

1 **BEFORE THE HEARING EXAMINER FOR**
2 **THE CITY OF OLYMPIA**

3 In re: Eastbay Flats & Townhomes (aka
4 Westman Mill),

No. 17-2795

5 APPELLANT'S WITNESS AND EXHIBIT
6 LIST

7 Appeal of DNS and Land Use Approval.
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10 Pursuant to the Pre-Hearing Order in this case, the Appellant, Olympia Urban Waters
11 League, hereby gives notice that it intends to present the following witnesses and exhibits at the
12 hearing on the merits to take place May 2, 2018. Appellant reserves the right to supplement this
13 list as necessary following disclosure of the other parties' witnesses and exhibits.

14 **I. WITNESSES**

<i>Witness</i>	<i>Subject matter of testimony</i>
15 Harry Branch, President 16 Olympia Urban Waters League 17 239 Cushing St. NW 18 Olympia, WA 98502 19 (360) 943-8508 20 (Copy of curriculum vitae attached)	21 History of OUWL; OUWL and its 22 members' mission, vision, interests, and 23 activities as they relate to the Moxlie Creek 24 and Indian Creek and East Bay of Budd 25 Inlet water bodies; significance of the 26 proposed development to OUWL and its 27 membership. 28 <u>Expert testimony</u> Mr. Branch will testify as an expert concerning the degraded ecological functions of East Budd Bay and the Moxlie and Indian Creek watershed, and about the effects of the proposed development on surrounding natural resources including the Moxlie and Indian Creek watershed, and on alternative uses of the proposed development site and adjoining lands.

<p>Zena Hartung, Vice President Olympia Urban Waters League</p>	<p>History of OUWL; OUWL and its members' mission, vision, interests, and activities as they relate to the Moxlie Creek and Indian Creek and East Bay of Budd Inlet water bodies; significance of the proposed development to OUWL and its membership.</p>
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II. EXHIBITS

<i>Exhibit</i>	<i>Description</i>
1	Approved Site Plan
2	Port Commission Meeting Packet, January 9, 2017 (excerpts related to proposed development)
3	Mike Reid e-mail dated September 30, 2016
4	2003 Olympia SSWP, Appendix E
5	2017 Olympia SSWP [Draft] Chs. 7-8 (Water Quality and Habitat)
6	East Bay Habitat Enhancement Plan, 1994
7	<i>Glover, Bird's eye view of the city of Olympia, East Olympia and Tumwater, Puget Sound, Washington Territory, 1879 (A.L. Bancroft & Co.), LOC call number G4284.O5A3 1879.G6</i>
8	<i>Plywood in Retrospect: Olympia Veneer Company</i> (Exhibit 8) (No. 7 in a series of monographs on the history of West Coast plywood plants) (Plywood Pioneers Association, March 1969) (excerpt)
9	2003 Olympia SSWP, Appendix D (excerpts related to Indian and Moxlie Creeks)
10	<i>Empirical Evaluation of the Potential for Soil Constituents to Migrate to Surface Water via Groundwater</i> , Pioneer 2011 (excerpt omitting tables, figures, and appendices)
11	Indian/Moxlie Creek Comprehensive Drainage Basin Plan, Chs. 5-6 (Indian and Moxlie Creek Systems-Indian Creek Basin Problem Analysis) & Ch. 10 (Optimal Alternative and Recommendations) (May 1993)
12	Puget Sound Nearshore Ecosystem Restoration Project, Strategic Restoration Conceptual Engineering – Design Report, Appendix A: Action Characterization Report Results, March 2011 [Draft] (excerpts relating to Moxlie Creek culvert)
13	Port of Olympia schematic diagrams for “Daylighting,” “Stability,” and “Habitat” restoration options
14	E-mail from Burgess to Galligan, November 12, 2015
15	Port of Olympia e-mail communication re: Brenda Snyder conceptual design and Imagine the Deschutes event; slide deck showing Brenda Snyder conceptual design for Olympia downtown core
16	Morris e-mail to Branch, November 13, 2015
17	Branch, Hall, and Galligan e-mail chain, November 20-December 7, 2015
18	Hall letter to Galligan, October 27, 2016
19	PRR W009710-102617 and City of Olympia's response
20	Steve Hall e-mail to Ed Galligan, October 5, 2017
21	Port lease agreement with Appellant, April 10, 2017

APPELLANT'S WITNESS AND EXHIBIT LIST - 2

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1	22	Selected charts, maps, diagrams, and Google Earth image showing proposed development site / wetland
2	23	E-mail from Rachael Jamison to Joe Downing, Ed Galligan and Mike Reid, November 2, 2016

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4 DATED this 11th day of April, 2018.

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6 SMITH & DIETRICH LAW OFFICES PLLC

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9 Walter M. Smith, WSBA No. 46695

10 Steve E. Dietrich, WSBA No. 21897

11 *Attorneys for Appellant, the Olympia Urban*
12 *Waters League*

Harry W. Branch
239 Cushing St NW Olympia WA 98502

Experience:

Vessel Captain - National Oceanic and Atmospheric Administration - Sanctuaries and Reserves Division - Port Angeles, WA

1995 -1998: Skippered for summer research projects. Cape Flattery to Destruction Island. Analysis of nearshore primary production, bioassay survey of benthic plants and animals, bird counts, tag and release of sea otters and archeological survey of shipwrecks.

https://www.youtube.com/watch?v=ukOtTRlrr_0

Vessel Captain and Instructor - The Evergreen State College

Olympia WA 1986-1994: Helped plan and carry out Explorations, Habitats, Chemistry, Biology and Marine Field Studies classes throughout Western Washington and British Columbia.

1991-92 Assisted in planning and supervised sampling activities for the Geology and Chemistry of Pollution Program, an analysis of lead, cadmium, copper and residual organics in 241 samples collected at 41 sites around Southern Puget Sound.

1986-1992: Planned, promoted and carried out Leisure Education classes for the general public including seven day trips into British Columbia.

Vessel Captain and Crew – Independent and Various

1970-present: Sailboat delivery, Hawaii to North America

1971-1973: Deck Hand, California Rockfish.

1976: Deck Hand, Albacore Tuna.

1990: Skipper, Surveys of Geoduck Clam tracts.

Real Estate Investment

1985-present: Manage and maintain residential real estate belonging to myself, my daughters and other family members.

Education

Master of Environmental Studies – The Evergreen State College, Olympia, WA Completed in 1994. Focus of Study: Marine Ecology

Bachelor of Arts – San Francisco State University, San Francisco, CA Graduated in 1976.

Major Film, Minor Biology

Publications

The Caribbean Spiny Lobster, *Panulirus argus*, Enhancement of the Fishery with Oceanographic Tools and Spatial Division of Fishing Grounds Between Cooperatives and Sanctuaries. Essay of Distinction. The Evergreen State College, 1994

The Geoduck Clam, *Panope generosa*: The Potential Benefits of a Co-Managed Fishery.
Proceedings of the Puget Sound Research 1995 Conference

Green Pages. A series of articles on Moxlie Creek published between June and December of 2017. <http://www.ssgreenpages.online/?s=moxlie+creek>

Works in Progress. A series of articles published between June of 2017 and March of 2018.
<http://olywip.org>