

## SR 530 Landslide Commission

Wednesday - September, 10 2014; 5:00-8:00 p.m.  
The Everett Community Resource Center 3900  
Broadway, Everett, WA 98201

### Draft Meeting Summary

#### ATTENDANCE

See Attachment 1

#### WELCOME AND MEETING OVERVIEW

##### Discussion:

##### Communications and Community Outreach

Kathy Lombardo, Executive Director, has contacted and met with a number of people. Her main takeaways from several conversations between her and other Commissioners with family members include:

- Extreme difficulty reporting missing family members. There was no standard form, no single point of contact or a coordinated system for notification that someone was missing. This caused significant hardship and pain for family members; they were forced to repeat the same information time and again.
- There was a great sense of urgency among the many qualified volunteers/loggers/contractors and family members to rescue their loved ones immediately following the slide. This was an 800 acre mud, water slurry and debris field; the perspectives from the families and volunteers in Darrington was that there were few if any first responders available during the first few days of the event.
- Candid, open, and frequent communications updating families as to the status of search and rescue operation was critical. Since community members were 'in the mud' they knew what they saw and TV reports did not seem to represent what they experienced. This was very frustrating for family and community members particularly in Darrington.
- While there were helicopters flying on rescue missions there were few if any first responders on the ground looking for survivors.
- Most prefer to refer to the event as the *Highway 530 Landslide*.
- Oso, Darrington and Arlington experienced this catastrophe very differently. Darrington was completely isolated as most communication systems were cut off.

A commissioner commented that sometimes there is an assumption that agencies are always on the same page and unified command solves all problems during emergency situations—this is not necessarily true. This commissioner suggested that using checklists more robustly may improve coordination among multiple agencies.

Kathy continues to receive emails from a variety of people and will send them to all Commissioners. It was suggested that she could also print the emails and bring them to each meeting. She won't be printing emails as she does not have a printer with double siding capabilities; therefore, she will continue to forward emails rather than provide them in print.

### Review August 22<sup>nd</sup> and 28<sup>th</sup> Meeting Summaries

Suggested revisions to the August 28<sup>th</sup> Draft Meeting Summary were reviewed. The Commission supported the revisions. These changes will be made to the Draft Summary and a Final Summary will be posted on the website.

### Meeting Agreements: Review and Agree on Decision-making Process

The new amendment to the Operating Principles and Meeting Agreements regarding consensus decision-making was reviewed. The amendment states, *“The Commission will strive to reach consensus on its decisions, in order to arrive at recommendations which can be supported by the Commission as a whole. If consensus can’t be reached, a decision may be made with a consensus of the members present, less no more than three dissenters; however, no decision will be made by the Commission without at least 7 members in support”*.

### **Decisions and Action Items:**

- Commissioners agreed to the new amendment regarding consensus. The final version of the adopted SR 530 Landslide Commission Operating Principles and Meeting Agreements will be posted on the SR 530 Commission website.
- August 22<sup>nd</sup> and August 28<sup>th</sup> meeting summaries were approved with edits to August 28<sup>th</sup>.

## **FEMA ACTIVATION AND LESSONS LEARNED**

**Presentation-** FEMA Activation and Lessons Learned from the SR 530 landslide – Mike Hall, Federal Coordinating Officer, FEMA Region X

**Presentation materials-** available at [www.bit.ly/sr530commission](http://www.bit.ly/sr530commission)

- Handout: Disaster Declarations, FEMA’s Support to the State

Mike Hall provided an overview of the Federal Emergency Management Agency’s (FEMA) organizational chart and structure of FEMA. He discussed the process and timing for a declaration of an emergency and how that relates to the release of federal funds. He stated that once a request for a federal emergency declaration is submitted it is considered “in process”. The request comes from the Governor to the President. The President makes the decision in consultation with the FEMA Administrator. The decision is communicated via a letter and a phone call to the Governor and is published in the Federal Register. When a national emergency is declared, then the FEMA Regional Administrator works with the federal coordinating officer to release funding. The State is considered the grantee. The State is then responsible for coordinating with local municipalities.

Mike Hall explained that in the case of the SR 530 Landslide, the disaster happened on a Saturday and on the following Monday FEMA was able to begin the process. There is an operational area field office in Washington State. The State coordinating officer has to be part of the decision-making with FEMA. Kurt Hardin was the State coordinating officer during the SR 530 Landslide.

Mike Hall emphasized that each incident provides opportunities for lessons learned and process improvements. He reviewed some ideas for improvements. These included:

- Important to *build relationships before an event* and to routinely share protocols
- Due to the large potential of incidents in Washington State it is important to identify improvements and put those mechanisms into place. One important area to improve upon is the process for tracking costs and having appropriate

information gathered. This is difficult for local agencies. It is critical to identify protocols and methods for collection of information since there are incidents 5-6 years old that are still trying to collect the necessary information for reimbursement.

Mike Hall suggested that the Commission contact other states that have learned important lessons and have fine-tuned their processes. He suggested contacting Louisiana, New Jersey and New York.

The presentation was followed by a question and answer session with Commissioners and the presenter.

#### **Outcomes from Q&A – Consider Further Exploration**

- The appropriate process for developing a standard form and coordinated system for notification of missing persons. This could possibly be accomplished through existing regional meetings of emergency management personnel. Consider whether posting on WebEOC is possible. Unclear whether all municipalities/agencies have access to WebEOC. Explore whether the State could lead this effort since many municipalities are small and don't have the resources.
- Gather information from Louisiana on lessons learned and examples of effective strategies for:
  - Building strong relationships between the State, Parishes and the City agencies
  - Clear understanding of Parishes' roles and responsibilities and how they engage in an incident and understand policies and regulations
  - Knowing what to document, how to document and for gaining clarity about what they can get reimbursed for
- How to effectively utilize "navigators" (a person who provides individual assistance to impacted persons in navigating resources and services). Consider whether there are sufficient resources to support "navigators". Consider how to improve the timing of this assistance.
- Development of a single form and system for collection of information for cost recovery and reimbursement of costs. Also, how to create a shared understanding of what is reimbursable.
- How to fully engage County emergency managers on a regular basis with the State and Region X for trainings, workshops and town hall meetings.
- Whether national landslide mapping and landslide insurance is feasible.

#### **WA STATE EMERGENCY MANAGEMENT AND LESSONS LEARNED**

**Presentation-** SR 530 Landslide, State Emergency Management and Lessons Learned – *Robert Ezell, Director, State Emergency Management*)

**Presentation materials-** available at [www.bit.ly/sr530commission](http://www.bit.ly/sr530commission)

- PowerPoint – *Washington Military Department, Emergency Management Division*

Robert Ezell provided a brief overview of the Washington State Emergency Management Department and their role in responding to incidents in the State. He focused his presentation on key lessons learned from the Washington State level. Robert Ezell emphasized that it is important to shift overall way of thinking to become more proactive and not only reactive. He recommended a list of "game changers" that he believes are significant to improving emergency preparedness, response and recovery statewide.

The presentation was followed by Q & A.

#### **Outcome from Q&A - Consider Further**

- Improved protocols and training to local jurisdictions on effective communication with the media during an incident especially related to communicating information about fatalities, injuries and property destruction
- The pros and cons of using drones for gaining situational awareness
- Creation of a State clearinghouse for GIS. Potentially residing in State Consolidated Technology Services
- How to improve JIC and JIS systems especially in disasters with multi-agency response
- Impact of expanding State Mobilization Plan to be all hazard on the State budget as well as how best to structure how decisions would be made, the criteria and who would be the gate keeper.
- Sustainable funding for emergency management statewide including focus on resilience

### **COMMISSION TIMELINE, UPCOMING MEETINGS, NEXT TASKS**

#### **Discussion of Draft Timeline and Milestones**

Mike Gaffney reviewed the Commission's Draft Process Timeline (Attachment 2) and Checklist (Attachment3) noting that by November 15 a draft report is to be reviewed by selected members of the community. Mike reviewed the overall flow of the timeline highlighting the tasks that need to be accomplished and confirmed with Commissioners that these tasks were an adequate representation of the process. The draft timeline discussed was modified in the meeting to provide additional time for research group report backs and more time to discuss recommendations. The Draft Process Timeline (Attachment 2) is modified to reflect those changes. Research Groups will report back on Oct. 2 and Oct. 13 meetings. Recommendations will be discussed on Oct.20 and Nov. 4.

Commissioners discussed how best to define what would be required in a "draft" report. Commissioners commented that it could be a list of recommendations and priorities. It will be helpful to begin to construct an outline of the report. Questions were raised as to how specific the recommendations need to be, what kind of performance standard is trying to be accomplished by each recommendation. It was clarified that the Commission is responsible for deciding the degree of specificity and how the recommendations are presented.

Commissioners discussed how best to get comments from the community reviewers back on the draft report. Kathy stated that she is beginning to ask the reviewers what might work for them. She stated that the draft report would be available by November 15 and that she may hold individual or joint face-to-face meetings with the reviewers ahead of the submittal deadline.

Commissioners also discussed an approach for putting together the incident timeline. Commissioners suggested that John Snyder, the report technical writer, develop a rough incident timeline based on the after action reports received to date. Commissioners discussed whether a smaller group was needed to focus on putting together the incident timeline. It was stated that there might be enough information in after action reports to put together an adequate incident timeline.

#### **Responsibilities and Reporting Timeline for Research Groups**

Topical areas for the research groups, membership and group leaders were clarified. The research groups were defined as:

Research Group	Membership	Lead
Land use, geologic issues, hazards and mitigation of hazards	Paul Chiles, Diane Sugimura, Bill Trimm, David Montgomery, Wendy Gerstel	Bill Trimm and Wendy Gerstel
Emergency Response including use of volunteers, communications and fatality management	John Erickson, JoAnn Boggs, Renee Radcliff Sinclair, Lee Shipman, Chief Strachan	John Erickson
State Mobilization Plan	Tbd if needed	Jill Boudreau

Roles and responsibilities of the research groups as well as the timeline for reporting back to the Commission were discussed. Research group meeting agendas will be posted on the commission webpage at least 24 hours before each meeting.

The roles and responsibilities of the research groups are defined as:

- Identify what additional information is needed to gather and from who
- Identify key subtopics
- Gather information through interviews, questionnaires, reports, written testimony
- Review information and identify key challenges
- Identify key issues for commission to consider
- Present research to commission

Research groups, to the extent they emphasize particular areas of commission work, function only in an advisory capacity to the full Commission. The decision making process set forth and agreed upon in the Operating Principles and Meeting Agreements reflects that a minimum of seven members must agree on any recommendations the Commission makes.

#### **Discussion to Identify Presentations for Future Commission Meetings**

Commissioners identified presenters for the September 30<sup>th</sup> meeting. One is John Pennington and the other is a person to discuss land use and geology.

#### **Decisions and Action Items**

- John Snyder (technical report writer) will develop a rough draft of the incident timeline for Commission review
- Kathy will request the draft after action report from the State EMD
- Commissioners agreed that providing the draft report to community reviewers by November 15 and then meeting with them in face-to-face meetings was necessary in order to meet deadlines
- Kathy will contact Jill Boudreau to remind her that she volunteered to research the legislative history of the State Mobilization Plan
- Kathy will contact John Pennington and Dave Norman, the State geologist, to present to the Commission on September 30
- Fatality management will be reviewed in the emergency response research group
- Research groups will meet immediately after the Commission meeting to schedule meeting times. It may be useful to meet on Oct. 1 in between the Sept. 30 and Oct.

2 Commission meetings to maximize the availability of Commission members who are traveling far distances to the Commission meetings

- Kathy will clarify the time and location of the Sept. 18 meeting once she has completed contacting families in the area
- The Sept. 18 meeting will focus on listening to feedback from the community and families
- The Oct. 2 agenda will include an update on the State Mobilization Plan

**PUBLIC COMMENT**

***Public Comment Sign-up Sheet and written testimony attached***

**Summary of first commenter:**

Mr. Gordon Ness provided a handout to Commissioners (attached). He also discussed that the operating principals had been changed from when the Commission was first planned. He stated that originally it had been declared to have a broader mission and then morphed in formation into just discussing reaction to the event. He believes it is important to address geologic risks and identify how to lessen the risks. He believes that risk can be lessened by reducing the clear-cutting of trees. He acknowledged that the time for the Commission to do its work is short. He intends to continue to attend Commission meetings since there will be some discussion about geology.

**Will Knedlik - Summary of comments:**

The commenter read and provided a copy of his written testimony (attached) to the Commission. He emphasized the need to consider historic information in assessing risks.

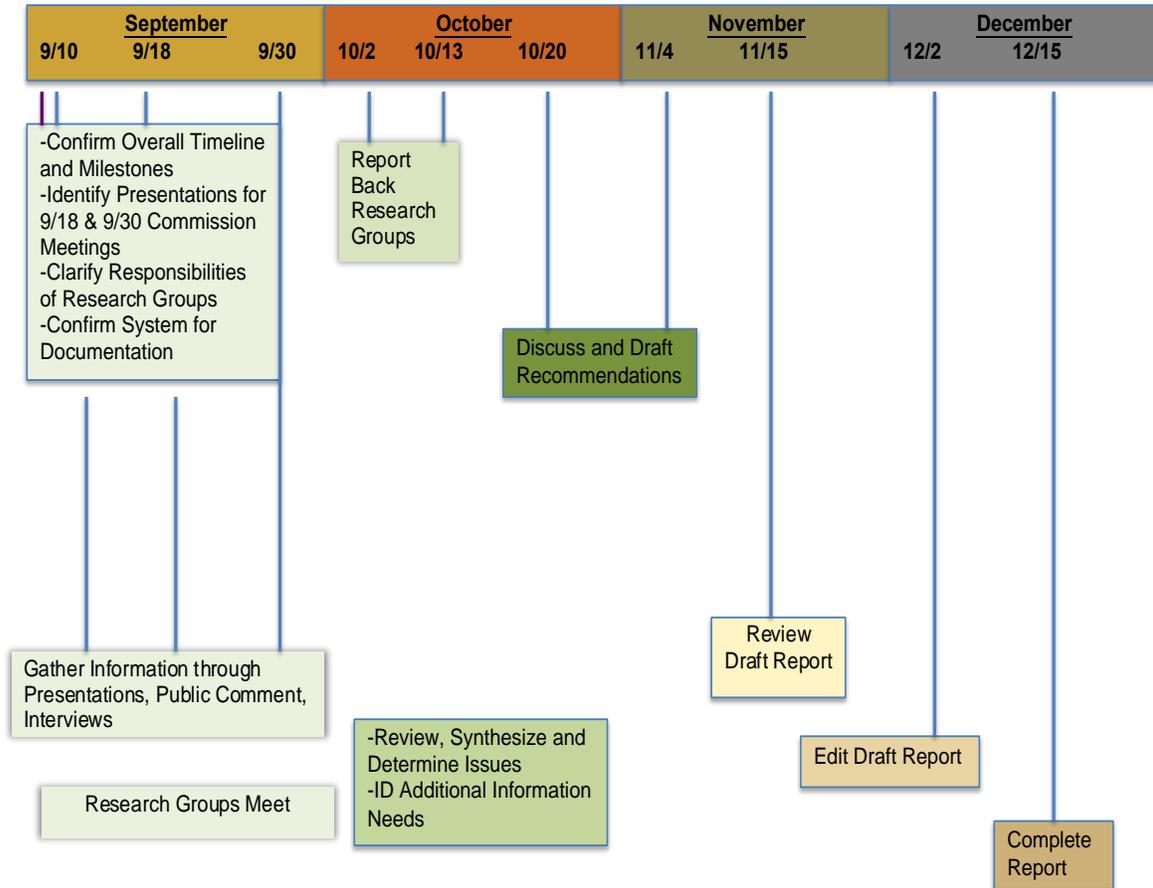
Upcoming SR 530 Commission Meeting Dates	Location
<ul style="list-style-type: none"> <li>• *September 18, 5:00-9:00 p.m. exact time and location tentative</li> </ul>	<ul style="list-style-type: none"> <li>• Darrington Community Center</li> </ul>
<ul style="list-style-type: none"> <li>• September 30, 6-9 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>• Everett Community Center</li> </ul>
<ul style="list-style-type: none"> <li>• October 2nd, 5-8 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>• Everett Community Center</li> </ul>
<ul style="list-style-type: none"> <li>• October 13th, 5-8 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>• Everett Community Center</li> </ul>
<ul style="list-style-type: none"> <li>• October 20th, 5-8 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>• Everett Community Center</li> </ul>
<ul style="list-style-type: none"> <li>• November 4th, 5-8 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>• Everett Community Center</li> </ul>
<ul style="list-style-type: none"> <li>• December 2nd, 5-8 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>• Everett Community Center</li> </ul>

## Attachment 1 Meeting Attendees

Name	Title and Affiliation
Kathy Lombardo	Executive Director
Joann Boggs	Pend Oreille County Emergency Management Director, current Chair Washington state Emergency Management Association
Paul Chiles	Owner/ President, Chiles & Co Real Estate
John Erickson	Former Director of Emergency Preparedness, Department of Health
Wendy Gerstel	Principle, Qwg Applied Geology
David Montgomery	Director, UW Geomorphological Research Group
Renee Radcliff-Sinclair	Former Representative, Current Strategic Initiatives for Western United States for Apple Inc.
Lee Shipman	Emergency Management Director, Shoalwater Bay Tribe
Steve Strachan	Chief, Bremerton Police Department
Diane Sugimura	Director, Seattle Dept. of Planning and Development
Bill Trimm	County Planner/Land Use Expert, Member, Snohomish County Planning Advisory Council representing Mountlake Terrace
Mike Gaffney	Ruckelshaus Center
Amanda Murphy	Ruckelshaus Center
John Snyder	Ruckelshaus Center
Phyllis Shulman	Ruckelshaus Center

## ATTACHMENT 2

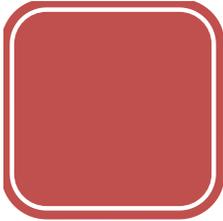
### SR 530 Landslide Commission - DRAFT TIMELINE



### Attachment 3

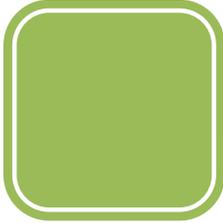
## SR 530 Landslide Commission CHECKLIST- 9/10 meeting

### OVERALL TIMELINE AND MILESTONES



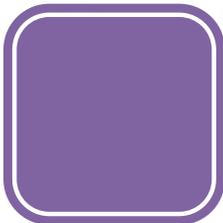
<input type="checkbox"/>	Confirm overall timeline and milestones
<input type="checkbox"/>	Confirm dates for key tasks and discussions (see draft timeline)
<input type="checkbox"/>	Confirm key topics

### IDENTIFY PRESENTATIONS FOR COMMISSION MEETINGS 9/18 & 9/30



<input type="checkbox"/>	Identify 2 topics and presenters for 9/18
<input type="checkbox"/>	Identify 2 topics and presenters for 9/30
<input type="checkbox"/>	Identify additional key informants and how best to gather information

### CLARIFY RESPONSIBILITIES\* AND TIMELINE FOR RESEARCH GROUPS

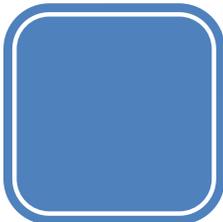


<input type="checkbox"/>	Confirm research groups and leads and timeline for completion of research -
<input type="checkbox"/>	Discuss research group responsibilities
<input type="checkbox"/>	Identify logistical needs of research groups
<input type="checkbox"/>	Confirm research group report back meeting -10/2 or 10/13?

\* RESEARCH GROUPS PROPOSED RESPONSIBILITIES:

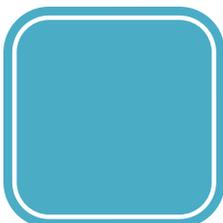
- IDENTIFY WHAT ADDITIONAL INFORMATION IS NEEDED TO GATHER AND FROM WHO
- IDENTIFY KEY SUBTOPICS
- GATHER INFORMATION THROUGH INTERVIEWS, QUESTIONAIRES, REPORTS, WRITTEN TESTIMONY
- REVIEW INFORMATION AND IDENTIFY KEY CHALLENGES
- IDENTIFY KEY ISSUES FOR COMMISSION TO CONSIDER
- PRESENT RESEARCH TO COMMISSION

### CREATE/CONFIRM SYSTEM FOR DOCUMENTATION



<input type="checkbox"/>	Decide how best to document written and oral information that is being reviewed
<input type="checkbox"/>	Use of research group matrix, the Box

### MISCELLANEOUS TASKS



<input type="checkbox"/>	
<input type="checkbox"/>	

### SR 530 LANDSLIDE COMMISSION MEETING SIGN-IN SHEET

**Meeting Date & Time:** September 10, 2014, 5:00pm – 8:00pm  
**Location:** The Everett Community Center, 3900 Broadway, Everett, WA 98201

Name	Title	Affiliation	Phone	E-Mail
Phyllis Hulmer		/		
Gordon E. N355		RETIRED		glness@comcast.net
Heidi ABE		Drumheller Council		
Pat Johnson		Pete Healy		
Sally Hintz		Sen Cantwell		
ROBERT Kwon		REP. DEBENE		robert.kndlk@wa.gov
Will Kredel		Eastside Rail WA		wkredel@aol.com
Leona Bratz		Snohomish County Legal Services		leonab@snocondlegal.org
Raquel Espinosa	Proj. Asst.	Ruckelshaus		



# **FEMA**

## **Disaster Declarations FEMAs Support to the State**

**Michael Hall  
Federal Coordinating Officer**

**FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.**



FEMA

## Region X Bio



**Name:** *Michael J. Hall*

**Position:** *Federal Coordinating Officer*

**Division/Branch:** *Office of the Regional Administrator*

**Email:** *[Michael-FCO.Hall@fema.dhs.gov](mailto:Michael-FCO.Hall@fema.dhs.gov)*

As an FCO, Mr. Hall has led and helped lead Federal response and recovery efforts for FEMA during more than a dozen Presidential Disaster Declarations including the flooding and mudslides in Washington State this year, the Colorado Flooding in 2013, Superstorm Sandy in New Jersey and Hurricane Issac in Louisiana in 2012, the 2011 Tornadoes and Flooding in Mississippi and Flooding in Vermont, in assisting USAID following the 2010 Earth Quake in Haiti, the 2009 Floods in North Dakota, Hurricanes Gustav and Ike in Louisiana in 2008, the 2007 California Wildfires, Mt. Lemon Fires in Arizona, Kansas Tornadoes, Ice Storm in Ohio, Tropical Storm Henri and Hurricanes Isabel, Ivan.

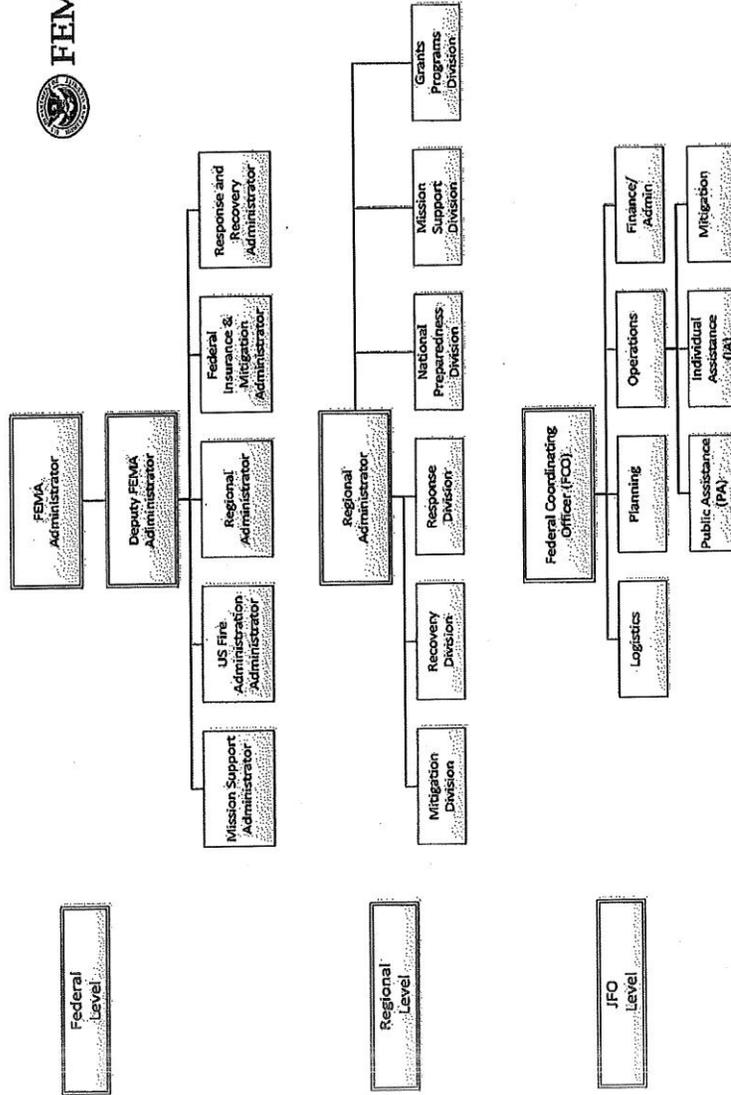
He is credentialed as a Type 1 FCO and also served as the National Emergency Response team leader for the Group of Eight (G-8) Summit in 2004 and the FCO for the Top Officials Exercise in Portland, Oregon in October or 2007. Previously, Mr. Hall spent more than 26 years in the U.S. Coast Guard, where he retired as a Captain. In 1999 he led the emergency response to the Motor Vessel New Carissa shipwreck and oil spill. He also served as the Assistant Chief of Operations for the Exxon Valdez oil spill. Additionally, prior to joining the Coast Guard, Mr. Hall was a Washington State Trooper for six years.

Mr. Hall holds a Master's Degree in National Security and Strategic Studies from the United States Naval War College and has also attended Executive Courses at Harvard University's John F. Kennedy School of Government and the Federal Executive Institute (FEI). He is also an avid runner, having completed nearly 60 marathons and four Ironman triathlons. Mr. Hall is married with three adult children.

Department of Homeland Security

FEMA

Organizational Chart



THE WHITE HOUSE  
WASHINGTON

July 23, 2014

The Honorable W. Craig Fugate  
Administrator  
Federal Emergency Management Agency  
Department of Homeland Security  
500 C Street, S.W.  
Washington, D.C. 20472

Dear Mr. Fugate:

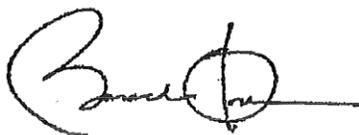
I have determined that the emergency conditions in certain areas of the State of Washington resulting from wildfires beginning on July 9, 2014, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such an emergency exists in the State of Washington.

You are authorized to provide appropriate assistance for required emergency measures, authorized under title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

Sincerely,



Billing Code 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-3371-EM]

Docket ID FEMA-2014-0003

Washington; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Washington (FEMA-3371-EM), dated July 23, 2014, and related determinations.

EFFECTIVE DATE: July 23, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 23, 2014, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Washington resulting from wildfires beginning on July 9, 2014, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and

Emergency Assistance Act, 42 U.S.C. 5121 et seq. ("the Stafford Act"). Therefore, I declare that such an emergency exists in the State of Washington.

You are authorized to provide appropriate assistance for required emergency measures, authorized under title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Michael J. Hall, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Washington have been designated as adversely affected by this declared emergency:

The counties of Chelan and Okanogan and the Confederated Tribes of the Colville Reservation for emergency protective measures (Category B), limited to direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

  
\_\_\_\_\_  
W. Craig Fugate,

Administrator,

Federal Emergency Management Agency.

**We here must highly resolve that forty three of our fellow citizens shall not have died in vain**

Five months ago, today, a gargantuan saturated expanse of Hazel ridge collapsed above Steelhead Haven, near Oso, thus exposing a colossal gaping wound to endure for centuries across that face, and then imposing loss of 43 souls from one small enclave to abide for as long in human hearts.

The enormity of resulting landslides, which yielded theretofore-unimaginable breadth and depth and length, was almost immediately comprehended by regional seismologists, and was thereafter analyzed with amazing celerity, despite the destructive span, by geologists and by other scientists.

Seismographic records document two gigantic events, the first commencing at 10:37:22 a.m., and lasting 150 seconds, followed by another pulse of briefer duration at 10:41:53 a.m., from data that started flowing, instantaneously, even as numerous lesser rumblings continued for several hours.

Seared into the psyches of those living from Arlington to Darrington, around Snohomish County, statewide and beyond – who shall remember that tragic early spring morning for scores of years to come – is a nearly inconceivable heartbreak from losses of lives and of homes and of dreams.

Science lacks instrumentations adequate to calibrate magnitudes of human suffering – for so long to follow – as President Barack Obama acknowledged when he travelled here, one month later, to pay our nation's fitting-and-proper respect, in person, as well as to offer consolation to survivors.

Dedication of purpose and generosity of spirit have been repeatedly in view – within innumerable acts of good will – over the several months necessary to recover all remains at long last, to reopen State Route 530 and to restore infrastructure required for life to begin to return toward normalcy, albeit across a physical-and-human environment altered forever by tragedies, on March 22nd, as I feel in my sense of loss for the one victim known to me among all those taken suddenly from us.

Thus, despite some fits-and-starts by the Snohomish County Council in enacting an ultimately *de minimis* legislative response to seemingly slack county land-use oversight previously, despite self-protective bureaucratic responses by the office of our state Lands Commissioner to its apparently likewise lax oversight of logging, rather near the slide zone, perhaps contributing to the collapse with runoff from clear cutting and despite one property owner's perceived gouging of taxpayers, substantially, for temporary access to skirt a debris field, much fine work has been done on myriad pivotal fronts, over a terrible 153 days, meritorious of public recognition and of sincere gratitude.

However, quintessential actions both necessary and also sufficient are required to see that not one of our 43 fellow citizens shall have died in vain by ensuring – in the only manner left available to those of us who remain – that no human life is lost again, **unnecessarily**, from lethargy or worse.

Indeed, critical policy changes need to be undertaken over coming months if we are truly to honor our dead, thereby, in part because legislative-and-bureaucratic inertia is inevitable politically, in part because realities of rain and of gravity that felled Hazel ridge are inexorable physically and in part because dangers created by supersaturation of soils are becoming ever clearer scientifically.

Testimony by Will Knedlik\* to the Joint SR 530 Landslide Commission on August 22, 2014 – 1 of 3

The Joint SR 530 Landslide Commission fashioned by Gov. Jay Inslee and by Snohomish County Executive John Lovick affords opportunity for our state to make certain that losses there yield not just futility, given able appointees, given directives to “Operate independently from the state and county executive branches” and to “Produce a report of prioritized recommendations” and given members’ repeated focus on balanced analyses of several urgent risks, geological and otherwise.

These elements are crucial because serious problems from state-and-local government neglect, or worse, have been exposed by Hazel ridge, and because needless threats to human life so recklessly imposed by such violations of statutory duties and of public trust were thereby painfully clarified.

As comments by multiple Landslide Commissioners have noted since appointment – even before this body’s initial formal meeting in Everett today – complexity must be recognized with honesty for sound development, and a correct weighing, of probabilities for future slide events that, even though quite rare, can have catastrophic consequences causing titanic losses of life for innocents.

Further, this reality implicates the paramount importance of recognizing necessity for policies to ensure institution of a systematic risk triage methodology required to allocate finite tax funds so as to identify – and to protect against – the greatest hazards, jeopardies, perils, threats and risks, statewide, commencing with comprehensive assessment of our state’s most slide-prone regions.

Policymaking needed to protect all state citizens through applied risk triage shall almost certainly require deployment of now-readily-available mapping based upon airborne Light Detection And Ranging technologies. With LiDAR tools affording ever increasing capabilities, even as costs are decreasing, any list of “prioritized recommendations” to be delivered by this panel of competent-and-disciplined professionals will likely determine baselining with such techniques as essential.

Yet, state-of-the-art risk triage essential to prevent slides with far larger potentials for still greater losses of human life than at Oso, five months ago, must start with facts indisputably well known long before LiDAR’s creation and yet longer before Hazel ridge’s collapse onto Steelhead Haven.

Indeed, four times as many as two score and three who died near Oso – and who are, also, mostly Snohomish County residents – board rail cars in Everett and in Seattle eight times each weekday, and thus five days a week, to traverse one of the most dangerous and slide-prone rail corridors, in all of America, with its stark history of slides thoroughly documented back to at least May, 1897, when then-still-“recent landslides of sound bluffs on the line of the Great Northern railway, near point Edmonds,” were the core illustration used by James Kimball for then-already-“Well-known engineering difficulties,” more-than-117 years ago, in his seminal “Physiographic Geology of the Puget Sound Basin” study in the *The American Geologist*, a century before later slides pushed rail cars into the sound at Woodway, in January, 1997, and over 100 years before further slides have repeatedly derailed trains, in this decade, including in a very chilling derailment film at YouTube.

Importantly, concern for decades by state legislators respecting literally thousands and thousands of landslides onto railroad tracks in the Everett-to-Seattle corridor, since statehood, was a central factor underlying our state’s direct policy decision to demand, through state law, that its “utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines,” in 1990, by means of statute law codified as RCW 81.104.120(c).

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The state UTC's responses to this overt statutory order by our state's policymakers to protect all state citizens have been either to ignore it, or else to defy them, resulting in needless exposure of hundreds of thousands of commuter-rail passengers to unconscionable dangers which dwarf huge losses of life, at Steelhead Haven, and in reckless imposition of perils for regional rail operations known to be recurrently so hazardous that the Burlington Northern Santa Fe Railroad does, time after time, what our state fails to do, despite a totally clear state law obligation, when BNSF halts all passenger-rail service, over its track, as bluffs and ridges become supersaturated and collapse.

Despite this pivotal state agency squarely claiming that "**Our Mission** is to protect consumers" – emphasis by the UTC before it identifies public transport that is "fairly priced, available, reliable and safe" – it has not only completely failed to shield commuter-rail passengers in a treacherous corridor, for nearly 25 years now, but it has squelched multiple questions raised by its own staff.

Not one of those 43 souls lost five months ago, today, can be replaced, but their deaths shall not have been in vain if trains hauling four-or-five-or-six-or-seven times as many Washingtonians in a patently unstable rail corridor, during winter rains, are prevented from playing Russian roulette – trip after trip, day after day, week after week – below supersaturated hillsides between Everett and Seattle (despite repeated derailments occurring since the UTC started to stonewall state law).

As the Joint SR 530 Landslide Commission formally begins its critically important endeavors this afternoon – after first appropriately touring the site of the Hazel ridge tragedy at Oso this morning – its members cannot dedicate, nor consecrate, nor hallow that ground, which is well above your power to add or detract, but it is for us the living, rather, to be dedicated here to unfinished work, and for us to be devoted, thus, to the great task remaining before us whereby we must boldly take all acts needful to evidence that we here highly resolve that no state citizen shall have died in vain.

Exposure of trainloads of people to risks of major losses of life or of serious injuries, from long-and-well known slide dangers, may **not** be the worst jeopardy that competent risk triage can soon identify, but it creates a hazard that cries out for resolution after burials at Oso, and it evidences a like crying need to put a stop to at least those perils **beyond** tragedy interred beneath Hazel ridge.

Yet, while risk triage has been designed, developed and deployed for many health-care, internet-security and other important private-and-public functions, its estimable powers for assessment of dangers to human life and for improving safety – as well as for optimizing allocations of limited tax dollars – lag badly in formalization and in implementation for public policy decisionmaking.

After vast destruction at Oso, we as Washingtonians cannot pay full-and-proper respect for the 43 souls taken, in a brief moment of human history, without ensuring that a key state law intended by our state policymakers to protect every person is not spurned by state bureaucrats, as the UTC has been doing for decades and is continuing to do today, and this minimum step must be undertaken by the Landslide Commission's able members to foster public safety as a *sine qua non* to prevent a polity of the people, by the people and for the people from perishing under the earth here **again**.

\*Will Knedlik, J.D. (Harvard), Ph.D. (Washington), is president of Eastside Rail Now and secretary of the Eastside Transportation Association. He served in the Washington State House of Representatives from the 45th Legislative District. His email address is [wknedlik@aol.com](mailto:wknedlik@aol.com).

Testimony by Will Knedlik\* to the Joint SR 530 Landslide Commission on August 22, 2014 – 3 of 3

PETITION SUBMITTED TO THE UTILITIES AND TRANSPORTATION COMMISSION OF THE STATE OF WASHINGTON FOR A RULEMAKING NECESSARY AND SUFFICIENT FOR THAT STATE AGENCY TO FULFILL MINIMUM LEGAL COMPLIANCE WITH ITS NONDISCRETIONARY DUTY TO "MAINTAIN SAFETY RESPONSIBILITY FOR PASSENGER RAIL SERVICE OPERATING ON FREIGHT RAIL LINES" (UNDER 81.104.120 RCW)

COMES NOW petitioner Will Knedlik, who is a citizen of the state of Washington and president of Eastside Rail Now!, and whose mailing address is P.O. Box 99, Kirkland, Washington 98083, hereby petitioning the Washington State Utilities and Transportation Commission, pursuant to authority of 34.05.330 RCW, to amend WAC 480-60-010 as necessary, and as sufficient, for that agency to fulfill minimum legal compliance with its nondiscretionary duty to "maintain safety responsibility for passenger rail service operating on freight rail lines" (under 81.104.120 RCW), in the form set out hereinbelow, through indicated underscoring therein, as fully incorporated for every purpose by this reference thereto (all subject to rights of appeal as provided by law and to a state constitutional right to commence an original *mandamus* action under Article IV, section 4):

**WAC 480-60-010 – Application of rules.**

(1) The rules in this chapter shall apply to every common carrier railroad as defined by 81.04.010 RCW statutorily, and as subject legally to the commission's duty to maintain safety responsibility for passenger rail service as formally established by 81.104.120 RCW statutorily, to any and all common carrier railroad companies operating within the state of Washington, including any facilities or structures owned or operated by the railroad or company, and to the construction and reconstruction of tracks or structures adjacent thereto and to all adverse public safety risks from landslide dangers or mudslide hazards adjacent thereto.

(2)(a) A common carrier railroad, subject to the commission's duty to maintain safety responsibility for passenger rail service as established by 81.104.120 RCW, and operating upon slide-prone trackage adjacent to any bluff, above 75 feet in height, identified by the United States Geological Survey as at-risk for land- or-mud slides, including track between the city transit center in Everett and King Street Station in Seattle, must not operate during any period of days, weeks or months after any such at-risk bluff, as so identified, first reaches 75 percent of saturation, until its saturation has later been measured daily at below 75 percent continuously, for a period of no-less-than-30 days, unless the commission enters an order that temporarily grants an exemption, fully consistent with its safety responsibility, after public hearings in each city served.

(2)(b) A railroad company must not operate any equipment over tracks where the clearances are less than those required by these rules, unless a commission order has been entered granting an exemption or an exemption is contained in these rules.

Given that lives of over 500 state citizens have for years been, and continue still to be, jeopardized as commuter-rail passengers between Everett and Seattle twice each weekday, when slides do not prevent Sounder North railroad service repeatedly, due to ongoing commission failures to fulfill its nondiscretionary duty quoted hereinabove (contrary to core intent of the legislation adopted on an emergency basis by the 51st Legislature in March, 1990), given all geomorphological similarities existing between numerous slide zones at issue and the Hazel ridge collapse (near Oso) and given that perils for all Sounder North users have been well known at least since May, 1897 (when *The American Geologist* identified a then-recent slide at "point Edmonds" onto then-Great Northern trackage at its page 319), an expedited hearing is requested (after, respectively, 24 and 117 years).

Respectfully submitted,

Will Knedlik

wknedlik@aol.com

June 17, 2014