

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

CITY OF MERCER ISLAND  
HEARING EXAMINER

The Carol Ann Cook Revocable Living Trust <p style="text-align: center;">Appellant</p> v. City of Mercer Island <p style="text-align: center;">Respondent</p>	No. APL21-004  (Ref. No. CAO 20-004)  Appellant's Expert Witness List  HEARING EXAMINER JOHN E. GALT
--	--

**COME NOW** the Appellant, the Carol Ann Cook Revocable Living Trust, by and through their attorney of record, Kristen C. Reid of Belcher Swanson Law Firm, PLLC and hereby provide the Hearing Examiner and City the following list of expert witnesses which at this time the Appellant may call at the hearing on this matter.

**I. Name, Address, and Title**

Patrick J. Togher  
Senior Project Manager, Senior Scientist  
PBS Engineering and Environmental  
214 E. Galer Street, Suite 300  
Seattle, WA 98102  
Will testify as to his training, experience and professional technical review of the subject property and conclusions thereof.

**II. Resume/Expertise – Patrick J. Togher**

Experience

- 27 Years in environmental consulting.
- Professional Wetland Scientist since 2006.

### Education

- Certificate in Wetland Science and Management, University of Washington.
- MA Environmental Studies, Northeastern Illinois University.
- BS Information Science and Physical Geography, Northeastern Illinois University.

### Selected Additional Training

- WSDOT Biological Assessment Author Training, 2018.
- Ordinary High Water Mark Determination. Washington State Department of Ecology, 2004 and 2017.
- NEPA – Documenting Categorical Exclusions. Washington State Department of Transportation, October 22, 2015.
- Revised Wetland Rating, System for Western Washington. Washington State Department of Ecology, 2005 and 2014.
- Swiftwater Safety Rescue. International Rescue Instructors Authority, 2013.
- Wetland Mitigation, Construction & Installation. Portland State University, 2007.
- Advanced Soils and Hydrology for Delineators. Portland State University, 2006.

### Accreditations

- Professional Wetland Scientist #1659, initial certification 2006.
- Qualified Consultant to write Biological Assessments, WSDOT.
- Certified Professional in Erosion and Sediment Control Lead, CESCL EF8183190.
- FAA Remote Pilot, Certificate Number 42695400.

1 Patrick Togher is a professional wetland scientist with over 26 years of  
2 environmental consulting experience. He is a Pierce County certified wetland  
3 specialist and Whatcom County qualified wetland/stream specialist under the  
4 wetlands, marine ecology or physical processes, and fresh water or upland habitat  
5 management categories. Patrick is also a Certified Erosion and Sediment Control  
6 Lead and FAA remote pilot for commercial drone flights.  
7

8 Patrick supports projects of every scale, from single lots to regional scale  
9 transportation and utility projects that affect multiple jurisdictions. His clients include  
10 individual property owners, private sector developers, and federal, state, and local  
11 government agencies.  
12

13 Patrick has led and conducted hundreds of wetland and stream delineations  
14 throughout the Pacific Northwest. His field methods are fully consistent with the  
15 procedures found in the federal manuals and applicable supplements and incorporate  
16 both the best available science and the appropriate state and local guidance.  
17

18 In addition to his field skills, Patrick has decades of experience interpreting  
19 environmental regulations and preparing technical documents, including the natural  
20 resource discipline reports for Environmental Assessments/Environmental Impact  
21 Statements; Endangered Species Act compliance documents; wetland and stream  
22 delineation reports; impact studies; functional assessments; mitigation siting studies  
23 and mitigation plans; mitigation monitoring reports; Critical Area Studies for local  
24 governments; and permits applications.  
25

26 Patrick has also provided technical peer review for the following documents:

- 1 • Department of Ecology, U.S. Army Corps of Engineers (Seattle District),  
2 U.S. Environmental Protection Area (Region 10). DRAFT - Wetland Mitigation  
3 in Washington State, Part 1: Agency Policies and Guidance (Version 2, Draft  
4 for Public Review). Washington State Department of Ecology Publication # 20-  
5 06-10. October 2020.
- 6 • Hruby, Thomas. 2014. Washington State Wetland Rating System for  
7 Western Washington – 2014 Update. Washington State Department of Ecology  
8 Publication # 14-06-029. October 2014. Effective January 2015.
- 9 • Hruby, Thomas. 2012. Calculating Credits and Debits for Compensatory  
10 Mitigation in Wetlands of Western Washington – Final Report (Hruby 2012).  
11 Responses to Comments on First Draft and Operational Draft. Washington  
12 State Department of Ecology Publication #12-06-005. June 2012.

### 9 Representative Professional Presentation

- 10 • Mitigation for the State Route 520 Program: From Planning to Execution.  
11 Society of Wetland Scientists, Pacific Northwest Chapter Conference. October  
12 16, 2018. Spokane, Washington.
- 13 • Grass Creek Mitigation Site Selection and Permitting, SR 520 Bridge  
14 Replacement and HOV Program. Oregon Department of Transportation Geo-  
15 Environmental Conference. April 22, 2015. Eugene, Oregon.
- 16 • Investigation Of Submerged Peatland Provides Understanding Of The  
17 Ecology Of Two Impounded Aquatic Ecosystems. Rowan, J. O.; Kling, R. M.,  
18 Authors; Togher, P. Presenter. Joint Aquatic Sciences Meeting. May 21, 2014.  
19 Portland, Oregon. Independent experience.
- 20 • Mitigation for the SR 520, I-5 to Medina: Bridge Replacement and HOV  
21 Project. Society of Wetland Scientists, Pacific Northwest Chapter Conference.  
22 September 17, 2012. Boise, Idaho.
- 23 • Selecting Wetland Mitigation Sites for WSDOT’s SR 520 Program.  
24 Society of Wetland Scientists, Pacific Northwest Chapter Conference. April 29,  
25 2010. Bellingham, Washington.

### 22 **III. Testimony - Subject Matter**

23 Patrick Togher will testify about his training and experience, as well as the City  
24 of Mercer Island’s erroneous designation of a “Type Ns” watercourse located to the  
25 west of the property located at 7025 N. Mercer Way.  
26

1  
2 **IV. Testimony – Facts & Opinions**

3 Patrick Togher will rely upon his training and experience as well as his  
4 knowledge of the property located at 7025 N. Mercer Way when testifying regarding  
5 his opinion on the City of Mercer Island’s erroneous designation of a “Type Ns”  
6 watercourse.

7 Appellant reserves the right to call additional witnesses on rebuttal.

8 Appellant reserves the right to call any expert witness disclosed by the City of  
9 Mercer Island.

10 Appellant further reserves the right to not call any of the witnesses listed above  
11 as they see fit at any point in the proceedings.  
12

13  
14 Respectfully submitted this 20<sup>th</sup> day of April, 2021.

15 BELCHER SWANSON LAW FIRM, PLLC

16 */s/ Kristen C. Reid*

17 KRISTEN C. REID, WSBA# 38723

18 Attorney for Appellant

19 The Carol Ann Cook Revocable Living Trust  
20  
21  
22  
23  
24  
25  
26