

1 it was not a segmented project. It was a single project. And
2 that single project we believed needed an environmental review.

3 So moving on to the next page, page 2, the second
4 paragraph.

5 Q Can you hang on just one second? I want to find the
6 words that you are referring to.

7 A Where it says currently configured the project, as
8 currently configured in the middle of the paragraph. Right by
9 the federalized word.

10 Our Coalition was not aware that this was going to be
11 a segmented project until the winter.

12 Q The winter of 2012?

13 A 2012-2013, yeah.

14 Q Late 2012, early '13 is when the Coalition first
15 learned the project was going to be segmented?

16 A We became aware. We didn't, we had to find it out
17 through roundabout channels.

18 Q Understood. And I apologize my question wasn't clear.

19 So the Coalition was aware the project was going to be
20 segmented in late 2012 or early 2013, correct?

21 A Yes.

22 Q Sorry. Go ahead.

23 A That's okay. Page 2, the second paragraph, we
24 disagree with the part where it says the SEC is needed.

25 It's our understanding that they have not done any

1 traffic studies since the boom and when they were anticipating
2 large amounts of growth, and, basically, it's also our
3 understanding that the SEC is not being proposed for actual
4 current drivers, but for -- based on zoning, approved zoning.

5 MR. PETTA: If I may just ask a question to clarify
6 your question.

7 MR. COHEN: Sure.

8 MR. PETTA: Are you asking both for the portions with
9 which the Coalition disagrees, and why they disagree with it
10 or --

11 MR. COHEN: Yeah, and I think, we can do it -- the
12 answer to your question is yes.

13 I do want to know both what you disagree with, and
14 then why.

15 And so, it seems that we're sort of in an orderly way
16 taking them one at a time, so I think we'll just continue with
17 that.

18 MR. PETTA: Okay.

19 BY MR. COHEN:

20 Q If that's okay with you, Miss Rhodemyre?

21 A That's fine.

22 Q So on the SEC is needed, the Coalition isn't saying
23 the SEC isn't needed.

24 You are just questioning whether it's needed one way
25 or the other?

1 **A** We're not against a road. We're against -- or we're
2 trying to make sure that this road is in a spot that is not
3 going to be environmentally damaging to everyone.

4 **Q** So you are not against the concept of a Southeast
5 Connector of some form, correct?

6 **A** Correct.

7 **Q** The Coalition is against this road in its current
8 configuration as you understand it, correct?

9 **A** We want to make sure that we're not going to be
10 environmentally damaged, or our safety is not going to be
11 compromised because of the location that was chosen.

12 **Q** Understood. And I appreciate that clarification.

13 I guess what I am trying to make sure I understand is
14 whether or not the Coalition also has a position or just a
15 question whether an actual Southeast Connector in some location
16 is or is not needed?

17 MR. PETTA: I'm going to object to the question only
18 because of the use of a Southeast Connector necessarily implies
19 the Southeast Connector.

20 I think perhaps what you mean is a road.

21 BY MR. COHEN:

22 **Q** I'll rephrase the question.

23 What I am trying to clarify is whether the Coalition
24 is taking a position on whether some road in some location
25 connecting Sparks at the north and Veterans Parkway at the

1 south, whether that's in some way needed, or whether that's not
2 needed?

3 **A** We don't believe it's needed at this time.

4 **Q** Okay. And I guess I'm confused, because what I
5 thought you said a minute ago is that you are not against the
6 road. You are just against this particular one?

7 **A** We're not against a Southeast Connector. We don't
8 believe that this location is going to be -- we believe that
9 this location is going to be environmentally damaging, and it's
10 going to put us, our safety in danger.

11 **Q** When you say that the Coalition doesn't take -- strike
12 that.

13 So again I want to make sure we're clear.

14 Are you saying, then, the Coalition is not against
15 some roadway connecting north to south, but your view is, the
16 Coalition's view is it should be in a different location?

17 **A** We contend that the location that they have chosen
18 between Sparks Boulevard and Veterans Parkway is going to be
19 environmentally damaging, and it's going to put the people who
20 live in the surrounding communities in danger.

21 **Q** And again, what I am trying to find out is whether the
22 Coalition has a position whether some other route that connects
23 the southern part of the community to the northern part of the
24 community east of 580 is necessary, or whether you just have no
25 position on whether some form of a roadway connecting north to

1 south is necessary?

2 MR. PETTA: Objection. Unclear.

3 BY MR. COHEN:

4 Q Do you understand my question?

5 What I am trying to find out is this:

6 And I understand the Coalition's contention as to this
7 roadway, the SEC, and you made that clear, and I appreciate
8 that.

9 What I am trying to find out, though, is whether or
10 not the Coalition, and you are their spokesperson, takes issue
11 with even the whole concept of connecting south to north with
12 some roadway of some form?

13 A We have no contention with a road that connects north
14 to south in some form, as long as it's not going through
15 designated flood storage, where there's methylmercury and could
16 not -- and is not going to be environmentally damaging and
17 damage the safety of the entire region.

18 Q Understood. And now I need to ask you about that, and
19 follow up on that.

20 You said that the Coalition's position is that this
21 roadway, the proposed SEC, will, I think these are your words,
22 will be environmentally damaging, correct?

23 That's your position?

24 MR. PETTA: Objection. Perhaps you wouldn't mind
25 clarifying whether you mean Phase I or Phase II or the entire

1 view of the road.

2 BY MR. COHEN:

3 Q Fair point.

4 Is the Coalition's position -- strike that.

5 Does the Coalition contend that the entirety of the
6 proposed roadway Phase I as you know it and Phase II as it's
7 proposed to the Corps at this time, those collectively, and I
8 think your term was, will be damaging to the environment.

9 Is that the Coalition's position that it will be?

10 A Let me restate what I said. Or rephrase what I said.

11 We don't know. There's been no environmental impact
12 study done on that yet.

13 Q Thank you.

14 And do you agree with me it's different to say that
15 you don't know whether it will be environmentally damaging
16 because there's been no study versus telling somebody it will be
17 environmentally damaging?

18 A Yes.

19 Q Okay. And what you are saying is, your clarification
20 is that the Coalition's position is that you don't know if it
21 will be environmentally damaging because you want the study
22 done?

23 A Yes.

24 Q Okay. Is that the same for the safety issue, as well?

25 A Yes.

1 **Q** You don't know if the proposed Phase I and Phase II
2 will or will not put the community in some form of, to use your
3 term, danger or create a safety issue at this time, correct?

4 **A** Correct.

5 **Q** Your point is that you want a study done so you know
6 one way or the other?

7 **A** Yes.

8 **Q** Okay. Thank you.

9 You are on the second paragraph of the second page of
10 Exhibit B.

11 What's next, as far as -- so the record is clear,
12 what's next on Exhibit B, the July 24th letter, that the
13 Coalition takes issue with?

14 **A** So do you recall me talking about the SEC is needed?

15 **Q** Yes.

16 **A** Okay. So I went over that.

17 Okay. And then, so if we move on to the third
18 paragraph, where it says, at the bottom, at the end of the
19 paragraph, the point is simple, our community, italicized,
20 overwhelmingly supports this project.

21 According to a document that I have obtained from
22 someone who had a meeting with people at RTC, basically, RTC is
23 claiming for the Southeast Connector they have only done four
24 percent on public outreach.

25 That's what the document said. Four percent. So we

1 had four percent at meetings fighting the location that they
2 wanted to choose. So, I mean, it's a little unclear about their
3 overwhelming support.

4 Q Okay.

5 A By the community.

6 Q And if I asked for you to produce that document, is
7 that something you could readily make available to your lawyers?

8 A Yes.

9 Q Okay. And so I can describe it correctly, so we don't
10 have to do the lawyer thing, "you didn't describe it correctly",
11 what -- how would you describe that document so I can request it
12 from you to take a look at it?

13 A It's, basically, an appendix from another document
14 on -- I can't explain it.

15 It has different projects throughout the whole
16 community.

17 The Southeast Connector is one project listed on the
18 paper that talks about different aspects of each project, and
19 then there is a column that talks about what, what the
20 percentage of community outreach they have done for each
21 project.

22 Q And by community -- strike that.

23 By community support, do you agree with me that
24 sometimes the support can also be shown in terms of votes, like
25 public votes on issues, not just community outreach by people

1 talking at a schoolhouse or something.

2 Do you understand what I mean?

3 A Yes.

4 Q Okay.

5 A I understand what you mean.

6 Q Okay. Are you aware of the vote on -- strike that.

7 Are you aware of something called RTC 5?

8 A Yes.

9 Q And there was a vote on that, correct?

10 A Can I elaborate on my answer?

11 Q Yes.

12 Okay. So go ahead and elaborate.

13 A There was a vote on that question. And in the ballot
14 question it did not say it was a tax.

15 The ballot question said shall RTC seek funds,
16 implying they were going to get it from somewhere else, and the
17 voters voted, not overwhelming, but voted for this tax which was
18 vetoed originally by the governor, and then the legislature
19 overrode the veto.

20 Q Without getting into the civics in any great detail,
21 that is part of the democratic process, is it not?

22 A Yes.

23 Q Okay. What's next on Exhibit B?

24 A Well, if you go on to the top of paragraph four,
25 again, there's the community engagement effort that talks about

1 the outreach that RTC has supposedly done.

2 Q Do you know as you sit here today exactly how many
3 times people from the RTC have gone into -- to community
4 meetings of one form or another to talk to people?

5 A No.

6 Q Okay. So you can't quantify the outreach that RTC has
7 done, correct?

8 A Correct.

9 Q I take it what you are saying, you just have a
10 feeling, it isn't that much?

11 Is that what you are saying?

12 Do you just not know one way or the other?

13 A I don't know one way on the other. I just know the
14 meetings that I attended.

15 Q Okay. Very good.

16 What's next?

17 A The top of page 3. Where it says RTC prides itself on
18 its extensive outreach effort.

19 Again, there's the four percent.

20 And at the bottom, it says here, we have invited the
21 Upper South East Communities Coalition to participate in our
22 stakeholder meetings.

23 Basically, they have asked members. They haven't
24 actually asked the actual Coalition.

25 And some of the reason why the Coalition didn't want

1 to be involved with RTC, and some of our members actually
2 dropped out of their stakeholder group was because if you
3 attended, then they put your community on their website as a
4 supporter.

5 Even if you were attending just to find out what was
6 going on.

7 Q And were you familiar with some meeting where some
8 members of the Coalition attended and announced publicly that
9 they weren't going to attend any longer on advice of counsel?

10 Did that involve you at all?

11 A I'm aware of some members stating that they were no
12 longer going to attend, but that was several -- a year before we
13 retained counsel.

14 Q I see.

15 A I mean, that's not an accurate statement --

16 Q Okay. And thank you --

17 A -- completely.

18 Q -- for clarifying. That's why we're doing the
19 question and answer. So thank you.

20 Is it accurate to say that at one point in time
21 members of the Coalition were attending various stakeholder
22 meetings, but at a certain point in time, decided to not attend
23 any longer?

24 A I'm sorry. Missed the first part of your question.

25 Q Is it accurate to say that at one point in time

1 members of the Coalition were attending some stakeholder
2 meetings, and then decided to no longer attend?

3 A For reasons, yes.

4 Q For reasons you stated earlier?

5 A They were being listed on the website as supporters as
6 far as I'm aware.

7 Q Is that what you were told?

8 A Uh-huh (affirmative).

9 Q Did you ever -- yes?

10 A Yes, I'm sorry. Yes.

11 Q Did you ever observe -- strike that.
12 Which website were you talking about?

13 A The RTC website.

14 Q Did you ever observe on the RTC website people listed
15 as being in support that you knew weren't in support?

16 A They never listed individuals. It was groups or
17 homeowner associations, and, yes.

18 Q And within your own neighborhood that you live in, has
19 it been your experience that some people are for the proposed
20 SEC, and some are against it?

21 A Yes.

22 Q Okay. What's next on Exhibit B?

23 A And again, I just had the time to go over this
24 briefly. I didn't get all the way through it.

25 Q Understood and acknowledged.

1 **A** Okay. So on page 5 where it states "your letter", I
2 think it's after the bullet points, the next paragraph after the
3 bullet points:

4 Your letter suggests that the SEC was not needed
5 because McCarran Boulevard is also a north/south connector, and
6 then it goes on to talk about the -- how do you put that?

7 Safety component of the SEC.

8 So, basically, when you are driving out of Hidden
9 Valley, you hit water before you are going to hit the road.

10 So the fact that they are touting this as a safety
11 component, and that it's an evacuation route is not accurate.

12 The water is going to be before the road. And so to
13 claim this in the public as one of the benefits is in our
14 opinion disingenuous.

15 **Q** Thank you.

16 Have you -- strike that.

17 Has the Coalition tried to study the -- by modeling or
18 engineering or otherwise, whether the proposed roadway will or
19 will not be above the 117-year flood level?

20 Do you understand?

21 **A** I was talking about the intersection. The roadway,
22 the actual roadway is going to be elevated on fill.

23 The intersections are supposed to be, according to
24 what we have heard and what we have seen, at grade.

25 **Q** And do you know as you sit here today what the current

1 proposed plan is at what would be the intersection of the
2 Phase II part of the SEC and Mira Loma?

3 **A** Currently, no. I can only go by what I was told at
4 meetings.

5 And at the last public meeting that RTC had at the
6 Hidden Valley school in May, I think it was, they indicated to
7 residents who showed up that the intersections were going to be
8 at grade.

9 **Q** And how long ago was that?

10 **A** I think was May 28th or 29th.

11 **Q** Of this year?

12 **A** Yes.

13 **Q** And do you agree with me -- strike that.

14 Are you familiar with some neighborhoods in the area
15 that we're talking about, I guess, east of the proposed SEC,
16 that may from time to time have their egress cut off during
17 flood events?

18 **A** They do now, yes.

19 **Q** Okay. Do you agree with me that that could create a
20 safety issue for people in those areas whose egress is cut off
21 during a flood event?

22 MR. PETTA: Objection. Question is unclear as to what
23 "that" is.

24 But you can answer if you understand the question.

25 THE WITNESS: No, I do not.

1 BY MR. COHEN:

2 Q Thank you.

3 Do you agree with me that it can create a safety issue
4 if there is a neighborhood, that during flood events, gets their
5 egress to and from the neighborhood cut off?

6 A Yes.

7 Q For example, if someone needs an ambulance, right?

8 A Yes.

9 Q Do you agree that that's worthwhile for people to look
10 at and try to remedy -- by that, I mean the situation where
11 people's neighborhoods are cut off during flood events?

12 A I do know that Hidden Valley now has its own fire
13 department that is staffed 24 hours a day. So they have actual
14 available medical in the community.

15 So -- I'm sorry. Go ahead.

16 MR. PETTA: Off the record for one minute.

17 **(Discussion off the record)**

18 BY MR. COHEN:

19 Q But Hidden Valley is just one of the neighborhoods
20 that we're talking about that is subject to being isolated
21 during flood events, correct?

22 A Yes.

23 Q And also even with a fire department present, which
24 I'm sure is a lot better than nothing if you are stuck and
25 isolated during a flood event, that still doesn't give you

1 egress to a hospital by ambulance, correct?

2 A Correct.

3 Q Do you agree that having neighborhoods cut off from
4 ambulance service during flood events does create a safety issue
5 for those neighborhoods?

6 A Yes.

7 Q What's next on Exhibit B?

8 A On page 6, the bottom of the first paragraph, where it
9 talks about the bridge in Phase I, have not only a clear
10 independent utility, but also serve an important and very
11 necessary safety function for our community.

12 Again, the intersection is going to be after the
13 water, so even if it's built, people aren't going to be able to
14 get to it.

15 Second, Phase II -- I'm sorry, paragraph two, it's the
16 Coalition's belief that if Phase I is completed without any
17 environmental reviews, you are locking in that route without
18 having any environmental studies done on different alternative
19 routes.

20 You are, basically, locking in one location without
21 studying others.

22 Q Hang on. I have a couple follow-up questions for you
23 while we're on that page.

24 In regard to the last sentence of the first paragraph,
25 which reads, the bridge in Phase I have not only a clear

1 independent utility, but also serve an important and very
2 necessary safety function for our community.

3 That's one of the sentences in this letter that you
4 believe the Coalition takes issue with?

5 **A** Yes.

6 **Q** And we talked earlier about independent utility.

7 Is your reason that you take issue with this -- strike
8 that.

9 Is there a reason you take issue with this sentence as
10 to the independent utility part anything different than what we
11 have talked about earlier?

12 Or did you already give me your reasons and your
13 position on independent utility?

14 **A** Can I get read back to me what I said about the
15 independent utility before?

16 **Q** It's probably a pretty long dialogue. Maybe I'll just
17 ask my -- see if I can --

18 MR. PETTA: Summarize.

19 BY MR. COHEN:

20 **Q** Maybe I can summarize or just cut to the chase with
21 some other questions to avoid that.

22 Does the Coalition have any factual basis to dispute
23 that the Phase I project itself has independent utility?

24 **A** No.

25 **Q** When you talk about that the roadway will be, after

1 the flood, I assume what you are saying is, that the houses that
2 are isolated will still be isolated because they can't get to
3 the elevated roadway?

4 Is that what you are saying?

5 **A** That's what we believe.

6 **Q** Okay.

7 **A** But we are -- don't have an environmental study.

8 **MR. PETTA:** Jump in for one minute. Do you mind?

9 I would like my client to have a second opportunity to
10 answer your question prior to this one about whether the
11 Coalition disputes the Phase I would or would not have
12 independent utility.

13 Do you mind reading that back to her and letting her
14 reconsider answering the question?

15 **MR. COHEN:** No.

16 **MR. PETTA:** Or perhaps asking it again?

17 **MR. COHEN:** Maybe I can ask it this way.

18 **BY MR. COHEN:**

19 **Q** Do you have anything further to add on the independent
20 utility issue that we have already discussed?

21 **A** Now I'm not clear about what your question was.

22 **Q** Okay. Do you have any factual -- strike that.

23 Does the Coalition have any factual basis to dispute
24 the RTC's statement that the Phase I construction project has
25 independent utility?

1 MR. PETTA: Objection.

2 Can you provide some explanation as to what factual
3 basis might mean?

4 BY MR. COHEN:

5 Q Yeah. Do you have any reasons -- strike that.

6 Does the Coalition dispute the statement, and then
7 I'll ask the reasons:

8 Does the Coalition dispute the statement that the
9 Phase I project has independent utility, or do you just not know
10 one way or the other?

11 A Well, yes. We dispute the statement that it has
12 independent utility because that's not what they are
13 advertising.

14 And technically, the alternative that they have
15 briefly mentioned as the Mill Street extension is not scheduled
16 to be done for years and years and years and years.

17 So the bridge has only one completion route, and that
18 is the one that they are proposing at this time.

19 Q And I guess the question is, I think you explained
20 this earlier, do you agree -- strike that.

21 Do you know of any reason why the Mill Street
22 extension cannot be developed to connect to the Truckee River
23 bridge part of the Phase I project?

24 A At this time?

25 Q Yes.

1 **A** No. Except that it's not scheduled to be done until
2 2035 or something like that.

3 **Q** And you understand that the schedules can change for a
4 number of reasons, correct?

5 **A** Yes.

6 **Q** And as you explained earlier, you saw -- strike that.

7 And I want to make sure I have your testimony
8 correctly, so I don't want to put words in your mouth.

9 Do you agree that there is nothing that would stop the
10 RTC from connecting the Phase I project to Pembroke?

11 **A** I don't know. There hasn't been an environmental
12 study yet.

13 **Q** Understood.

14 But you don't know of any other issues besides what
15 you just said that would keep the RTC from connecting the
16 Phase I project to Pembroke, correct?

17 **A** I'm sorry. Can you repeat that first part?

18 **Q** Yes. Do you know of any reason other than the fact
19 that there hasn't been an -- strike that.

20 Do you know of any reason other than that there has
21 not been an environmental study as to why RTC couldn't connect
22 the Phase I project to Pembroke?

23 **A** No.

24 **Q** And you understand Pembroke connects to McCarran,
25 correct?

1 **A** Yes.

2 **Q** Have you reviewed any information to indicate whether
3 or not the Sparks industrial corridor, the foothill corridor or
4 the ridge top corridor would also need a connection at Greg in
5 Sparks to the Truckee River bridge being built as part of the
6 Phase I project?

7 **A** I'm sorry. Could you restate that?

8 **Q** Yes.

9 Do you know whether or not the Sparks industrial
10 corridor, the foothill corridor, and the ridge top corridor
11 would all require the Phase I project bridge?

12 MR. PETTA: Object. Question compound, complex.

13 Perhaps you can define what those three corridors are,
14 or you can ask the question separately for each.

15 BY MR. COHEN:

16 **Q** Have you heard of those corridors before?

17 **A** Yes.

18 **Q** So you are generally familiar with the -- strike that.

19 Are you familiar with the fact that those are other
20 routes proposed that, to connect the north area to the south
21 area, different than the valley corridor?

22 **A** They were, they were several that -- you are missing
23 some, but there were others, but, yes.

24 **Q** And that's a good point.

25 You are aware of the fact, and the Coalition is aware

1 of the fact, that multiple routes and corridors have been looked
2 at to try to connect the north to the south, correct?

3 A Yes.

4 Q And the Coalition just doesn't like the choice of the
5 corridor and the route that was ultimately selected, correct?

6 A Well, I think that that's kind of putting it -- the
7 fact, you are just saying we just don't like it?

8 That's, we want to make sure that we're not going to
9 be environmentally damaged or have our safety compromised.

10 Q Okay.

11 A It's not that we just don't want to look at a road.
12 Of course, that's a factor.

13 Q Okay. But you are not sure, then, the Coalition is
14 even against the SEC or not.

15 You just want the study done first?

16 MR. PETTA: Objection. Compound.

17 BY MR. COHEN:

18 Q Go ahead.

19 A Could you rephrase that?

20 Q Certainly.

21 Are you saying that the Coalition doesn't necessarily
22 object to the SEC in its current plan and location, you just
23 don't know, and don't want to say one way or the other until an
24 environmental study is done first?

25 A We would like an environmental study done before we

1 make any commitment on whether or not we're for or against it.

2 Q Thank you.

3 And so back to the corridor question.

4 You -- strike that.

5 Do you understand that the Sparks industrial corridor,
6 the foothill corridor, and the ridge top corridor are names
7 given to other routing of possible or conceptual ways to connect
8 traffic from the north to the south?

9 A Yes.

10 Q And as you sit here today, do you or do you not know
11 whether each of those would need to connect to Greg in Sparks
12 and cross the Truckee River where the current Phase I bridge is
13 being built?

14 A I don't recall. It's been a long time since I saw
15 those maps.

16 Q Okay. So you don't know one way or the other?

17 A Right.

18 Q Okay. Do you agree with me if those maps showed that
19 all of those corridors that have been conceptually considered
20 and discussed would need -- strike that.

21 They all would need to cross the Truckee River, would
22 they not, to connect to the north?

23 MR. PETTA: Objection. Leading question.

24 But you may answer if you think you can answer it.

25 THE WITNESS: Yes.

1 MR. COHEN: Thank you.

2 Counsel, just for the record, I think I'm allowed to
3 ask leading questions in this context.

4 MR. PETTA: Absolutely. I'm also allowed just to
5 object for the record.

6 BY MR. COHEN:

7 Q Understood.

8 Okay. Exhibit B, what's next?

9 A I think that was all we had time to review. I didn't
10 get a chance to look at the other 7, 8 pages.

11 Q As you sit here today, is there anything else that
12 jumps out at you -- strike that.

13 As you sit here today is there anything that you can
14 specifically recall when you reviewed Exhibit B, the July 24
15 letter, that you take issue with, other than what we have
16 discussed today?

17 A I don't recall.

18 Q Miss Rhodemyre, I'm going to try to run through
19 several points in Exhibit B, the July 24 letter quickly, but I
20 don't want to rush you.

21 I'm going to try to phrase this so we can get in, get
22 out, and be done.

23 But if you need more time, or as we have been doing
24 all along, you have been doing a fine job of this, if you don't
25 understand my question, just tell me, and I'll repeat.

1 MR. PETTA: Or if I may suggest, if you will allow us
2 more time to review the remaining pages of the letter, we would
3 also be happy to do that.

4 BY MR. COHEN:

5 Q Okay. In preparation for the deposition today, did
6 you review this July 24 letter at all?

7 A I have read it, but it was a couple of weeks ago.

8 Again, I have not had time to review, we talked about
9 that earlier, a lot of the documentation before this deposition.

10 Q Okay. So it's been at least a couple weeks since you
11 have looked at the letter?

12 A Yes.

13 Q You had notes from the letter, but you have those at
14 home?

15 A Yes, and they weren't much more than, you know,
16 asterisks like I have done here.

17 Q Let me go through some parts, and then we'll take up
18 the issue of whether you need more time or want more time or
19 whether that would be productive.

20 On the first page of the letter, it refers to the SEC
21 project as involving no federal funds.

22 Miss Rhodemyre, as you sit here today, do you have any
23 reason to believe that that statement is incorrect?

24 MR. PETTA: Objection. Can you give her a moment to
25 find that part in the letter, and she can read it?

1 BY MR. COHEN:

2 Q Sure.

3 I'm sorry. Let me help you because you were doing the
4 same thing -- it's the second paragraph, line, fourth line.

5 A Where it says federalized?

6 Q Before that.

7 Where it ends in that, but the first part of that
8 sentence is, quote, the SEC project is using no federal funds,
9 end quote.

10 Does the Coalition take issue with that specific
11 statement?

12 A No.

13 Q Thank you.

14 A few lines later, it starts with the jurisdictional
15 waters, four sentences, four lines in the same paragraph, do you
16 see where it starts with the jurisdictional waters impacted?

17 A Uh-huh (affirmative).

18 Q And I'll quote: The jurisdictional waters --

19 A I'm sorry. Yes.

20 Q Okay.

21 Quote, the jurisdictional waters impacted in Phase II
22 comprise a very small facet of the overall project, end quote.

23 Does the Coalition dispute or take issue with or agree
24 with this statement that the part of the Phase II project that
25 impacts federal waters, waters of the United States, is a

1 limited part of the project?

2 A We haven't had a chance to review the permit yet.

3 Q So you haven't done that analysis yet?

4 A Right.

5 Q So you can't say one way or the other at this time?

6 A Right.

7 Q Thank you.

8 Is the Coalition's position that wetlands are a good
9 and positive thing for the community?

10 A Yes.

11 Q Do you know as you sit here today the ratio of
12 proposed increase, net increase of wetlands, if the SEC project
13 is done to completion based on the currently proposed plans?

14 A No. Not exactly.

15 Q Are you aware of the fact that the RTC has proposed
16 increasing the amount of overall wetlands when the project is
17 done?

18 A That's what they say.

19 Q You have no reason to dispute that, do you?

20 A No.

21 Q To your knowledge, does the Coalition have any basis
22 to dispute studies for the community that show improvement in
23 air quality if a north/south connector is in fact built?

24 MR. PETTA: Objection. Assumes it's studies for the
25 community.

1 But if you know of the studies, you can answer.

2 THE WITNESS: I am aware there are some out there. I
3 have not read them.

4 BY MR. COHEN:

5 Q Then to your knowledge as you sit here today does the
6 Coalition, as best you know, have any way to or basis to dispute
7 traffic and other studies in regard to net improvements in air
8 quality?

9 A No, we have no way of knowing.

10 Q Do you agree that it's been a matter of public record
11 that the valley corridor, the corridor where the SEC is now
12 proposed, was voted on by the RTC Commission as the corridor
13 selected for this roadway in 2007?

14 A Yes, I was there.

15 Q Is the Coalition aware that both Sparks and Reno
16 granted a construction easement to the RTC for the Phase I
17 construction?

18 A Yes.

19 Q Do you agree that the first time the proposed Phase II
20 construction project would impact waters of the United States
21 would begin approximately two miles south of the end of Phase I?

22 MR. PETTA: I'm going to object only as to the meaning
23 of "time."

24 Do you mean the first place or the first time?

25 ///

1 BY MR. COHEN:

2 Q Fair point.

3 And I meant first place. First location.

4 You referred earlier, and I'll try to ask my question
5 better as well, because I know it was very cumbersome. I saw
6 the look on your face. I know what that means. We'll see if we
7 can do better.

8 You are aware, because you said it even more
9 technically than I did earlier, that Phase I is scheduled to end
10 approximately 800 feet south of Clean Water Way, correct?

11 A Yes.

12 Q And from there, are you aware with the currently
13 planned Phase II, that the first place the roadway work would
14 impact, the first location where it would impact waters of the
15 United States is approximately 200 -- sorry, two miles south of
16 the end of Phase I?

17 A Roughly.

18 Q Okay. Are you aware that in November of 2010, the RTC
19 designed the SEC project to include a Phase I and a Phase II
20 aspect to the project?

21 A No, I'm not aware of that.

22 Q But you are not saying that that's untrue, are you?

23 A No.

24 Q You just don't know one way or the other?

25 A Right.

1 **Q** Do you know as you sit here today what the RTC is
2 proposing to do with the historic mercury in the soil as part of
3 this construction project?

4 **A** Just what we have been told verbally.

5 **Q** Okay. You haven't read any of the studies about how
6 they were attempting to sequester or anything like that?

7 **A** I haven't read them, no.

8 **Q** Okay. Have you heard that proposed plan is to
9 sequester mercury?

10 **A** I heard that, yes.

11 **Q** And what's your understanding of that? Do you
12 understand what that means, to sequester the mercury?

13 **A** Yes, I understand.

14 **Q** What's your understanding?

15 **A** My understanding is that they think they are going to
16 collect it all and put it under the roadway, and then put
17 asphalt on top of it.

18 That's my understanding of what they are planning on
19 doing.

20 **Q** Okay. And do you have any engineering or scientific
21 basis to -- by you, I mean the Coalition -- to dispute or take
22 issue with the RTC's plan for addressing historic mercury in the
23 Phase II?

24 **A** No engineering. Sorry. No engineering.

25 **Q** Okay. By the way you're answering the question, do

1 you just have some gut feeling that you think it won't work the
2 way they are saying? Is that -- I'm not trying to read your
3 mind, but --

4 MR. PETTA: I'm going to object as to the form of the
5 question, in that it's a little leading, although that's your
6 prerogative.

7 BY MR. COHEN:

8 Q I will see if I can ask my question again.

9 As you sit here today does the -- strike that.

10 Does the Coalition have any basis to say that the
11 RTC's plans for addressing historic mercury in the SEC -- strike
12 that. Sorry.

13 The RTC -- strike that.

14 The RTC's position is, as I believe you know, that
15 their proposed plan for addressing historic mercury is going to
16 be a net improvement in the floodplain.

17 Are you aware that that's their position?

18 A That's their position.

19 Q As you sit here today, can you tell me if the
20 Coalition has any basis to believe that the RTC is incorrect in
21 its position that its work will be a net improvement for mercury
22 in the floodplain?

23 A Are you asking if we have done studies?

24 Q The -- thank you.

25 The first question is, do you take issue with the

1 RTC's statement?

2 A The USECC does take issue with that statement.

3 Q And then my next question is, what's the basis of the
4 Coalition for taking issue with that statement?

5 A While we have not had any studies done, because we
6 would like to have an environmental impact study done before
7 they do this work, our view is, if they are planning on building
8 a floodable road, and the water, flood waters over there are
9 very, very swift, containing mercury-contaminated dirt with
10 mercury under a roadway does not appear to have any basis in
11 common sense.

12 Q And do you have any -- strike that.

13 Does the Coalition have any scientific or engineering
14 basis to take issue with the RTC's proposed approach for
15 addressing historic mercury?

16 A No.

17 Q And do you know whether the mercury is going to be in
18 some way encapsulated as part of the RTC's process?

19 MR. PETTA: Objection. Unclear question.

20 Perhaps you can define encapsulated in comparison to
21 sequester.

22 Unless you understand, of course, in which you may
23 answer.

24 THE WITNESS: I would like a definition.

25 ///

1 BY MR. COHEN:

2 Q Okay. As part of the construction technique -- and I
3 think I have used the term sequester already, and you seem to
4 understand that, and this time I used encapsulated.

5 I'll go back to sequestered.

6 Do you know what the RTC proposes to do to sequester
7 the historic mercury?

8 A All I have heard is that they are going to put asphalt
9 on top of the dirt that they have collected.

10 I have not had a chance to read the permit yet.

11 Q Okay. So you are not sure if they are doing something
12 else besides that?

13 A No.

14 Q Okay. So at this time, the Coalition doesn't know
15 whether the RTC's proposed treatment for historic mercury will
16 or will not be a net improvement for the environment, you don't
17 know one way or the other, correct?

18 A Correct.

19 Q I'm going to do the unusual thing in this deposition.
20 I look at my cellphone because I have an email from
21 your attorney where I think we have more or less agreed that I
22 would read a piece into the record as a way I would phrase a
23 question.

24 So I don't want you to think I'm just text messaging
25 or checking emails or something.

1 Of course, I have it open to the right one.

2 I'm now back to Exhibit A of the deposition notice,
3 paragraph 13.

4 And I will just tell you, Miss Rhodemyre, that your
5 attorney and I have had some communications prior to the
6 deposition about this in a manner of trying to ask a question
7 and make it easy, I'll put that in quotes.

8 The specific question to you is asking for the
9 Coalition's factual basis for the statement on page 19 of the
10 motion for preliminary injunction, at which time the Coalition
11 states, quote, any delay caused by the preliminary injunction,
12 period, period, period, be short, and thus will have minimal or
13 no effect on the ultimate completion date of the SEC, end quote.

14 And your counsel has advised, and I'll just read this
15 into the record, then ask my question.

16 Quote -- and let me back up.

17 She advised that part of the legal papers already
18 submitted by the Coalition are their response for this one, as
19 opposed to having you do it, because it's a more lawyer-type
20 issue, I think, from your counsel's perspective.

21 So I'll read this in the record as I told her I would.

22 Quote, any delay caused by the preliminary injunction
23 will be short, and thus will have minimal or no effect on the
24 ultimate completion date of the SEC.

25 The Coalition's claims could likely be resolved in the

1 next several months. Its claims against the Corps is
2 brought under the ATA, and thus, can be decided on summary
3 judgment based upon an administrative record which claim against
4 RTC is similarly narrow in scope, and could most likely be
5 resolved by summary judgment as well.

6 The Coalition is willing to brief such a motion on an
7 expedited schedule, if necessary.

8 Paragraph, continuing the quote: Meanwhile, it
9 appears that RTC is months ahead of schedule on Phase I, see
10 Petta declaration Exhibit 43, at one, parentheses, indicating
11 intersection improvements at Greg Street and Sparks Boulevard
12 will be completed months ahead of schedule, parentheses, close
13 period.

14 RTC has acknowledged it cannot start Phase II until
15 the Corps has processed its revised permit application, see, id,
16 Exhibit 40.

17 This process will likely take several months, id.

18 Given this schedule, a delay on Phase I of several
19 months will have virtually no impact on the completion of the
20 SEC if the Corps ultimately approves it, end quote.

21 And just for the record, the RTC vehemently disagrees
22 with that statement.

23 But my question to you is, do you have anything to add
24 to that response that your lawyer provided as to this paragraph
25 13 of Exhibit A?

1 MR. PETTA: Objection. Unclear for a couple reasons.
2 First of all, that your lawyer provided that, presume
3 you mean provided in the brief, not to the client.

4 MR. COHEN: Yes.

5 MR. PETTA: And the second is, anything to add might
6 call for a legal conclusion.

7 So are you asking for a factual basis here?

8 MR. COHEN: Yes. That's a good point.

9 MR. PETTA: Okay.

10 BY MR. COHEN:

11 Q Of the quoted language I read that came from your
12 counsel, which comes from the Coalition's legal papers filed in
13 this case, do you have any additional statements, factual or
14 otherwise, to add to that response?

15 A No.

16 You guys are going to run out of the Post-It notes.
17 Sorry.

18 Q Miss Rhodemyre, does the Coalition contend that the
19 construction of Phase I will prevent the consideration of
20 reasonable and potentially less environmentally adverse
21 alternatives with respect to future phases of the SEC's
22 construction?

23 MR. PETTA: I object because the question as stated
24 could again call for a legal conclusion.

25 If you can answer it, go ahead.

1 THE WITNESS: Would you repeat it?

2 BY MR. COHEN:

3 Q Of course it will be subject to the objection.

4 Does the Coalition contend that the construction of
5 Phase I will prevent the consideration of reasonable and
6 potentially less environmentally adverse alternatives with
7 respect to future phases of the SEC's construction?

8 A Considerations, yes.

9 Q And what's your basis for that?

10 A We don't have one. There hasn't been any
11 environmental impact studies done yet.

12 Q Then just so I'm clear, your reason -- strike that.

13 The reason the Coalition contends that the Phase I
14 construction may prevent consideration of reasonable
15 alternatives is because no EIS study has been done; is that
16 right?

17 A Could you repeat that?

18 Q Yes.

19 Is the reason, is the lack of an environmental study
20 having been done the only reason you can think of as you sit
21 here today that the Coalition contends that the Phase I
22 construction may prevent the consideration of reasonable
23 alternatives?

24 A No.

25 Q Is there other reasons?

1 **A** Well, our belief is that if Phase I is allowed to be
2 completed, then that will be a consideration or a factor in
3 whether or not Phase II is approved, and so we want to make sure
4 that the entire road is considered as one project, to make sure
5 that there is an environmental study done on the entire road.

6 **Q** Any other reasons why you -- why the Coalition would
7 contend that Phase I may have an impact on the consideration of
8 reasonable alternatives?

9 Or have you pretty much expressed the reason?

10 **A** At this time, I can't think of another reason.

11 MR. COHEN: Let me go off the record, and we'll take
12 another short break. We'll see if we can wrap it up.

13 MR. PETTA: Okay.

14 **(A recess was taken)**

15 BY MR. COHEN:

16 **Q** Miss Rhodemyre, we're back on the record, I think.
17 Famous last words for a lawyer, I just have a few more
18 questions.

19 Are you aware of correspondence -- strike that.

20 Have you seen correspondence from the RTC to the Corps
21 prior to the RTC proceeding with Phase I construction, and then
22 the Corps' response to that, have you seen those letters?

23 Do you know which letters I'm talking about?

24 **A** So I think I have discussed these with my counsel, so
25 I don't know if I should be answering this question.

1 MR. PETTA: Just answer his question as it is stated.

2 THE WITNESS: Okay. Can you repeat the question?

3 BY MR. COHEN:

4 Q Certainly.

5 Are you familiar with those letters?

6 A I have perused them. I haven't read them in depth.

7 Q Okay. Fair enough.

8 Are you aware as the spokesperson for the Coalition
9 that the Corps decided it did not have jurisdiction over the
10 RTC's Phase I construction project?

11 A That's my understanding.

12 Q And do you know -- strike that.

13 Do you know how the Corps determines whether it has
14 jurisdiction or not?

15 A I'm going to say I don't know.

16 Q Okay. Earlier you talked about some understanding of
17 waters of the United States, correct?

18 A Yes.

19 Q Do you know whether or not -- strike that.

20 Do you take issue with the Corps -- strike that.

21 Are you aware that the Corps decided in November of
22 2012 that it, the Corps, did not have jurisdiction over the
23 RTC's Phase I construction project?

24 A That's my understanding.

25 Q And does the Coalition take issue with that decision

1 by the Corps?

2 A Yes.

3 Q Why?

4 A In our --

5 MR. PETTA: I'm going to object because that, that
6 requires a legal conclusion, or it could.

7 So are you asking for factual basis only?

8 BY MR. COHEN:

9 Q As the spokesperson for the Coalition, can you tell me
10 the Coalition's reasons, and if there's any factual basis for
11 those reasons, as to why you would take issue with the Corps'
12 decision?

13 A In RTC's original permit application, it was one
14 project, one road, and we were prepared to follow the steps
15 needed to take, to make sure that that was done under an
16 environmental impact study.

17 Wasn't until the winter of 2012-2013 that we found out
18 that RTC was segmenting the project, and was starting or going
19 to soon start with what they were now calling Phase I.

20 So it's our belief that the entire project should have
21 been considered as one project, not phased out, and that's a
22 huge basis of our issue.

23 Q And I -- strike that.

24 Earlier you mentioned that the Coalition is planning
25 to make comments in regard to the July 2013 proposed Phase II