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BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

CAROL ANN COOK REVOCABLE  
LIVING TRUST,

Appellant,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL21-004

(Ref. No. CAO 20-004)

CITY OF MERCER ISLAND’S  
DISCLOSURE OF WITNESSES

In compliance with the City of Mercer Island Hearing Examiner Rules of Procedure Part 224(f), Respondent City of Mercer Island (The “City”) hereby discloses the following list of witnesses:

1. Robin Proebsting  
Senior Planner  
City of Mercer Island  
Community Planning and Development  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98006  
(206) 275-7600
  
2. Scott Olmsted, Ecologist  
ESA| Environmental Science Associates  
5309 Shilshole Avenue NW, Suite 200  
Seattle, WA 98107

1 a. Resume/Experience: A brief summary of Mr. Olmsted's work history  
2 and relevant educational experience is attached as Exhibit A.

3 b. Subject of Testimony: Mr. Olmsted may testify regarding his training  
4 and experience, as well as the City of Mercer Island's Critical Area 1  
5 determination regarding the Type Ns watercourse located to the west of the  
6 property located at 7025 North Mercer Way.

7 c. Basis of Testimony: Mr. Olmsted will generally rely upon his training  
8 and expertise, and his review of the materials on file in this proceeding, and  
9 his knowledge regarding the watercourse on the property to the west of 7025  
10 North Mercer Way.  
11

12 3. Stewart Reinbold  
13 Assistant Regional Habitat Program Manager  
14 Washington State Department of Fish and Wildlife  
15 600 Capitol Way North  
16 Olympia, Washington 98501

17 a. Resume/Experience: Mr. Reinbold has been with the Washington  
18 Department of Fish and Wildlife for over nineteen years. He currently serves  
19 as the Assistant Regional Habitat Program Manager for the Southern District  
20 of Region Four, of the Habitat Division. He has a Bachelor's of Science from  
21 Oregon State University, obtained in 1994.

22 b. Subject of Testimony: Mr. Reinbold may testify regarding his training  
23 and experience, as well as the interpretation of Type Ns watercourse taken by  
24 the Washington Department of Fish and Wildlife.

25 c. Basis of Testimony: Mr. Reinbold will provide testimony based on his  
26 education, experience, and expertise.

1 The City of Mercer Island reserves the right to call at the hearing all witnesses  
2 identified by Appellant, as well any additional witnesses needed for rebuttal.

3 DATED this 21st day of April, 2021.  
4

5 MADRONA LAW GROUP, PLLC

6  
7 By: /s/ Eileen M. Keiffer  
8 Eileen M. Keiffer, WSBA No. 51598  
9 14205 SE 36<sup>th</sup> Street  
10 Suite 100, PMB 440  
11 Bellevue, WA 98006  
12 Telephone: (425) 201-5111  
13 Email: [eileen@madronalaw.com](mailto:eileen@madronalaw.com)  
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1 **DECLARATION OF SERVICE**

2 I, Tori Harris, declare and state:

3 1. I am a citizen of the State of Washington, over the age of eighteen years, not a party  
4 to this action, and competent to be a witness herein.

5 2. On the 21st day of April, 2021, I served a true copy of the foregoing City of Mercer  
6 Island’s Disclosure of Witnesses on the following counsel of record using the method of  
7 service indicated below:

8 Kristen C. Reid, WSBA No. 38723 9 Belcher Swanson, PLLC 10 900 Dupont Street 11 Bellingham, WA 98225 Counsel for Petitioner	<input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: kristen@belcherswanson.com <input type="checkbox"/> EService pursuant to LGR
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12 I declare under penalty of perjury under the laws of the State of Washington that the  
13 foregoing is true and correct.

14 DATED this 21st day of April, 2021, at Seattle, Washington.

15 **MADRONA LAW GROUP, PLLC**

16 *Tori Harris*

17  
18 Tori Harris

**EXHIBIT – A**



# Scott Olmsted

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## Ecologist

### EDUCATION

M.S., Forest Resources:  
Urban Horticulture,  
University of Washington

B.S., Environmental and  
Resource Science,  
University of California,  
Davis

### 14 YEARS OF EXPERIENCE

Scott has managed a variety of environmental projects involving wetland delineation and ordinary high water mark determination, critical areas assessment and mapping, floodplain and habitat assessment, mitigation planning and design, and permitting and regulatory compliance. He is adept as a field biologist, interpreter of regulatory codes and procedures, and as a strategic client advisor and project manager. Scott has experience managing small projects with limited scope as well as large, complex projects that require multidisciplinary teams. He is familiar with all phases of the project life cycle from initial planning, to feasibility assessment, design and permitting, construction and post-construction compliance monitoring. He recently helped Snohomish County Public Works plan, design and secure permits for a 17-acre advance mitigation site. Scott understands federal, state, and local regulations and helps clients find efficient and effective pathways through the regulatory compliance process.

**City of Duvall Peer Review On Call. *Project Manager.*** Scott provides assistance to the City of Duvall planning department through a long-term on-call contract. This work addresses wetlands, streams, and other sensitive areas and provides guidance to the City in administering sections of the zoning code. He has evaluated wetland studies, stream determinations, and mitigation plans submitted to the City of Duvall as part of numerous proposed development applications, including assessment and review for the City's Public Works Department.

**Turner Creek Restoration and Maintenance Projects, Skagit County, WA. *Project Manager.*** Scott is providing environmental permit support services to Drainage District 21 for a stream restoration and maintenance project on Turner Creek located in Skagit County. The accumulation of fine sediments displaced channel capacity resulting in frequent floods throughout the lower 1.2 miles of stream during the wet season. Flooding impacted multiple acres of adjacent farmland and flooding on Beaver Lake Road which resulted in an annual, extended closure of a primary emergency services route. To address both of these problems, Drainage District 21 undertook a number of actions, including: created off-channel areas that serve as fish habitat and increase stream sinuosity, dredged approximately 4,000 linear feet of Turner Creek, dredged a sediment trap near the upstream end of the stream, and realigned the lower portion of stream into a relic stream channel. Scott managed and helped prepare federal, state, and local permits; coordinated with regulators and tribal stakeholders during the project design and permit review process, including emergency authorizations from the U.S. Corps of Engineers (USACE), WDFW, and County; conducted de-fishing and water quality sampling before and during construction; and documented post-project conditions to satisfy USACE emergency authorization requirements.

**Little Bear Creek Advance Mitigation Plan and Design, Snohomish County, WA.**

*Project Manager.* Scott is providing project management support to Snohomish County Public Works to prepare an advance mitigation plan for a 17-acre site in the Little Bear Creek watershed. The site contains extensive wetlands, a segment of Little Bear Creek, and several spring-fed tributaries. Ditching and filling have altered the hydrology of the site. Mitigation activities at the site will generate sufficient functional “credits” to offset wetland, stream, and buffer impacts associated with up to ten planned road improvement projects over the next 10 years. ESA documented baseline site conditions, assessed functional loss at impact sites, designed the mitigation site to final PSE, assisted with project permitting, and created a site use plan template and credit ledger. Scott led the field investigations and preparation of technical reports and permit submittals; coordinated with the project design team, Snohomish County PDS, and federal, state, and local regulators to ensure project activities were functionally appropriate and sustainable over the long-term, while also resulting in sufficient functional lift to compensate for 11 County transportation projects planned over the next 10 years. All permits were issued to facilitate construction of the project.

**68th Avenue NE Pedestrian and Bicycle Improvements Project, Kenmore, WA.**

*Project Manager.* Scott is providing project management and environmental permitting support for the 68<sup>th</sup> Avenue NE Pedestrian and Bicycle Improvements Project. The project proposes to add approximately 7,500 linear feet of pedestrian, bicycle, and stormwater improvements along several segments of 68th Avenue NE and NE 202nd Street from Kenmore’s Downtown to the northern city limit. Once constructed, the project will add buffered bike lanes as well as concrete curb, gutter, and sidewalks. Vegetated strips will be installed within several portions of the alignment, along with two boardwalks. Other project components include retaining walls, storm drainage (traditional and low impact), and lighting. The Project will improve bicycle and pedestrian facilities, increase safety, and provide American Disabilities Act (ADA) accessibility. Scott managed and participated in the wetland and stream delineations, preparation of the SEPA checklist, JARPA, critical areas report, HPA, cultural resources report, biological assessment, and mitigation plan for the project. All permits were issued to facilitate construction of the project.

**City of Issaquah SE 62nd Street and Extensions, Issaquah, WA. *Permitting Lead.***

Scott was the permitting lead for this road improvement project located within the Issaquah Creek and North Fork Issaquah Creek floodplain. The project included a new 780-linear-foot bridge over Issaquah Creek, a bridge replacement over the North Fork, a 400-linear-foot, ESA-designed channel segment of North Fork Issaquah Creek, and wetland mitigation area. Scott prepared and obtained local, state, and federal permits and worked with the design team and mitigation designers to avoid and minimize impacts to critical areas and provide functionally appropriate mitigation.

**City of Pacific Interurban Trail Design, Pacific WA. *Project Manager.*** The City of Pacific proposed an extension of the Interurban Trail to connect existing sections of the trail near the King/Pierce County line. The project constructed a new shared use path, crossing improvements, bridge to avoid stream impacts, signage, and minor trailhead improvements. Scott provided management and environmental support services including wetland and stream delineations, preparation of environmental documentation and permits applications (i.e., JARPA, cultural resources report, no effect letter, SEPA, critical areas approval, grading and clearing permit, and stormwater general permit), development of a mitigation plan, and negotiated with

regulators on the location and extent of required mitigation. All permits were issued to facilitate construction of the project.