BEFORE THE HEARING EXAMINER OF THURSTON COUNTY

In the Matter of the Application of

MAYTOWN SAND AND GRAVEL, LLC

Amendments of SUP 02-0612

No. 2010101170

MAYTOWN SAND & GRAVEL WITNESS AND EXHIBIT LISTS

WITNESSES

1. Charles ("Pony") Ellingson
   Pacific Groundwater Group

2. Nadine Romero
   Thurston County Hydrogeologist

POTENTIAL WITNESSES

3. Roy L. Garrison
   Garrison Resource Group, Inc

4. Francis Naglich
   Ecological Land Services

Mr. Garrison and Mr. Naglich will testify if the Examiner allows Friends of
Rocky Prairie ("FORP"), Black Hills Audubon Society ("BHASS") or other testimony on the
allegation of "lack of material disclosure" or other claimed bases for reviewing the 2005 MDNS.

MAYTOWN SAND & GRAVEL WITNESS AND EXHIBIT LISTS - 1
5. Randy Lloyd  
Lloyd Enterprises/Maytown Sand & Gravel

6. Steve Cortner  
Maytown Sand & Gravel

Maytown reserves the right to identify additional witnesses after receiving the witness lists from FORP and BHAS and reserve the right to identify rebuttal witnesses after testimony at the Hearing.

POTENTIAL MAYTOWN EXHIBITS

In addition to the Exhibits listed below, Maytown reserves the right to use any of the exhibits included with the County Staff Report.


December 2009 Off-Site Well Verification Report

Count of background monitoring events

Chart of effect of changes in background monitoring events

Summary of precipitation and monitoring over time


Table 1 of November 23, 2010 PGG letter (Listing of stations by program under 2005 Plan)

Figure 1 of 2011 Plan Map

Table 1 of 2011 Plan (Explanation of programs – compare to Table 1 of November 23, 2010 PGG letter)

Table 2 of 2011 Plan (Schedule)
Exhibits from Five Year Review Hearing

Exhibit 1 - County Staff Report dated December 8, 2010 – the following listed attachments:
Attachment f – Mitigated Determination of Nonsignificance, issued October 24, 2005
Attachment g – Hearing Examiner Decision, issued December 16, 2005
Attachment h – Settlement Agreement, October 5, 2005
Attachment i – Groundwater Monitoring Plan, September 2005
Attachment j – Vicinity Map, August 22, 2007
Attachment k – Mining Area Map, November 3, 2009
Attachment l – Reclamation Sequence Map, November 3, 2009
Attachment m – Reclamation Plan Approval, September 19, 2007
Attachment n – Hydrogeologic Report by Nadine Romero, November 10, 2010
Attachment o – Comment Letters – 1. John Hempelmann, October 29, 2010
Attachment q – Letter from Capitol Land Trust, November 18, 2005
Attachment r – Letter from Black Hills Audubon Society, November 18, 2005
Attachment s – Letter from Department of Fish and Wildlife, November 22, 2005
Attachment t – Memorandum from Nadine Romero, February 19, 2010
Attachment u – Memorandum from Nadine Romero, June 8, 2010
Attachment v – Letter from Mike Kain to John Hempelmann, June 17, 2010
Attachment w – Current Prairie and Oak Habitat Definitions
Attachment x – 2002 Prairie and Oak Habitat Definitions
Attachment cc – Chronology of Project, August 2002 through July 2010
Attachment dd – Current Zoning Map
Attachment ee – 2009 Aerial Photo of Site
Attachment ff – Photos of the Site taken January 14, 2010 and October 7, 2010
Attachment gg – 1967 Aerial Photo Showing Historic Extent of Mima Mounds
Attachment ii – Pacific Groundwater Group Report, November 23, 2010
Attachment ll – Letter of February 16, 2010 to Tayloe Washburn, Including attachment

Exhibit 4 – Color Map titled “Maytown Aerial Imagery, 2009,” printed December 1, 2010

Exhibit 5 – Color Map titled “Maytown LiDar Hillshade,” printed December 1, 2010

Exhibit 6 – Color Map titled “Maytown Soil Types,” printed December 1, 2010

Exhibit 11 – Resume of Roy L. Garrison

Exhibit 12 – Final Topography Map, Maytown Aggregates, Inc. Port of Tacoma, December 2, 2010
Exhibit 13 – Portions Pertaining to Critical Area Reviews and Approval, assembled by Garrison Resource Group, Inc., December 3, 2010 (including all attachments)

Exhibit 14 – Summary of Extensive Technical Studies, Review and Approvals

Exhibit 15 – Washington State Department of Natural Resources Reclamation Plan and Storm Water Pollution Prevention Plan

Exhibit 16 – Typical Wetland Creation Cross Section, Maytown Aggregates, Inc., Port of Tacoma, November 3, 2009

Exhibit 17 – Figure 1, Site Map, MDNS Supplemental Information, Maytown Aggregates, June 2002

Exhibit 18 – Figure 10, Site Photographs, Habitat Management Plan, Maytown Aggregates, June 2002

Exhibit 19 – Site 9 (Maytown), Site Layout/Aerial, Revised January 18, 2008

Exhibit 20 – Curriculum Vitae of Charles T. Ellingson, LHG

Exhibit 27 – Hydrogeologic Information Package for Maytown Sand and Gravel, Pacific Groundwater Group, December 2, 2010, including the following: (all attachments 1-12)

Exhibit 28 – Technical Memorandum to Jack Hedge, Port of Tacoma; Steve Cortner, Maytown Sand and Gravel, from Charles Ellingson, Pacific Groundwater Group, April 20, 2010

Exhibit 29 – Example Postcard of Outreach Program to Well Owners, undated.

Exhibit 30 – Letter to Offsite Well Owners from Pacific Groundwater Group, February 4, 2010, including attached monitoring data for January 2008 through January 2010 and map titled Figure 1, Maytown Aggregates Site Plan

Exhibit 41 – Resolution No. 15501, September 7, 2010

Exhibit 47 – Memorandum to Michael Kain and Jeffrey Fancher, Thurston County from Tayloe Washburn and Steve Gillespie, Foster Pepper, PLLC, January 4, 2010 including attachments 1-8
Additional exhibits that may be presented by Roy Garrison:

Revised Summary of Extensive Technical Studies, Reviews and Approvals

While they may be part of Exhibit 13 and 15 listed on page 3 above:

Wetland Boundary Survey and Rating Report, Ecological Land Services, Inc. (ELS) August 1, 2020 (2005 Approved SUP – Appendix C)

Habitat Management Plan, ELS, August 1, 2002 (2005 Approved SUP – Appendix D1)

Supplement Report to Habitat Management Plan Clarifications and Response to Thurston County MDNS, ELS, April 23, 2004 (2005 Approved SUP – Appendix D2)


Letter Response to Black Hills Audubon Society Comments, ELS October 14, 2004 (2005 Approved SUP – Appendix D3)


General Sand and Gravel Permit, (DOE Permit #WAG 50 1520), Issued by Department of Ecology, October 1, 2010. Site Management Plan for Stormwater; Attachment to Reclamation Plan

Numerous potential Maytown exhibits relate to critical areas and some or all of those exhibits may be used if the Examiner allows testimony on the allegations of “lack of material disclosure” or other claimed bases for reviewing the 2005 MDNS.

Maytown has made a good faith effort to identify likely exhibits. Maytown may not use all the listed exhibits. Maytown may need to identify additional exhibits before or during the
Hearing to respond to issues or testimony raised before or during the Hearing.

DATED this 2\textsuperscript{nd} day of March, 2011.

CAIRNCROSS & HEMPELMANN, P.S.

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