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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeals of:

FOSS MARITIME COMPANY AND  
PORT OF SEATTLE,

From an interpretation issued by the Director,  
Department of Planning and Development.

Hearing Examiner File Nos.  
S-15-001; S-15-002

T-5 INTERVENORS' DISCLOSURE  
OF WITNESSES AND EXHIBITS

(Code Interpretation No. 15-001)

Pursuant to LR 26(b), T-5 Intervenors hereby submit the following list of possible witnesses:

**I. WITNESSES**

1. Everett Billingslea, Alaska Marine Lines. Mr. Billingslea or another representative will testify regarding Alaska Marine Lines' barge transportation operations, based out of Terminal 115, to remote parts of Alaska. Such testimony will discuss the impacts on the barge transport industry that will occur if DPD is held to have the authority to repudiate a previously issued valid permit based upon a retroactive reinterpretation of a critical term within a permit. Specifically, including how remote towns that Alaska Marine Lines' services will be critically affected by their inability to attain access to crucial goods and materials required to sustain their livelihood.
2. Mike Hyde, American Seafoods Company. Mr. Hyde or another representative will testify regarding American Seafoods Company's use and moorage of its

1 vessel(s) at Terminal 91, including an explanation of its conventional (non-  
2 container) cargo operations such as loading and unloading of fish, netting, and  
3 other operational materials, its importance to Seattle's maritime community, and  
4 how these uses will be impacted by the Interpretation.

5 3. Charlie Costanzo, American Waterway Operators. Mr. Costanzo or another  
6 representative will testify regarding this national trade association's representation  
7 of the nation's tugboat, towboat and barge industry, lobbying for sound maritime,  
8 environmental and labor policy, and the impact of the Interpretation on these  
9 industries and their members.

10 4. Doug Christensen, Arctic Storm, Inc. Mr. Christensen or another representative  
11 will testify regarding Arctic Storm, Inc.'s use and moorage of its vessel(s) at  
12 Terminal 91, including an explanation of its conventional (non-container) cargo  
13 operations such as loading and unloading of fish, netting, and other operational  
14 materials, its importance to Seattle's maritime community, and how these uses will  
15 be impacted by the Interpretation.

16 5. Warren Aakervik, Ballard Oil Company. Mr. Aakervik or another representative  
17 will testify regarding Ballard Oil Company's marine fueling facility operations  
18 located on a pier on the north side of the Lake Washington Ship Canal, in Salmon  
19 Bay, as well as its supply of other goods and materials to commercial, government  
20 and private vessels, including the Pacific Northwest fishing fleet. Such testimony  
21 may include an explanation of its conventional (non-container) cargo operations  
22 involving its supply of goods such as diesel fuel, lubricants, hydraulic oils and  
23 filters which occur at its pier in Salmon Bay, its importance to Seattle's maritime  
24 community, and the impact of the Interpretation to these operations.

25 6. Julia Shemesh, Crowley Maritime Corporation. Ms. Shemesh or another  
26 representative will testify regarding Crowley Maritime Corporation's vessel assist,  
27 escort service, and vessel preparation prior to deployment operations at Pier 17 and  
28 Terminal 18. Ms. Shemesh will also testify about how the permits and contracts

1 they have entered into with other vessels are in jeopardy depending on the  
2 outcome of this appeal.

3 7. John Bundy, Glacier Fish Company. Mr. Bundy or another representative will  
4 testify regarding Glacier Fish Company's use and moorage of its vessel(s) at  
5 Fisherman's Terminal in Salmon Bay, including an explanation of its conventional  
6 (non-container) cargo operations such as loading and unloading of fish, netting,  
7 and other operational materials, its importance to Seattle's maritime community,  
8 and how these uses will be impacted by the Interpretation.

9 8. Jordan Royer, Pacific Merchant Shipping Association. Mr. Royer or another  
10 representative will testify regarding Pacific Merchant Shipping Association's  
11 global maritime trade operations involving representing owners and operators of  
12 terminals and vessels, many of whom operate in Seattle at Port facilities and  
13 throughout the world. Mr. Royer will testify to how maritime trade operations will  
14 be impacted by a decision affirming DPD's *ex-post facto* reinterpretation of an  
15 already issued permit.

16 9. Rich Wood, Premier Pacific Seafoods. Mr. Wood or another representative will  
17 testify regarding Premier Pacific Seafoods' North Pacific Pollock and Hake fish  
18 processing operations, the use and moorage of its vessel(s) at Terminal 91,  
19 including an explanation of its conventional (non-container) cargo operations such  
20 as loading and unloading of fish, netting, and other operational materials, its  
21 importance to Seattle's maritime community, and how these uses will be impacted  
22 by the Interpretation.

23 10. Vince O'Halleran, Sailor's Union Of The Pacific. Mr. O'Halleran or another  
24 representative will testify regarding the Sailor's Union Of The Pacific's members'  
25 activities as mariners, fisherman, boatmen and other workers working at cargo  
26 facilities throughout Seattle, including Terminal 5, and the impact of the  
27 Interpretation on such activities.

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1 11. Augie Tellez, Seafarer’s International Union. Mr. Tellez or another representative  
2 will testify regarding Seafarer’s International Union’s members’ activities as  
3 working at cargo facilities throughout Seattle, including Terminal 5, and the  
4 impact of the Interpretation on such activities.

5 12. Kyle Lukin or Mark Knudsen, SSA Terminals, LLC. Mr. Lukin, Mr. Knudsen or  
6 another representative will testify regarding SSA Terminals, LLC’s vessel  
7 transportation service operations, including marine and cargo operations, at  
8 Terminal 18, the largest container facility in the Pacific Northwest, and other  
9 terminals within Seattle. Such testimony may include an explanation of its diverse  
10 cargo operations and how such operations will be impacted by the Interpretation.

11 13. Richard Berkowitz or James Henry, Transportation Institute. Mr. Berkowitz, Mr.  
12 Henry or another representative will testify regarding how a productive and  
13 efficient maritime industry relies on agreements, government issued rights and  
14 permits, and how the Interpretation may irretrievably disrupt this industry if such  
15 permits and agreements can be dismantled on a moments’ notice.

16 14. Rear Admiral John Lockwood, Vigor Industrial, LLC. Mr. Lockwood or another  
17 representative will testify regarding Vigor Industrial, LLC’s operations of its 27-  
18 acre vessel construction and repair facility located on Harbor Island and may  
19 include an explanation of the assorted large cargo handling operations and the  
20 impact of the Interpretation on such activities.

21 **II. EXHIBITS**

22 1. Alaska Marine Lines may offer photographs and other documentary evidence  
23 regarding its operations as described above at Terminal 115.

24 2. American Seafoods Company may offer photographs and other documentary  
25 evidence regarding its operations as described above at Terminal 91.

26 3. American Waterways Operators may offer photographs and other documentary  
27 evidence regarding its operations in maritime policy and industry regulations.  
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- 1 4. Arctic Storm, Inc. may offer photographs and other documentary evidence  
2 regarding its operations as described above at Terminal 91.
- 3 5. Ballard Oil Company may offer photographs and other documentary evidence  
4 regarding its operations in marine fueling and cargo handling of vessel products.
- 5 6. Crowley Maritime Corporation may offer photographs and other documentary  
6 evidence regarding its operations as described above at Pier 17 and Terminal 18.
- 7 7. Glacier Fish Company may offer photographs and other documentary evidence  
8 regarding its operations as described above at Fisherman's Terminal in Salmon  
9 Bay.
- 10 8. Pacific Merchant Shipping Association may offer photographs and other  
11 documentary evidence regarding its operations in global maritime trade  
12 representing owners and operators of terminals and vessels.
- 13 9. Premier Pacific Seafoods may offer photographs and other documentary evidence  
14 regarding its operations as described above at Terminal 91.
- 15 10. Sailors Union Of The Pacific may offer photographs and other documentary  
16 evidence regarding its operations as a labor union of mariners, fisherman and  
17 boatmen working on deck, engine, and steward's departments aboard U.S. vessels.
- 18 11. Seafarer's International Union may provide photographs and other documentary  
19 evidence regarding the cargo that is handled within the labor union operations  
20 throughout Puget Sound.
- 21 12. SSA Terminals, LLC may offer photographs and other documentary evidence  
22 regarding its operations as described above at Terminal 18, as well as others  
23 throughout Seattle.
- 24 13. Transportation Institute may offer photographs and other documentary evidence  
25 regarding its operations in maritime policy and education, including waterborne  
26 commerce, transportation, and international security.
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14. Vigor Industrial, LLC may offer photographs and other documentary evidence regarding its operations as described above at its 170,000 square foot facility on Harbor Island, comprised of six piers and two dry docks.

In addition to the witnesses identified above, T-5 Intervenors reserve the right to call as a witness at the time of trial any person listed on any other party's witness disclosure.

The T-5 Intervenors also reserve the right to amend this witness disclosure to include any other person disclosed during the discovery process or to add testimony topics based on new claims or allegations raised in this matter.

DATED this 21<sup>st</sup> day of July, 2015.

VERIS LAW GROUP PLLC

By /s/ Joshua C. Allen Brower  
Joshua C. Allen Brower, WSBA No. 25092  
Molly Barker, WSBA No. 46587  
Attorneys for T-5 Intervenors

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**DECLARATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that on this date I caused the foregoing document to be served on the following persons via the methods indicated:

**Foss Maritime Company**  
John C. McCullough  
McCullough Hill Leary  
jack@mhseattle.com

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail

David R. West  
Garvey Shubert Barer  
DrWest@gsblaw.com

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail

**Port of Seattle**  
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- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail

Patrick Schneider  
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- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
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**City of Seattle, Department of Planning and Development**  
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Eleanore.Baxendale@seattle.gov

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
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**Earthjustice, Intervenors**  
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- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail

Dated at Seattle, Washington, this 21<sup>st</sup> day of July, 2015.

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/s/ Whitney Jackson  
Whitney Jackson  
Legal Assistant

4848-0315-1398, v. 3