

1 project for permit, correct?

2 A Correct.

3 Q I assume that if you are making the comments, that you
4 are hoping they would be listened to by the Corps?

5 A Yes.

6 Q And do you agree with me that would then, if your
7 comments were listened to, then part of what was proposed in
8 July of 2013 might change in light of your comments if you have
9 your way, correct?

10 A Yes.

11 Q And so part of the process that the Corps goes through
12 is taking comments, and then what was originally proposed may
13 have to change in light of comments, correct?

14 A That's my understanding of the process.

15 Q Okay. In regard to the proposed conceptual plan for
16 the SEC submitted in May 2011 that you were talking about, you
17 were talking about a 404 permit submitted in May of 2011,
18 correct?

19 A Yes.

20 Q Comments were made in regard to that plan, correct?

21 A Yes.

22 Q And do you agree with me that -- strike that.

23 Would the Coalition's position -- strike that.

24 Was the -- strike that, because the Coalition didn't
25 exist then.

1 Do you agree with me as a spokesperson for the
2 Coalition that it makes sense that that May 2011 plan was
3 altered in light of comments people submitted?

4 A Do I agree with you on that?

5 Q Yes. That makes sense to you, doesn't it?

6 A Apparently, yes.

7 Q Just like for the current version that was submitted
8 in July of 2013, you're hoping, I assume, that there may be
9 additional changes in light of the comments that you may submit,
10 correct?

11 A Correct.

12 Q It's understood that part of the 404 process is that
13 when comments are made, the Corps may require or the applicant
14 who submitted the application may make changes in light of
15 stakeholder comments.

16 That's just part of the process, right?

17 A Yes.

18 Q And you understand that the May 2011 permit
19 application by RTC drew lots of comments from various
20 stakeholders, correct?

21 A Yes.

22 Q And it's not a surprise to you that RTC reacted and
23 addressed many of those comments, correct?

24 A Correct.

25 Q I mean, it makes sense to you that they would address

1 comments by some of the stakeholders, correct?

2 A You would think.

3 Q And do you know as you sit here today whether the
4 Phase I project that's underway at this time does or does not
5 impact any waters of the United States?

6 A We don't know.

7 Q Do you, as you sit here today as the spokesperson for
8 the Coalition, have a basis to take issue with the Corps'
9 decision to decline jurisdiction over the Phase I project?

10 MR. PETTA: Objection. Asked and answered.

11 You can still answer.

12 THE WITNESS: So we are unclear about how the first
13 process stopped and the second process started.

14 Those questions haven't been answered.

15 BY MR. COHEN:

16 Q Other than that, do you have any other response to
17 that, my last question?

18 A Can you repeat the question?

19 Q Yes. Would you mind reading it back?

20 A Sorry.

21 **Record read by the reporter as follows:**

22 **"QUESTION: Do you, as you sit here today as the**
23 **spokesperson for the Coalition, have a basis to take issue with**
24 **the Corps' decision to decline jurisdiction over the Phase I**
25 **project?"**

1 THE WITNESS: I'm still going to stick with my answer,
2 but --

3 BY MR. COHEN:

4 Q Which is, basically, that you just don't know how that
5 came about?

6 A Exactly.

7 Q Okay. Anything else?

8 A No.

9 Q To your understanding as the spokesperson for the
10 Coalition, once the Corps advises RTC that the Corps declines
11 jurisdiction over the Phase I project, how, then, can RTC get a
12 404 permit for the Phase I project?

13 A I think that is beyond my scope of how the process
14 works.

15 MR. COHEN: Very well, ma'am. Thank you. I have
16 nothing further.

17 MR. PETTA: Thank you.

18 THE WITNESS: Thank you very much.

19 MR. COHEN: Peter, any questions?

20 MR. DYKEMA: No questions from the federal defendants.

21 MR. PETTA: Nothing further from us, other than are
22 you going to provide a transcript to all parties?

23 **(Discussion off the record)**

24 MR. PETTA: Is there anything that you can think of
25 that you want to change or clarify?

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THE WITNESS: No.

MR. PETTA: No. Okay. Just wanted to give you the opportunity.

That's fine.

THE WITNESS: I hope.

MR. PETTA: We can go off the record.

(Proceedings concluded at 12:52 p.m.)

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STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, DEBORAH MIDDLETON GRECO, a Certified Court Reporter in and for the State of Nevada, do hereby certify:

That on Friday, August 23, 2013, at the hour of 10:05 a.m. of said day, at 6100 Neil Road, Suite 500, Reno, Nevada, personally appeared KIM RHODEMYRE, who was duly sworn by me to testify the truth, the whole truth and nothing but the truth, and thereupon was deposed in the matter entitled herein;

That I am not a relative, employee or independent contractor of counsel to any of the parties, or a relative, employee or independent contractor of the parties involved in the proceedings, or a person financially interested in the proceeding;

That said deposition was taken in verbatim stenotype notes by me, a Certified Court Reporter, and thereafter transcribed into typewriting as herein appears;

That the foregoing transcript, consisting of pages 1 through 86, is a full, true and correct transcription of my stenotype notes of said deposition.

DATED: At Reno, Nevada, this 23rd day of August, 2013.

DEBORAH MIDDLETON GRECO
CCR #113, RDR, CRR