</p> <p>19 A. It was a comment in scoping.</p> <p>20 Q. And you reviewed all the comments in</p> <p>21 scoping?</p> <p>22 A. I did.</p> <p>23 Q. Do you know who made that comment?</p> <p>24 A. There were a lot of comments about</p> <p>25 economic concerns.</p>

EXHIBIT D

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In The Matter of the)	
Appeal Of:)	
)	
THE BALLARD COALITION)	
	)	Hearing Examiner
Of the Adequacy of the	)	File No. W-17-004
Final Environmental Impact)	
Statement, Prepared by the)	
Seattle Department of)	
Transportation for the)	
Burke-Gilman Trail Missing)	
Link Project,)	
)	
Appellant.)	

DEPOSITION UPON ORAL EXAMINATION OF
MARK S. JOHNSON

Taken at Veris Law Group
1809 Seventh Avenue | Suite 1400
Seattle, Washington

DATE TAKEN: October 26, 2017
REPORTED BY: Mary A. Whitney, CCR - WCRL #2728

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1 form of the economic considerations report.
 2 Q. So, the removal of information, the removal
 3 of the quantification and all that, that was at
 4 Mr. Mazzola's direction?
 5 A. That's my recollection. I will say we had --
 6 there was a project manager, Ron Scharf, that was
 7 involved, and I can't remember exactly where this
 8 falls in relation to when he was -- became unavailable
 9 and wasn't involved with the project for the
 10 remainder.
 11 So, I don't remember if he was in the
 12 discussion or whether it was solely Mark, because
 13 there was some time in there that that occurred.
 14 I just don't remember the timing.
 15 Q. So it came --
 16 A. -- from SDOT, from our meetings with SDOT,
 17 I will say for certain.
 18 Q. All right.
 19 Mr. Johnson, have you ever been
 20 involved in a prior EIS that concludes that there are
 21 no significant impacts of any kind to the proposed
 22 project?
 23 A. Yes, I have.
 24 Q. And for whom, what EIS?
 25 A. I've done, for example, for WSDOT, the

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1 Mukilteo Ferry project, which was a complete rebuild
 2 and adding another slip for Mukilteo, and I remember
 3 very specifically, you know, that there were no
 4 significant impacts that were found on that.
 5 I worked on a project for the Washington
 6 Arboretum master plan, where there was a good deal of
 7 controversy, but there weren't any significant impacts
 8 that couldn't be mitigated. Mind you, there were some
 9 impacts that were without mitigation that there could
 10 have been significant impacts.
 11 So this is a -- you know, I'll say
 12 I've been -- worked on a number of projects where,
 13 with mitigation, there weren't any, you know,
 14 unavoidable significant impacts. It's actually
 15 relatively common for that kind of a finding.
 16 Q. And I'm not questioning that an EIS
 17 can conclude that, with mitigation, the significance
 18 will be reduced, but isn't it fair to say that this
 19 EIS never gets to the point of saying significant
 20 impacts can be mitigated because it doesn't
 21 acknowledge the existence of significant impacts to be
 22 mitigated?
 23 A. It doesn't acknowledge that there are any
 24 significant impacts.
 25 Q. Okay.

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1 A. That is correct.
 2 Q. Am I also correct in understanding that after
 3 the meeting with Mr. Mazzola that we've been talking
 4 about, the meeting where he directed Mr. Shook to
 5 remove information and conclusions from the economic
 6 considerations report, that no additional analysis was
 7 done, it was simply a matter of finding a way that was
 8 acceptable to SDOT to characterize the analysis that
 9 had already been done?
 10 A. I think that is correct, although, to be
 11 honest with you, I don't know for certain that
 12 that's the case, because I know that there were other
 13 comments besides just the question of whether or not
 14 those particular things were significant.
 15 There were some other questions that were
 16 in the matrix of things that needed to be worked,
 17 questions about whether something was a significant,
 18 you know, statistically significant or not.
 19 There were a number of things -- so whether there was
 20 some additional analysis that came out of that,
 21 I don't remember off the top of my head.
 22 But with regard -- specifically with
 23 regard to replacing this information, I don't think
 24 that there was any additional analysis.
 25 (Discussion off the record.)

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1 (Exhibit No. 9 marked
 2 for identification.)
 3 Q. (By Mr. Schneider) Tell us if you recognize
 4 this, please.
 5 A. Yes. It looks like an e-mail from
 6 Lisa Adolfson to Mark Mazzola, a copy to me.
 7 Q. And if you look down at the bottom of
 8 the page, the original e-mail in this chain is from
 9 Mr. Mazzola to Lisa. Take a moment to read the whole
 10 thing.
 11 (Reviewing documentation.)
 12 A. So, no specific costs are called out that I'm
 13 familiar with -- that I'm looking for in the economic
 14 considerations report, so --.
 15 Q. All right. So, isn't it fair to say that
 16 the economic considerations report assumes that there
 17 will be no increase in traffic hazards from the
 18 proposal, from any of the alternatives?
 19 A. If I could ask you to repeat the question.
 20 Q. Yes. Isn't it fair that the economic
 21 considerations report assumes there will be no
 22 increase in traffic hazards as a result of the
 23 project?
 24 A. Well --.
 25 Q. In other words -- well, let rephrase it a