From: Farley, Kimberly [FarleyK@pbworld.com]

- Sent: Monday, March 16, 2009 9:34 AM
- To: Dye, Dave; Paananen, Ron; White, John
- Cc: Arany, Sally (Consultant); Rigsby, Mike (Consultant); Mattern, Dave (Consultant); Hanson, Allison; Visconty, Sasha (Consultant); Malley, William G. (Perkins Coie); fred.skaer@gmail.com

Subject: RE: Environmental Strategy - Take 2

## Hello all,

The plan is a little different than outlined earlier due to tight schedules. Here's what will work:

- Saturday, Mar 21 Fred Skaer and Bill Malley work with Kimberly Farley, and David Mattern on our environmental strategy
- Sunday, Mar 22 Continue to refine the strategy. Present the strategy to Dave Dye, Ron Paananen, and John White for approval via email
- Monday, Mar 23 1:30-4:30- Meet with Dave, Ron, John Finalize the strategy and discuss how we will present it to Seattle the following morning
- Tuesday, Mar 24, 9:30-12 Present strategy to City. Fred Skaer will plan to be at this meeting with us. Bill Malley will not, and he will leave this day.
- Wednesday, Mar 25 Fred will likely depart Seattle this day

Also, we met with FHWA in Olympia on Friday. The meeting went very well. Dan Mathis joined us and stayed the entire time, as did Elizabeth Healey and Rick Judd. Mystery Bridgers, FHWA attorney, was on the phone throughout. We spent a lot of time on background, which they all appreciated, and were very frank about politics and agency relationships. We got agreement to continue under the 2008 NOI and SAFETEA -LU rather than do another supplement document under the old NEPA process. Sharon suggested something like the "Alternatives Considered" document we have been discussing, and thought the idea had promise. There was quite a bit of discussion on whether we could go to an EIS with one alternative, without conclusion. That's a crux question for David Ortez.

What we saw at this meeting is that <u>Dan Mathis is behind the deep bored tunnel solution and has directed his team to help us get it implemented</u>. Sharon Love and Randy Everett are very engaged. I don't see how it could have gone much better.

David Ortez and Mystery Bridgers will be here tomorrow to discuss this further. We have alerted Deborah Cade and plan to have her in the meeting either in person or by phone.

Give me a ring if you have questions or suggestions.

Kimberly Farley, JD

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From: Farley, Kimberly Sent: Thursday, March 12, 2009 4:20 PM To: 'dyed@wsdot.wa.gov'; 'Paananen, Ron'; 'White, John' Cc: 'Rigsby, Mike (Consultant)'; 'Mattern, Dave (Consultant)' Subject: Environmental Strategy - Take 2

Hello all,

We are working to get Fred Skaer here next Friday, March 20, and I think you were hoping that he would meet with us and the City to discuss Env Strategy that day. We thought that a small group of us (Dave Dye, Ron, John, Fred?, David Mattern, and myself) would meet ahead of Friday to sort out the details and make sure we are all on the same page.

Here's the issue - I am less clear about a reasonable strategy now than I was before I met with Dave. He brought up a number of good points, for which I did not have great answers.

Because of that fact, before we meet with Seattle, David and I really need the expertise of Bill Malley (lead AASHTO NEPA attorney). We have to be sure we have a winning strategy. Bill cannot get here until March 20. He is willing to work through the weekend and meet with WSDOT Executives on Monday, March 23.

So, here is what I propose (though I know time is of the essence!):

Friday, March 20 - Bill arrives and we give him the download Saturday, March 21 - Bill and I map out a strategy using the information we have received from the AGs office Sunday, March 22, am - In the morning, Fred arrives and we run the strategy by him. Sunday, March 22, pm or early the morning of March 23 - we run the strategy by Dave, Ron, and John, and get their buy in Monday, March 23 - We articulate the strategy to the City Bill would not be in the Monday City meeting, but David M. and I can use any time he can give us to address other issues. Bill would leave on Monday.

What do you think? Thoughts? Suggestions?

## Kimberly Farley, JD

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