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Re: Wal-Mart Supercenter (Case No. SPR-05-0091-42) MDNS Appeal

Dear Jack and Grant:

As requested, I provide herein a list of the expert witnesses that will be presented at the MDNS appeal hearing by the Yelm Commerce Group as well as more detail regarding the specific issues that will be raised by each witness:

Joel Massmann: Dr. Massmann will provide expert testimony about the potential for significant flooding impacts as well as the potential for significant pollution impacts to both groundwater and surface water caused by the Wal-Mart proposal. He will testify regarding inadequate, incomplete, and/or incorrect disclosure and analysis of information about these potential significant adverse impacts in the applicant's engineering reports and in the City's MDNS. Dr. Massmann will discuss a general failure on the part of the applicant and the City to adequately analyze and disclose uncertainties with respect to the likely volume of stormwater runoff on the site and the inability of the proposed infiltration system to adequately control the volume and quality of the runoff. He will demonstrate that the estimates of the volume of stormwater runoff and the estimates of the storm-infiltration rates may be inaccurate, based on improper approaches, based on incorrect data, and/or

John C. McCullough
Grant Beck
July 27, 2005
Page 2

based on incorrect assumptions. He will also discuss the reliability and performance record of the proposed stormwater infiltration hardware.

Edward A. Wiltsie: Stormwater engineer Edward Wiltsie's testimony will reflect the substance already provided to the City in his comment letters and how the MDNS failed to address the issues raised in his letters.

Rob Bernstein: Rob Bernstein will provide expert testimony about the potential for significant adverse traffic impacts caused by the Wal-Mart proposal. He will testify regarding inadequate, incomplete, and/or incorrect disclosure and analysis of information about these potential significant adverse impacts in the applicant's transportation analysis and in the City's MDNS. Mr. Bernstein will point out incorrect assumptions that led to incorrect conclusions, such as those with respect to trip generation rates. Mr. Bernstein will also address the MDNS' failure to consider impacts to capacity available on the future Yelm street system with respect to existing congestion problems and traffic introduced by other development in the area. Mr. Bernstein will address the issue of whether the traffic forecast used for the TIA analysis is consistent with the traffic forecast used for the Yelm Transportation Plan.

Heidi Heslinger: Heidi Haslinger is a wetland specialist who will testify that the applicant's reconnaissance report provides insufficient data to support the conclusions stated therein. Namely, due to the heavy grazing in the vicinity of the northwest-southeast trending swale in the northeastern corner of the subject property, inadequate vegetation data was available. As such, this area should be fenced off for a time so as to allow for adequate vegetation regrowth. Proper species identification and dominance could then be provided inside and outside of the swale. Additionally, no soil sampling sites were analyzed inside and outside of this swale area to note any potential differences in soil characteristics. A review of the swale's characteristics as they pertain to potential wetland hydrology also is missing. In general, more data is required to prove or disprove the presence of the palustrine wetland indicated on the National Wetlands Inventory in the vicinity of the northeastern corner of the subject property. Ms. Heslinger may also discuss impacts to offsite wetlands from the proposal.

Marlon G. Boarnet: Dr. Boarnet will provide expert testimony about the potential for adverse impacts to the surrounding land use and downtown infrastructure related to the proposed Wal-Mart store. Theory and evidence suggest that Wal-Mart stores can cause adverse economic impacts, including impacts on competing retailers and, as a result, can cause significant adverse physical impacts to the surrounding area. Dr. Boarnet will testify about the potential for such impacts with respect to this project and address whether the City's analysis was deficient in its analysis of such impacts.

John C. McCullough
Grant Beck
July 27, 2005
Page 3

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

BRICKLIN NEWMAN DOLD, LLP

s/ Claudia M. Newman

Claudia M. Newman

CMN:psc

cc: Yelm Commerce Group