

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF RAILWAY COMPANY,	)	
	)	DOCKET TR-070696
	)	
Petitioner,	)	
	)	
v.	)	PREFILED WRITTEN
	)	TESTIMONY OF RIC BOGE
CITY OF MOUNT VERNON	)	
	)	
Respondent.	)	
And	)	
	)	
SKAGIT COUNTY, WASHINGTON	)	
STATE DEPARTMENT OF	)	
TRANSPORTATION, and WEST	)	
VALLEY FARMS, LLC,	)	
	)	
Intervenors	)	
	)	
.....	)	

- 1     **Q:     Please state your name, full job title, and business address.**
- 2     **A:     Ric Boge, Surface Water Manager, Skagit County Public Works Department;**
- 3     1800 Continental Place, Mount Vernon, WA 98273
- 4

5

6 **Q: How long have you been employed at your current position?**

7 **A:** I have been employed as the Skagit County Surface Water Manager for over  
8 three (3) years. I have been employed by Skagit County for over seventeen (17) years,  
9 both in my current capacity, and as a Training Administrator for the Skagit County  
10 Administrative Services Department, Lake Management Technician, and Natural  
11 Resources Project Manager for the Skagit County Public Works Department.

12

13 **Q: What are your qualifications?**

14 **A:** Please see the copy of my resume, attached hereto as Exhibit "A" and fully  
15 incorporated herein by reference.

16

17 **Q: Please describe the nature of your position as Skagit County Surface Water  
Manager.**

18 **A:** Please see the copy of my resume (attached hereto as Exhibit "A"). Please also  
19 see the copy of my job description attached hereto as Exhibit "B" and fully incorporated  
20 herein by reference.

21

22 **Q: Has flooding occurred in the vicinity of the Hickox Road crossing?**

23 **A:** Yes, in particular, in or about February of 1951 occurred in the vicinity of the  
24 Hickcox Road crossing. Please see the photo depicting said flooding attached hereto as  
25 Exhibit "C" and incorporated by reference. Attached hereto (and incorporated by  
26 reference) as Exhibit "D" is a copy of the same photo, also depicting the approximate  
27 present location of Interstate 5 (I-5).

28

29

30 **Q: Are there levees which are subject to failure located in the vicinity of the**  
31 **crossing?**

32 **A:** Depending on the severity of flooding, all levees along the Skagit River are  
33 subject to failure, including those in the vicinity of the crossing. Of note, the Dike Road  
34 levee experienced three (3) major failures in 1921. In this regard, please see the map  
35 depicting major levee failures in the Lower Skagit River Basin attached hereto as Exhibit  
36 "E" and incorporated by reference. Also note, the levee adjacent to Dike Road along the  
37 main channel and the south fork of the Skagit River has been identified by the US Army  
38 Corps of Engineers as being susceptible to future failure. In this regard, please see the  
39 map depicting locations of possible future Skagit River levee failures attached hereto as  
40 Exhibit "F" and incorporated by reference.

41

42 **Q: Generally speaking, how old are the levees in the vicinity of the Hickox**  
43 **Road crossing?**

44 **A:** Based on the history of major dike failures referenced previously (at Exhibit "E"),  
45 these levees are estimated to be approximately one hundred (100) to one hundred and  
46 twenty five (125) years old.

47

48 **Q: Can you specifically recall whether the Hickox Road crossing was used in**  
49 **past evacuations and/or flood fighting efforts?**

50 **A:** Yes, per a personal conversation on October 31, 2007 with Dike District #3  
51 Commissioner, Dave Olsen, the Hickox Road crossing was used for transporting rip rap  
52 for flood fight purposes in the 1990 and 2003 flood events.

53

54

55 **Q: Is the Hickox Road Crossing (and properties in the vicinity of the crossing)**  
56 **located within the floodplain?**

57 **A:** Yes, both the crossing and virtually every property in the immediate vicinity of the  
58 crossing are located within the designated floodplain. Please see the copy of the 100  
59 year floodplain map attached hereto as Exhibit "G" and incorporated by reference.

60

61 **Q: Could flooding occur in the vicinity of the crossing in any given flood**  
62 **season?**

63 **A:** Yes, it is definitely possible that flooding could occur in the vicinity of the crossing  
64 in any given flood season. This is exemplified by the 1951 flood season photo  
65 previously referenced as Exhibit "C." Such flooding could occur in the event of a levy  
66 failure or the overtopping of the levee in the vicinity of Hickox Road. This area is also  
67 extremely vulnerable to flooding in the event of a failure of the left bank levee system  
68 upstream of Hickox Road.

69

70 **Q: During a flood (or during periods of high water), do levees in the vicinity**  
71 **of the Hickox Road crossing require maintenance and monitoring?**

72 **A:** Yes, Dike District #3 monitors and as necessary maintains these left bank levees  
73 during a flood or periods of high water. At the request of the Dike District, agencies  
74 including, but not limited to the US Army Corps of Engineers and Skagit County assist  
75 the District with such efforts.

76

77

78

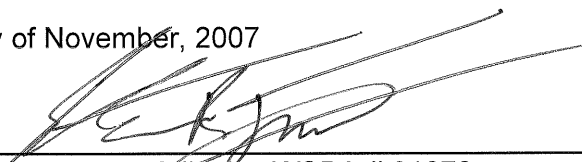
DECLARATION.

I, RIC BOGE, declare under penalty of perjury under the laws of the State of Washington that the forgoing PREFILED DIRECT TESTIMONY OF RIC BOGE is true and correct to the best of my knowledge and belief.

DATED this 2 day of November, 2007

  
\_\_\_\_\_  
Ric Boge

DATED this 2<sup>nd</sup> day of November, 2007

  
\_\_\_\_\_  
Stephen R. Fallquist, WSBA # 31678  
Deputy Prosecuting Attorney, Civil Division  
Skagit County

**CERTIFICATE OF SERVICE**

Judy Kiesser states and declares as follows:

I am a citizen of the United States of America, over 18 years of age and competent to testify to the matters set forth herein. On November 5<sup>th</sup>, 2007, I caused to be served by first class mail, postage prepaid, a true and correct copy of the foregoing document entitled PREFILED WRITTEN TESTIMONY OF RIC BOGE on the following:

JOHN LI, MANAGER  
PUBLIC PROJECTS  
BNSF RAILWAY COMPANY  
2454 OCCIDENTAL AVE S, STE 1A  
SEATTLE WA 98134-1451

BRADLEY P. SCARP, ESQ.  
1218 THIRD AVENUE, 27<sup>TH</sup> FLOOR  
SEATTLE, WA 98101

JONATHAN THOMPSON, AAG  
OFFICE OF THE ATTORNEY GENERAL  
PO BOX 40128  
OLYMPIA, WA 98504-0128

GARY T. JONES  
JONES & SMITH  
PO BOX 1245  
MOUNT VERNON, WA 98273

BRIAN K. SNURE  
SNURE LAW OFFICE  
612 S 227<sup>TH</sup> STREET  
DES MOINES WA 98198

ADAM E. TOREM  
1300 S. EVERGREEN PARK DR. S.W.  
P.O. BOX 47250  
OLYMPIA, WA 98504-7250

L. SCOTT LOCKWOOD, AAG  
OFFICE OF THE ATTORNEY GENERAL  
PO BOX 40113  
OLYMPIA, WA 98504-0113

KEVIN ROGERSON  
CITY ATTORNEY  
CITY OF MOUNT VERNON  
910 CLEVELAND AVE.,  
MOUNT VERNON, WA 98273

DATED this 5<sup>th</sup> day of November, 2007.


  
\_\_\_\_\_  
Judy Kiesser, Legal Assistant

Exhibit No. \_\_\_\_\_(RB-2)

**EXHIBIT "A"**

**RESUME OF RIC BOGE**



**Eric (Ric) J. Boge**

1901 Ohio Ave., Anacortes, WA 98221  
Work 360-419-3419; Home 360-299-2692  
Email: jrboqe@hotmail.com

**EDUCATION**

Advanced Public Information Officer Certification, FEMA, Emmitsburg, MD, 1999  
Masters in Business Administration, City University, Seattle, 1996  
Certified Facilitator, Zenger-Miller Corporation, San Francisco, CA 1995  
Bachelor of Science in Environmental Science, Huxley College, WWU, B'ham, 1975.

**EMPLOYMENT**

2004 – Current

**Surface Water Section Manager**, Natural Resources Management Division, Skagit County Public Works Department, Mount Vernon, Washington.  
Manage a Section of 8 employees responsible for flood response, flood hazard planning and education, stormwater planning, and developing, permitting and constructing drainage and flood control projects. Make frequent presentations to the Board of County Commissioners and often participate in or lead community meetings and citizen advisory committees. Responsible for annual budget of \$4 million, approximately \$250,000 of which is grant reimbursable.

2000 – 2004

**Natural Resources Project Manager**, Surface Water Management, SCPW, MV.  
Managed a work group of 6 employees responsible for programs to protect the natural resources of Puget Sound, local streams and local lakes, recover threatened species, and monitor water quality and fish habitat to comply with County code requirements to protect critical areas on agricultural lands. Conducted public meetings and led advisory committees. Served as County Public Information Officer during flood emergencies. Wrote grant applications and implemented grant awards. Responsible for \$1 million annual budget, approximately 25% of which was grant reimbursable.

1994 -2000

**Training Administrator**, Risk Management Department, SC Admin. Services, MV.  
Developed and implemented a training program to certify Public Works heavy equipment operators. Planned and facilitated supervisory training, initiated on-line PC skills training, developed and implemented a New Employee Orientation and a Customer Service Program. Served as County Public Information Officer during flood emergencies. Responsible for \$150,000 annual budget.

1990 -1994

**Waste Reduction/Recycling Coordinator**, Solid Waste Division, SCPW, MV.  
Planned, developed and executed a multi-jurisdictional contract for curbside recycling in the County and the four largest cities in the County. Developed and implemented a moderate risk waste collection and disposal program, a Master Composter/Recycler Program, and a business waste reduction and recycling education project. Wrote monthly newspaper column for two local papers. Managed \$150,000 annual budget.

1986 -1990

**Employment Training Coordinator**, Northwest Private Industry Council, MV.  
Counseled and arranged for education and training for 'economically disadvantaged' adults and high school-aged students in order for them to become more employable.

1967-1971  
& 1976 -1986

**Bakery and Bakery Management Experience**, Spokane, Seattle and Anacortes.  
Held a variety of journeyman, research and mid to senior level management positions.

Exhibit No. \_\_\_\_\_(RB-3)

**EXHIBIT "B"**

**SKAGIT COUNTY SURFACE WATER MANAGER JOB DESCRIPTION**

**SKAGIT COUNTY  
POSITION DESCRIPTION**

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**Position Title:** Surface Water Management Section Manager  
**Department:** Public Works  
**Report To:** Public Works Administrator  
**Occupation Code:** 2580  
**Salary Range:** 29

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**SUMMARY:** Plans, organizes and directs the activities of the Surface Water Management Section. Directly supervises the preparation and implementation of various plans and projects related to storm water, flood hazard management, and salmon recovery activities within Skagit County.

**ESSENTIAL FUNCTIONS:**

Develops and monitors the Surface Water Management Work Program and budget.

Works closely with elected officials and citizen advisory committees while developing various goals and objectives.

Manages and oversees the operations of the Skagit County Drainage Utility.

Plans and implements the Annual Flood Awareness Program.

Acts as flood fight coordinator during flood events.

Coordinates surface water activities with federal, state and local agencies concerned with surface water and flood control.

Reviews County surface water quality and quantity ordinances.

Acts as County's project manager for the Skagit River Flood Reduction/Ecosystem Restoration Project.

Works with various agencies such as, State Department of Emergency Management, Army Corps of Engineers, Department of Fisheries, Federal Emergency Management Administration, Department of Wildlife, State Department of Natural Resources, State Department of Fish and Wildlife, National Marine Fisheries Service, National Fish and Wildlife Services, State Department of Transportation, Dike and Drainage Districts.

Participates in committees such as APWA Storm Water Managers and other local, State, or Federal committees as assigned.

**Supervisory:** This position has direct supervisory responsibilities over many full-time and part-time employees.

**OTHER JOB FUNCTIONS:**

Performs related duties as assigned. \*

**QUALIFICATIONS:**

Bachelor's degree in Civil Engineering or a related field required.

\* Related duties as required are duties that may not be specifically listed in the Position Description but are within the general occupational series and responsibility level typically associated with the employee's classification of work.

2 - years experience in surface water management required.

Minimum of 8 years experience required.

An equivalent combination of education and experience may be substituted which provides the skills, knowledge and abilities to perform the essential functions of the position.

***Requires knowledge of:***

The field of assignment sufficient to perform completely and accurately the full scope of responsibility as illustrated by example in this position description.

Applicable County policies, rules and regulations, laws, ordinances and codes.

The geography of Skagit County.

Engineering design and construction inspection.

Project management.

Watershed planning.

Grant application and administration.

Effective report writing and presentation.

Budget preparation.

***Requires the ability to:***

Problems solve.

Plan, schedule and review the work and performance of subordinates in a manner conducive to proficient performance and high morale.

Use engineering principles, water law and politics to make decisions.

Establish and maintain effective working relationships with officials, other employees and the general public.

Manage conflict.

Communicate effectively both verbally and in writing.

Efficiently use a computer.

Understand how various structures and components go together to form complex systems and that changes in individual components can have an impact in seemingly unrelated areas.

***Licenses and/or Certifications:***

Valid Washington State driver's license required.

**WORKING CONDITIONS/PHYSICAL REQUIREMENTS:**

Work is performed primarily in an office environment. Periods of sitting at a desk doing computer work, lifting, bending stooping and routine fieldwork including driving, walking, hiking, off road fieldwork and construction site visits required.

**Hazards:** Those present in a normal office environment. Physical hazards on-site include variable weather and uneven terrain, water-related hazards, traffic and construction equipment.

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The statements contained herein reflect general details as necessary to describe the essential functions of this position, the level of knowledge and skill typically required, and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absences or relief, to equalize peak work periods, or otherwise to balance the workload. Changes to the position description may be made at the discretion of the employer.

It is the policy of Skagit County to not discriminate against any person with regard to race, color, religion, sex, age, national origin, marital status or physical or mental disability.

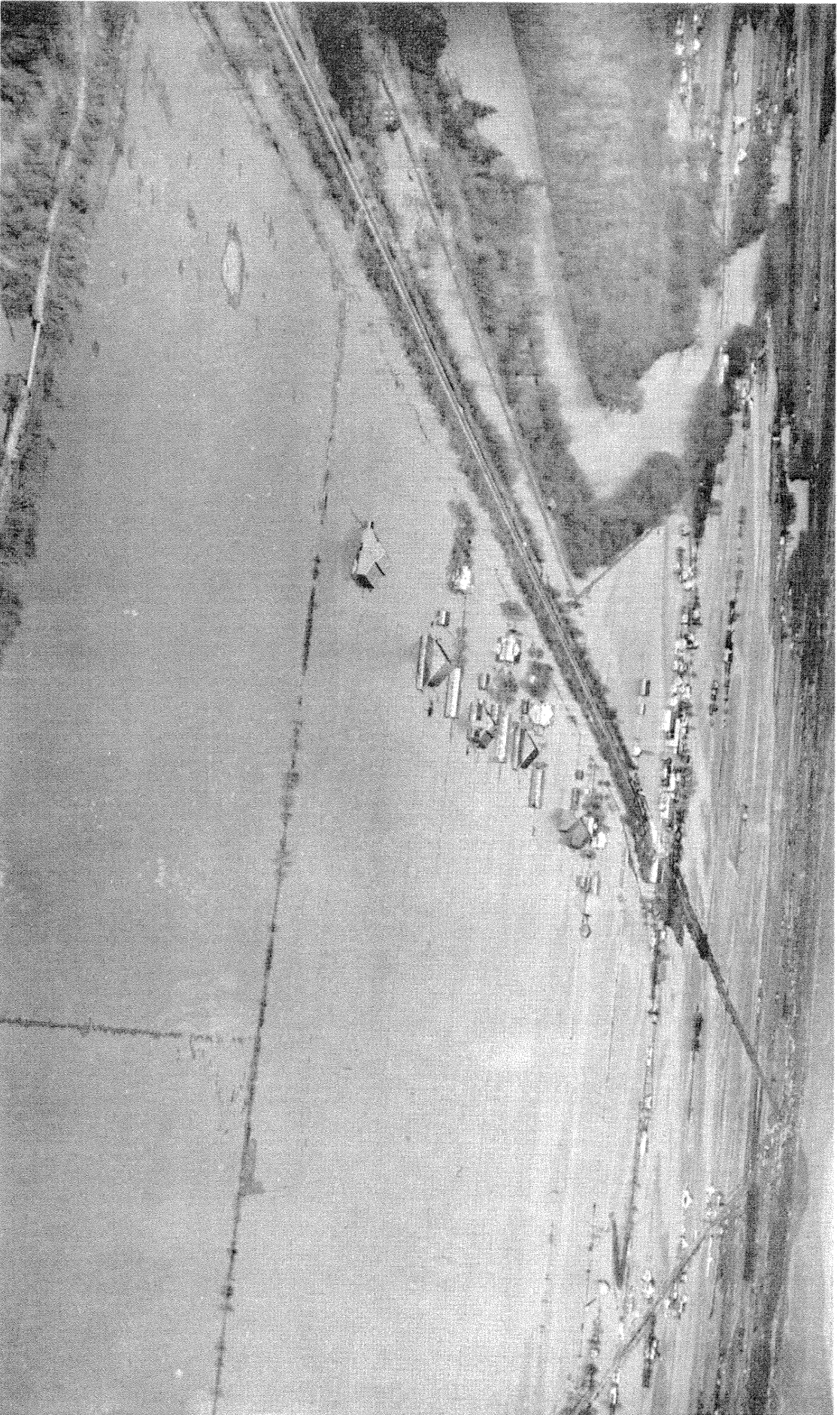
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Revised 04/03; 8-16-04

Exhibit No. \_\_\_\_\_(RB-4)

**EXHIBIT "C"**

**PHOTO OF 1951 FLOODING IN VICINITY OF HICKOX ROAD**



Conway, Washington, during February 1951 Flood. View is northerly, with the South Fork shown to the left.

Exhibit No. \_\_\_\_\_(RB-5)

**EXHIBIT "D"**

**PHOTO OF 1951 FLOODING IN VICINITY OF HICKOX ROAD  
WITH APPROXIMATE PRESENT LOCATION OF I-5.**



Conway, Washington, during February 1951 Flood. View is northerly, with the South Fork shown to the left.

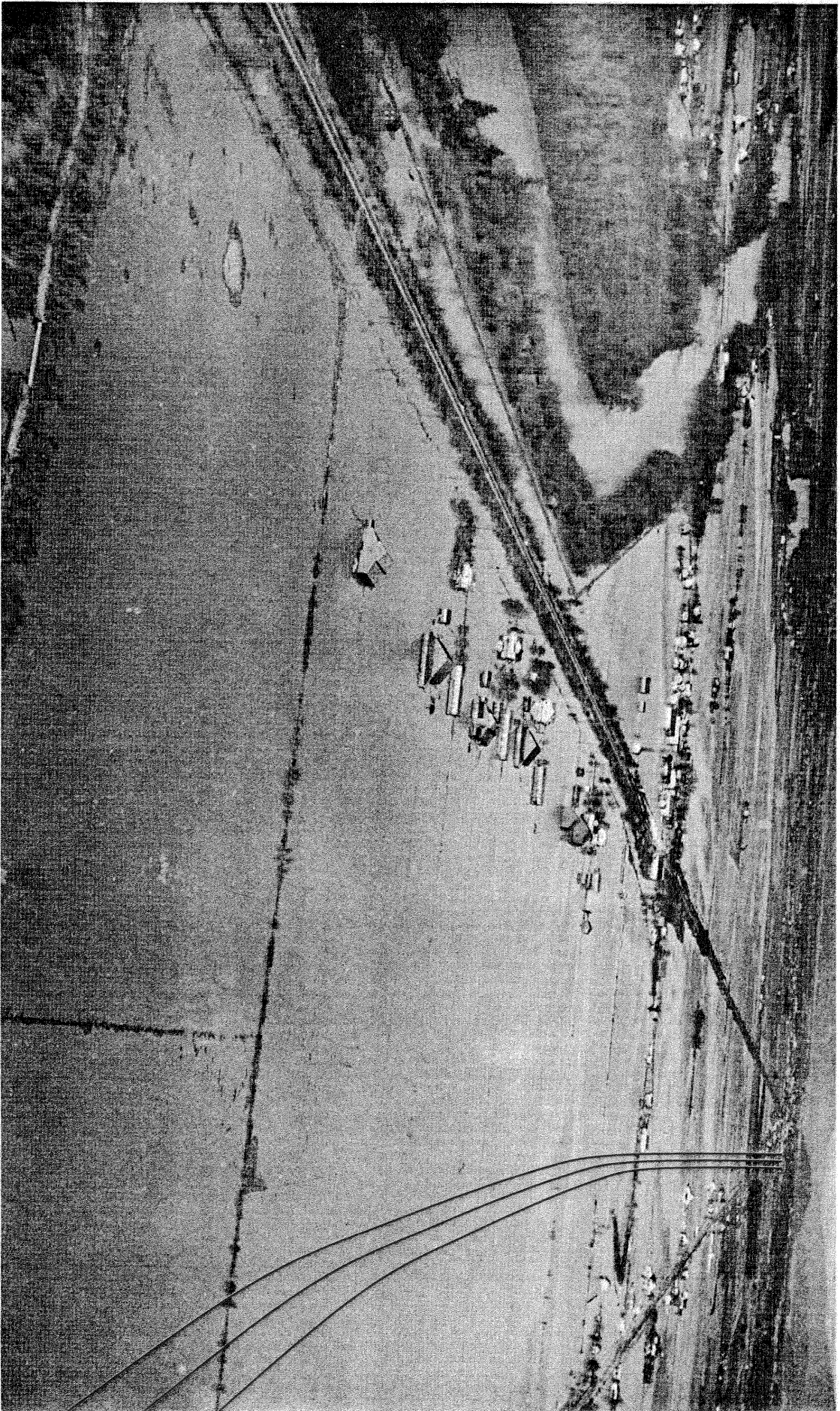
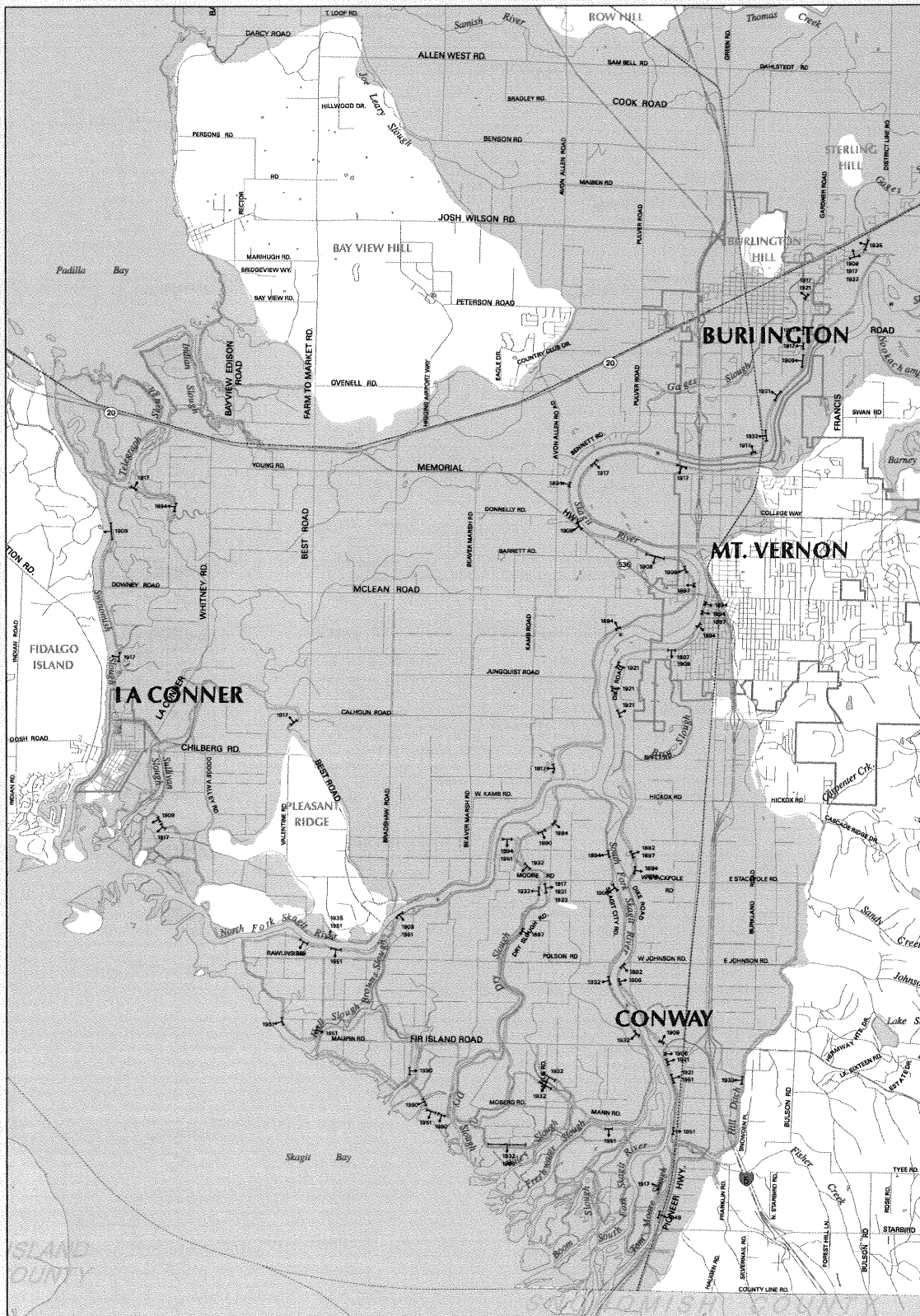


Exhibit No. \_\_\_\_\_(RB-6)

**EXHIBIT "E"**

**MAP DEPICTING MAJOR LEVEE FAILURES IN LOWER SKAGIT RIVER BASIN**

# Major Dike Failures Lower Skagit River Basin Washington



### LEGEND:

- Flood Plain
- Outside of Flood Plain
- River Miles
- City Limits
- Dikes

### DATA SOURCE

Data Source for dike failure location and year are from "Floods in the Skagit River Basin, Washington", U.S. Geological Survey, Water Supply #1527, 1961.

Historic dike failures are shown and other failures will likely occur during future events less than a 100 year flood. These failures will result in inundation of flood plain areas.

Isolated (non flooded) areas will occur during the 100 year flood, but generally speak of entire flood plain shown will be inundated.

### 100 YEAR FLOOD

The large flood depicted on this map is basically the FEMA mapped 100 year flood. This flood would have approximately a 1% chance of occurring on any given year.

Some FEMA mapped areas within the 500 year flood have been included within the flood plain shown.

If such a flood were to occur, many thousands of homes would be flooded, thousands of people may have to be evacuated, and numerous public facilities and businesses would be inundated. In some neighborhoods flood waters would be deep and currents swift. Many roads would become impassable and extremely dangerous to use.

Under extreme conditions a flood greater than the 100 year flood can occur.

Data Source: U.S. Census Bureau TIGER Files & Data Developed By Skagit County Mapping Services.

Contours Generated From U.S.G.S. 7.5 min Quad DEM Files.

Note: This map was developed in 1996 by the U.S. Army Corps of Engineers and Skagit County Officials. For further information contact Skagit County Public Works, Surface Water Management Division.

Produced By: Skagit County Mapping Services.

Date: 09-15-1996 By: jh



SCALE IN MILES  
0 1/2 1 mile

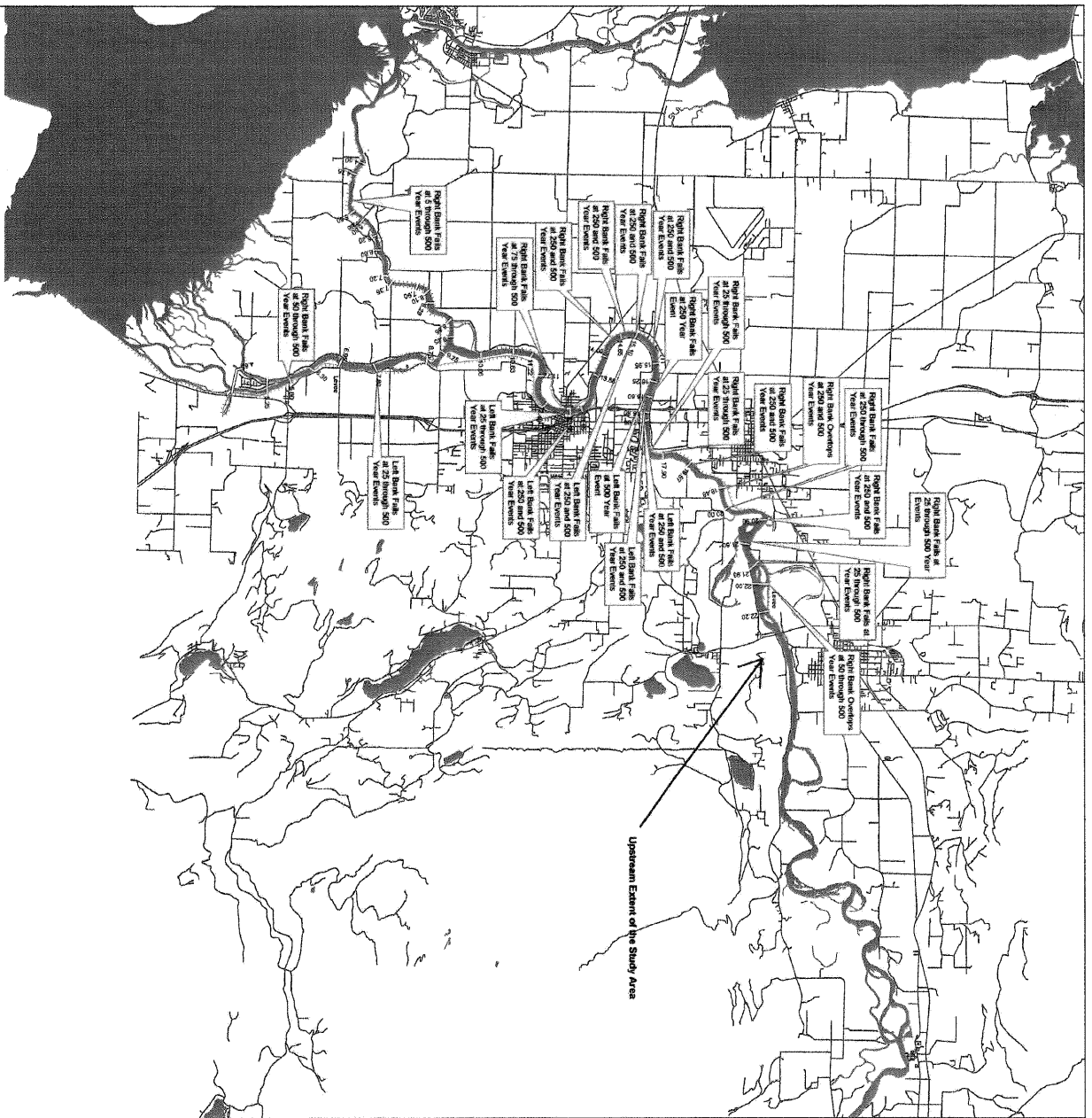


Exhibit No. \_\_\_\_\_(RB-7)

**EXHIBIT "F"**

**MAP DEPICTING LOCATIONS OF POSSIBLE FUTURE LEVEE FAILURES**





0 2.5 5 10 Miles

- Legend**
- HEC-RAS Cross Sections
  - Levee
  - Roads
  - Water Bodies

These maps were developed as part of the Skagit River Flood Damage Reduction Study. They are intended to help quantify damages incurred from various flood events. Local drainages that do not directly flow to the Skagit River are not accounted for in the mapping of the overbank flooding. As per Corps of Engineers regulations, no flood fighting is accounted for in the modeling and the extent of flooding is based on the location of assumed levee failures/overtopping. Real flood events, therefore, may deliver more water downstream, leaving downstream areas more vulnerable than is shown on these maps. This mapping should not be mistaken for FEMA Flood Insurance Study (FIS) maps. FIS mapping is developed with completely different scenarios that can result in dramatically different depiction of flood extents and water depths.



Horizontal Datum = NAD 83  
Vertical Datum = NAVD 83

**U. S. Army Engineer District, Seattle**  
Corps of Engineers  
Seattle, Washington

**Plate 2**  
Skagit River Flood Damage Reduction Study  
Existing Condition Analysis  
Simulated Levee Failures for Average Condition  
Levee Failure at 50% Probability

<b>DSGN.</b> G. Bartlett	<b>CHK.</b> T. Perkins	<b>DATE</b> 25 May 2004
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Exhibit No. \_\_\_\_\_(RB-8)

**EXHIBIT "G"**

**SKAGIT RIVER FLOODPLAIN MAP**



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

SKAGIT COUNTY,  
WASHINGTON  
(UNINCORPORATED AREAS)

PANEL 425 OF 550  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
530151 0425 C  
EFFECTIVE DATE:  
JANUARY 3, 1985



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.nsc.fema.gov](http://www.nsc.fema.gov)