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7 **BEFORE THE HEARING EXAMINER**
8 **CITY OF SEATTLE**

9 In the Matter of the Appeal of:

10 **THE BALLARD COALITION**

11 of the adequacy of the Final Environmental
12 Impact Statement, prepared by the Seattle
13 Department of Transportation for the Burke
14 Gilman Trail Missing Link Project

Hearing Examiner File

W-17-004

DECLARATION OF LEAH B.
SILVERTHORN IN SUPPORT OF THE
BALLARD COALITION'S RESPONSE IN
OPPOSITION TO SDOT'S SECOND
MOTION IN LIMINE

15
16 I, Leah B. Silverthorn, declare and state as follows:

17 1. I am an attorney for the Ballard Coalition (the "Coalition").

18 2. I am over the age of 18, am licensed to practice law in the state of Washington,
19 am competent to testify in a court of law, and this declaration is based on my personal
20 knowledge.

21 3. Attached as Exhibit A is a true and correct copy of excerpts from the transcript of
22 Claire Hoffman in this matter.

23 4. Attached at Exhibit B is a true and correct copy of the Coalition's Revised Final
24 Witness List, dated November 15, 2017.

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

DECLARATION OF LEAH B.
SILVERTHORN IN SUPPORT OF THE
BALLARD COALITION'S RESPONSE IN
OPPOSITION TO SDOT'S SECOND
MOTION IN LIMINE

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EXECUTED at Seattle, Washington, this 15th day of November, 2017

/s/ Leah B. Silverthorn
Leah B. Silverthorn, WSBA No. 51730

DECLARATION OF LEAH B.
SILVERTHORN IN SUPPORT OF THE
BALLARD COALITION'S RESPONSE IN
OPPOSITION TO SDOT'S SECOND
MOTION IN LIMINE

Exhibit A

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APPEARANCES

FOR THE APPELLANT:

JOSHUA C. ALLEN BROWER

Veris Law Group

1809 Seventh Avenue

Suite 1400

Seattle, WA 98101

206 829 9590

Josh@VerisLawGroup.com

FOR THE RESPONDENT

ERIN FERGUSON

DEPARTMENT OF

Seattle City Attorney

TRANSPORTATION:

701 Fifth Avenue

Suite 2050

Seattle, WA 98104

206 684 8615

Erin.Ferguson@Seattle.gov

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13

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15 EXAMINATIONS

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17 Mr. Brower

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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.

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

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

1 responsible for completing this section for the Final
2 EIS?

3 A. That is correct.

4 Q. So would you consider yourself to be the
5 lead author on this section for the Final EIS?

6 A. Yes.

7 Q. Were there any other authors who worked
8 with you on this section of the Final EIS?

9 A. I worked very closely with Mark. And we
10 used the draft. We didn't start from scratch. And
11 there was another junior planner, Malia Bassett, that
12 helped out on some aspects of the EIS.

13 Q. But Ms. Bassett isn't listed in Chapter 13
14 in the table of list of preparers?

15 A. No.

16 Q. And why not?

17 A. She had a fairly minor role.

18 Q. What do you mean by "fairly minor"?

19 A. At ESA, there's a lot of people who work
20 there, and so there's people that will look up code,
21 provide some additional research to it, and we work
22 as a team, and so we -- she had done some initial
23 work on revising it, and then we decided that it was
24 better that I revise it, so --

25 Q. I want to go back and make sure I

Exhibit B

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BEFORE THE HEARING EXAMINER
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In the Matter of the Appeal of:

THE BALLARD COALITION

of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

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W-17-004

THE BALLARD COALITION'S REVISED
FINAL DISCLOSURE OF WITNESSES

The Ballard Coalition submits the following revised witness list:

I. EXPERT WITNESSES

1. Victor H. Bishop, P.E., Traffic Engineer, VHB Consulting, PLLC. Mr. Bishop will testify regarding the adequacy of the Final EIS for the proposed extension of the Burke-Gilman Trail (the Missing Link) through the Ballard maritime and industrial area on the following topics and subjects, including, without limit: alternatives considered and not considered in the DEIS and FEIS, autoTURN, bicycle facilities, business impacts, cumulative impacts, cycle tracks, Federal, State and local design standards and regulations, level/percent design used in the EIS and generally in SEPA, parking loss and impacts, the Preferred Alternative, driveways, protected bicycle facilities, right of way standards, safety, sight distance

1 issues, traffic hazards, trail costs, trucks, and trail development. A copy of Mr. Bishop’s resume
2 was previously provided and admitted into the Record as Hearing Examiner Exhibit 11 and an
3 updated copy was previously provided.

4 2. Claudia S. Hirschey, P.E., Senior Transportation Engineer. Ms. Hirschey will
5 testify regarding the adequacy of the Final EIS for the proposed extension of the Burke-Gilman
6 Trail (the Missing Link) through the Ballard maritime and industrial area on the following topics
7 and subjects, including, without limit: alternatives considered and not considered in the DEIS
8 and FEIS, autoTURN, bicycle facilities, business impacts, conflicts, conceptual design and its
9 relationship to SEPA, cumulative impacts, cycle tracks, Federal, State and local design standards
10 and regulations, project design level/percent design used in the EIS and generally in SEPA,
11 parking loss and impacts, the Preferred Alternative, driveways, driveway counts, driveway
12 usage, protected bicycle facilities, right of way standards, safety, safety analysis, sight distance
13 issues, traffic hazards, traffic hazard analysis, trail costs, trucks, and trail development. A copy
14 of Ms. Hirschey’s resume was previously provided.

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16
17 3. Barry S. Knight, P.E. Mr. Knight may testify regarding his work and opinion
18 related to the design and constructability of an elevated structure to be used as a multi-use path
19 for the Missing Link within a portion of the “study area” as that term is defined in the FEIS, and
20 the approximate cost to do so.¹ A copy of Mr. Knight’s resume was previously provided.

21
22 4. Scott O. Kuznicki, PE, Director of Safety and Mobility Solutions, transpogroup.
23 Mr. Kuznicki will testify regarding his work and opinion related to performing autoTURN
24 analysis for driveways along the Missing Link, parking, safety, trail design, and video and
25

¹ Mr. Knight is hereby also designated as a fact Witness and will not be listed below to avoid repetition.

1 animation exhibits all related the DEIS and the FEIS.² A copy of Mr. Kuznicki's resume was
2 previously provided.

3 5. Spencer Cohen, Ph.D., Community Attributes Inc. Mr. Chohen will testify regarding land
4 use; the Land Use sections of the DEIS and FEIS; land use compatibility; land use impacts from
5 the Missing Link; and the Economic Discipline Report in the DEIS, FEIS, and drafts of that
6 report. A copy of Mr. Cohen's resume was previously provided.
7

8 II. WITNESSES

9 1. Paul Nerdrum, Salmon Bay Sand & Gravel, Co. Mr. Nerdrum may testify
10 regarding impacts to his businesses and properties arising from the project, including, without
11 limit: traffic-hazards, traffic delays, safety impacts, safety concerns, traffic hazard concerns,
12 access impacts, economic impacts to his business and properties, impacts to the use and
13 maintenance of his properties, compatibility of the project with land uses that are unique to his
14 properties, cumulative impacts, parking, the segment of the Burke-Gilman Trail located adjacent
15 to and in front of his businesses and properties and to Ballard in general.
16

17 2. Warren Aakervik, Ballard Oil Company. Mr. Aakervik may testify regarding
18 impacts to his businesses and properties arising from project, including, without limit: traffic-
19 hazard impacts, traffic delays, safety impacts, safety concerns, traffic hazard concerns, access
20 impacts, parking impacts, impacts to the use and maintenance of his properties; economic
21 impacts to his business and surrounding land uses; compatibility with land uses that are unique to
22 the segment of the Burke-Gilman Trail located adjacent to and in front of his businesses and
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24
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² Mr. Kuznicki is hereby also designated as a fact Witness and will not be listed below to avoid repetition.

1 properties and to Ballard in general; freight mobility in Seattle; the maritime industrial economic
2 sector in Seattle; and how roadway design impacts his business and freight mobility in general.

3 3. Scott Anderson, CSR Marine. Mr. Anderson may testify regarding impacts to his
4 businesses and property arising from the project, including, without limit: traffic-hazards, traffic
5 delays, safety impacts, traffic hazard impacts, safety concerns, access impacts, impacts to the use
6 and maintenance of CSR's property, business and economic impacts to CSR, and compatibility
7 of the Missing Link with land uses that are unique to the segment of the Burke-Gilman Trail
8 located adjacent to and in front of CSR and to Ballard in general.

10 4. Mike Walker, Teamsters Union Local No. 174, Business Agent. Mr. Walker may
11 testify regarding project-induced impacts including, without limit: impacts to Teamster Local
12 174 union members, Teamsters drivers, and union employment arising from traffic-hazards,
13 safety impacts, lost parking and parking changes, construction, safety concerns, traffic hazard
14 concerns, access, use and maintenance of properties where union members are employed, and
15 compatibility with land uses that are unique to the segment of the Burke-Gilman Trail located
16 along the route of drivers and other members of his union.

18 5. Nicole Grant or Katie Garrow, the Martin Luther King, Jr. County Labor Council
19 of Washington, AFL-CIO. Ms. Grant or Ms. Garrow may testify regarding project-induced
20 impacts to member unions and member union's members, including, without limit: economic
21 and business related impacts, employment impacts, business operation impacts, land use impacts,
22 safety concerns, traffic hazard concerns, the Preferred Alternative, other alternatives, trail usage,
23 lost parking and parking changes, construction related impacts, access concerns, use and
24 maintenance of properties on which businesses employing union members are located,
25

1 cumulative impacts, and compatibility with land uses that are unique to this area of Ballard and
2 to Seattle in general.

3 6. James Forgette, Manager, Ballard Terminal Railroad Co. Mr. Forgette may testify
4 regarding impacts to BTRR, its operation, and its rail line arising from the project, including,
5 without limit: traffic-hazards, traffic delays, safety impacts, traffic hazard impacts, safety
6 concerns, access impacts, impacts to the use and maintenance of BTRR's rail line and easement,
7 business and economic impacts to BTRR, and compatibility of the Missing Link with land uses
8 that are unique to the segment of the Burke-Gilman Trail located adjacent to BTRR and its
9 railroad tracks and right-of-way and to Ballard in general.

10
11 7. Mara Garrity, Ballard Massage Center. Ms. Garrity may testify regarding project-
12 induced impacts, including, without limit: access to and from Ballard Mill Marina and other
13 marinas located near or adjacent to the Preferred Alternative, impacts to individuals who live-
14 aboard boats and vessels at these marinas, impacts to the local live-aboard community in general,
15 safety impacts, traffic hazard impacts, safety concerns, access impacts and concerns and land use
16 compatibility impacts.

17
18 8. Timothy Olstad and/or Bill Herzberg, Commercial truck Drivers. Mr. Olstad
19 and/Mr. Herzberg may testify regarding project-induced impacts, including, without limit:
20 access, driveways, safety concerns, traffic hazards, traffic hazard concerns, traffic delays, access
21 delays, vehicle operations, alternatives, business impacts, land use impacts, lost parking and
22 parking changes, construction related impacts, access to/from, use and maintenance of SBS&G
23 properties, conflicts with cyclists and trail users, and compatibility of the Missing Link with land
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1 uses that are unique to the segment of the Burke-Gilman Trail located adjacent to and in front of
2 SBS&G and its properties.

3 9. Mark Mazzola, Seattle Department of Transportation, Project Manager. Mr.
4 Mazzola may be asked about SDOT's process to scope, choose alternatives, and complete the
5 Draft Environmental Impact Statement and Final Environmental Impact Statement, working with
6 SDOT's consultants, the community, comments, and the contents, analysis, and conclusions in
7 the DEIS and FEIS.
8

9 10. Mark Johnson, Environmental Science Associates. Mr. Johnson may be asked
10 about his expertise, his work, work-product, management, participation, findings, and SDOT's
11 process to the draft and complete the DEIS and FEIS, including, without limit, working with
12 SDOT, the community, comments, and the contents, analysis, and conclusions in the DEIS and
13 FEIS.
14

15 11. Erinn Ellig, Parametrix. Ms. Ellig may be asked about her expertise, her work,
16 work-product, participation, findings, and SDOT's process to the draft and complete the DEIS
17 and FEIS, including, without limit, working with SDOT, the community, comments, and the
18 contents, analysis, and conclusions in the DEIS and FEIS or any portion thereof.
19

20 12. Claire Hoffman, Environmental Science Associates. Ms. Hoffman may be asked
21 about her expertise, her work, work-product, participation, findings, and SDOT's process to the
22 draft and complete the DEIS and FEIS, including, without limit, working with SDOT, the
23 community, comments, and the contents, analysis, and conclusions in the DEIS and FEIS or any
24 portion thereof.
25

1 13. Morgan Shook, ECONorthwest. Mr. Shook may be asked about his expertise, his
2 work, work-product, participation, findings, and SDOT’s process to the draft and complete the
3 DEIS and FEIS, including, without limit, working with SDOT, the community, comments, and
4 the contents, analysis, and conclusions in the DEIS and FEIS or any portion thereof.
5

6 14. Blake Trask and/or Kelsey Mesher, Cascade Bicycle Club (“Cascade”). Mr. Trask
7 and/or Ms. Mesher may be asked about Cascade’s relationship with SDOT in regards to
8 completing the Burke-Gilman Trail Missing Link, developing and selecting alternatives,
9 selecting SDOT’s Preferred Alternative, and preparing and completing the DEIS and FEIS.

10 15. The Coalition reserves the right to name and designate additional witnesses
11 identified during discovery, which is on-going.

12 16. The Coalition reserves the right to name and designation additional witnesses
13 identified on the City’s and Cascade’s preliminary witness and exhibit lists.

14 17. The Coalition reserves the right to name and designation additional witnesses as
15 rebuttal witnesses.
16

17 DATED this 15th day of November, 2017.
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VERIS LAW GROUP PLLC

By /s/ Joshua C. Brower
Joshua C. Allen Brower, WSBA #25092
Leah B. Silverthorn, WSBA #51730
Danielle Granatt, WSBA #44182
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101
Telephone: (206) 829-9590
Facsimile: (206) 829-9245
josh@verislawgroup.com
leah@verislawgroup.com
danielle@verislawsgroup.com

Attorneys for Appellant The Ballard Coalition

FOSTER PEPPER PLLC

By /s/ Patrick J. Schneider
Patrick J. Schneider, WSBA #11957
Foster Pepper PLLC
1111 Third Avenue, Suite 3000
Seattle, Washington 98101-3292
Tel: (206) 447-4400
Fax: (206) 447-9700
pat.schneider@foster.com

Attorneys for Appellant The Ballard Coalition

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on this date I caused the foregoing document to be served on the following persons via the methods indicated:

Peter S. Holmes
Erin Ferguson
Seattle City Attorneys
701 5th Avenue, Suite 2050
Seattle, WA 98104
Tel: (206) 684-8615
erin.ferguson@seattle.gov
alicia.reise@seattle.gov
*Attorney for Respondent
Seattle Department of Transportation*

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

Matthew Cohen
Rachel H. Cox
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101-4109
Tel: (206) 386-7569
Fax: (206) 386-7500
matthew.cohen@stoel.com
rachel.cox@stoel.com
Attorney for Intervenor Cascade Bicycle Club

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

Tadas A. Kisielius
Dale Johnson
Clara Park
Van Ness Feldman
719 2nd Avenue, Suite 1150
Seattle, WA 98104
Tel: (206) 623-9372
tak@vnf.com
dnj@vnf.com
cpark@vnf.com
map@vnf.com
Attorney for Respondent City of Seattle

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

Dated at Seattle, Washington, this 15th day of November, 2017.

/s/ Megan Manion
Megan Manion, Veris Law Group PLLC