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9 Communities Coalition

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA, NORTHERN DIVISION**

13 UPPER SOUTH EAST COMMUNITIES  
14 COALITION,

15 Plaintiff,

16 v.

17 U.S. ARMY CORPS OF ENGINEERS;  
18 LT. GEN. THOMAS P. BOSTICK, in his  
official capacity, Chief of Engineers and  
19 Commanding General, U.S. Army Corps of  
Engineers; COL. MICHAEL J. FARRELL,  
in his official capacity, District  
20 Commander, Sacramento District, U.S.  
Army Corps of Engineers; KRISTINE S.  
21 HANSEN, in her official capacity, Senior  
Project Manager, Reno Field Office,  
22 Sacramento District, U.S. Army Corps of  
Engineers; and REGIONAL  
23 TRANSPORTATION COMMISSION OF  
WASHOE COUNTY,

24 Defendants.  
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Case No. 3:13-cv-00403

**APPENDIX OF EXHIBITS IN  
SUPPORT OF DECLARATION OF  
JOSEPH D. PETTA IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

## List of Exhibits

| Exhibit Number | Exhibit Description  |
|----------------|--|
| 1              | Excerpt from the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013  |
| 2              | Excerpt from the Regional Transportation Commission's ("RTC's") Plan Line Study for the SouthEast Connector ("SEC")                                      |
| 3              | Excerpt from the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013  |
| 4              | Excerpt from the U.S. Geological Survey's Flood-Control Effects of Truckee River Basin Reservoirs, Dec. 31 1996 through Jan. 4 1997                      |
| 5              | Excerpt from the Draft Environmental Impact Statement for the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013 |
| 6              | Excerpt from the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013  |
| 7              | Excerpt from the Draft Environmental Impact Statement for the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013 |
| 8              | Excerpt from the Draft Environmental Impact Statement for the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013 |
| 9              | Excerpt from the Draft Environmental Impact Statement for the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013 |
| 10             | RTC's Fact Sheet for the SEC, March 2013   |
| 11             | RTC's Response to Plaintiff's May 29, 2013 Notice of Intent to Sue Letter, without attachments   |
| 12             | Excerpt from RTC's May 31, 2011 Application for Department of the Army Permit SouthEast Connector, Washoe County, Nevada                                 |
| 13             | Excerpt of the public comments received by the U.S. Army Corps of Engineers, Sacramento District in response to RTC's May 31, 2011 permit application    |
| 14             | Excerpt of the comments of Plaintiff Upper South East Communities Coalition responding to RTC's May 31, 2011 permit application                          |
| 15             | RTC's Sept. 26, 2012 letter to the U.S. Army Corps of Engineers, Sacramento District   |

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|----|----|--|
| 1  | 16 | Excerpt of RTC's June 1, 2012 Southeast Connector Preliminary 401 Water Quality Certification Application  |
| 2  | 17 | U.S. Army Corps of Engineers, Sacramento District's November 16, 2012 letter to RTC  |
| 3  |    |  |
| 4  | 18 | Plaintiff's June 17, 2013 public records request letter to the Nevada Department of Environmental Protection   |
| 5  |    |  |
| 6  | 19 | November 16, 2012 article from the Daily Sparks Tribune  |
| 7  | 20 | RTC's Phase I Board from the March 23, 2013 community meeting  |
| 8  | 21 | Minutes from the May 23, 2013 neighborhood meeting led by an RTC contractor  |
| 9  | 22 | July 16, 2013 e-mail update from RTC on the status of construction of Phase I of the SEC   |
| 10 |    |  |
| 11 | 23 | Excerpt from the minutes of a March 28, 2013 "SEC Community Open House" before RTC   |
| 12 | 24 | RTC's board from the March 28, 2013 "SEC Community Open House"   |
| 13 | 25 | U.S. Army Corps of Engineers, Sacramento District's April 16, 2012 letter to the U.S. Fish & Wildlife Service  |
| 14 |    |  |
| 15 | 26 | U.S. Army Corps of Engineers, Sacramento District's Public Notice of Permit Application for RTC's May 31, 2011 permit application                        |
| 16 | 27 | Minutes from a July 14, 2011 RTC meeting   |
| 17 | 28 | RTC's December 2012 Application for Temporary Right-of-Way Permit to the Nevada Department of Transportation   |
| 18 |    |  |
| 19 | 29 | Excerpt from an RTC contractor's Phase I "Request for Variance to Title 15" Report, January 2013   |
| 20 | 30 | Excerpt from an RTC contractor's Phase I "Contract Baseline Schedule Narrative Report," February 2013  |
| 21 |    |  |
| 22 | 31 | Excerpt from an RTC contractor's "100% Drainage Report for SEC Phase I," March 2013  |
| 23 | 32 | Minutes from an RTC Resource Agency Committee Meeting, April 11, 2013  |
| 24 | 33 | Minutes from an RTC Community Working Group Meeting, April 18, 2013  |
| 25 | 34 | Excerpt from the Draft Environmental Impact Statement for the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013 |
| 26 |    |  |
| 27 | 35 | January 24, 2013 letter to RTC from the Nevada Department of Conservation and Natural Resources, Division of Water Resources                             |
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| 36 | Excerpt from the Draft Environmental Impact Statement for the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013  |
| 37 | Excerpt from the Truckee Meadows Flood Control Project, Nevada, Draft General Reevaluation Report, May 2013   |
| 38 | May 17, 2013 letter from the Nevada Department of Environmental Protection to the Truckee Meadows Water Reclamation Facility                              |
| 39 | Excerpt from the Release Information and Work Plan for Environmental Site Assessment Activities, prepared on May 30, 2013 on behalf of the City of Sparks |
| 40 | RTC's Project Delivery Timeline for the SEC   |
| 41 | Excerpt from a May 9, 2013 RTC meeting summary  |
| 42 | May 22, 2013 article from the Daily Sparks Tribune  |
| 43 | July 19, 2013 Monthly Progress Update on Phase I of the SEC   |

DATED: July 31, 2013

SHUTE, MIHALY & WEINBERGER LLP

By:

WINTER KING  
JOSEPH D. PETTA

Attorneys for Plaintiff Upper South East  
Communities Coalition

498259.1

CERTIFICATE OF SERVICE

*Upper Southeast Communities Coalition v. U.S. Army Corps of Engineers, et al.*  
*Case No. 3:13-cv-00403*  
*United States District Court, District of Nevada*

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, CA 94102.

On July 31, 2013, I served true copies of the following document(s) described as:

**APPENDIX OF EXHIBITS IN SUPPORT OF JOSEPH D. PETTA IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

on the parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY CERTIFIED MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing via Certified Mail, Return Receipt Requested, following our ordinary business practices. I am readily familiar with 's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. (FRCP 4(i)(2)).

**BY FEDEX:** I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 31, 2013, at San Francisco, California.

  
\_\_\_\_\_  
Sean P. Mulligan

**SERVICE LIST**

**Upper Southeast Communities Coalition v. U.S. Army Corps of Engineers, et al.  
Case No. 3:13-cv-00403  
United States District Court, District of Nevada**

U.S. Army Corps of Engineers, Headquarters  
441 G Street N.W.  
Washington, DC 20314-1000

Lt. Gen. Thomas P. Bostick  
Chief of Engineers & Commanding General  
U.S. Army Corps of Engineers  
441 G Street N.W.  
Washington, DC 20314-1000

**Via Certified Mail**

**Via Certified Mail**

Col. Michael J. Farrell, District Commander  
Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814-2922

Kristine Hansen, Senior Project Manager  
Reno Regulatory Field Office  
U.S. Army Corps of Engineers  
300 Booth Street, Room 3060  
Reno, NV 89509

**Via Certified Mail**

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Dale Ferguson  
Woodburn & Wedge  
6100 Neil Road, Suite 500  
Reno, NV 89511

**Via Federal Express**

***Attorney for Defendant Regional  
Transportation Commission Of Washoe  
County***