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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:) Hearing Examiner File:
) **S-15-001 and S-15-002**
)
 FOSS MARITIME COMPANY) DEPARTMENT OF PLANNING AND
) DEVELOPMENT'S PRELIMINARY
) WITNESS AND EXHIBIT LIST
 from an interpretation by the Director,)
 Department of Planning and Development.)
 _____)

The Department of Planning and Development submits its Preliminary Witness and Exhibit List, to be supplemented on or before August 6, 2014, pursuant to the Hearing Examiner's July 27, 2014 Order.

I. WITNESSES

The Department of Planning and Development may call witness from the following list:

1. **Andy McKim**, DPD, 2 hours direct examination. Mr. McKim may testify about his analysis for the Interpretation at issue, his process for researching and analyzing permits, his review of permits and applications as part of this appeal, legislative history related to the Shoreline Master Program, regulatory history of the Shoreline Master Program, and the DPD permitting process.

- 1 2. **Ben Perkowski**, DPD, 1 hour direct examination. Mr. Perkowski may testify about
2 his analysis for issuing shoreline permits and the DPD permitting process.
- 3 3. **Larry Ahern**, City of Seattle Finance and Administrative Services, 30 minutes
4 direct examination. Mr. Ahern may testify about the process of leasing moorage
5 from the Port and applying for permits at Terminal 91 for the fire and rescue moored
6 there.
- 7 4. **George Blomberg**, Port of Seattle, 30 minutes direct examination. Mr. Blomberg
8 may testify as an adverse witness concerning his leasing, permitting and SEPA
9 review, both generally and for activities at Terminal 5 and Terminal 91.
- 10 5. **Linda Stryk**, Port of Seattle/Puget Sound Pilots, 45 minutes direct examination.
11 Ms. Stryk may testify as an adverse witness concerning the types of activities
12 occurring at Port facilities.
- 13 6. Any witness listed by another party.

14 II. EXHIBITS

- 15 1. Permits for Terminal 5 including all permits in DPD's response to RFP 2.
- 16 2. "An Assessment of the Future Needs of Water Dependent Uses in Seattle,"
17 Seattle Shoreline Master Program Revision Project, DLU, May 1984
- 18 3. Container Terminal Development Plan, Port of Seattle, October 1991
- 19 4. Permit and Decision and Analysis for Application 9404118 and 9404124;
20 application and Draft and Final Southwest Harbor Cleanup and Redevelopment
21 Project; Draft and Final EIS and Addendum
- 22 5. Resolution 27618
- 23 6. Ordinance 100423

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- 7. Ordinance 106200 (1977)
- 8. Ordinance 111078 (1983)
- 9. Ordinance 113466 (1987)
- 10. Permits for T91
 - a) Permit No 553973 9/3/74
 - b) Shore substantial development permit application No. SMA 76-48:
Application 8/13/75; Draft and Final EIS; Decision 11/10/76; Permit
11/12/76
 - c) Permit 568706 3/10/77
 - d) Application No 8401089 7/24/84
 - e) Application No. 8400945: letter 3/9/84; MUP application and permit
5/23/84; letter SMP compliance 7/17/84; Draft and Final EIS; Analysis
and Decision 8/14/84
 - f) Application Number 8403590 8/31/84
 - g) Application No 8404475 9/7/84
 - h) Application No 8404816 10/29/84
 - i) Application No. 8406432 9/24/85
 - j) Permit No. 627723 12/23/86
 - k) Application No 8893984: Analysis and Decision 3/13/89
 - l) Application No. 8907056: Analysis and Decision 3/22/90
 - m) Application No. 9003841: Analysis and Decision 10/4/90
 - n) Application No 9003841 11/15/90

- 1 o) Application no. 9100264: Analysis and Decision 7/15/91; MUP Permit
- 2 unsigned
- 3 p) Application No. 9300533 9-15/93
- 4 q) Application No. 9400324 6/23/94
- 5 r) Application No. 9701258 3/6/98
- 6 s) Application No. 9906405 9/13/2000
- 7 t) Application 3006901 and all permit review documents
- 8 u) Application 3017290 and all permit and permit review documents, and
- 9 documents related to application and lease
- 10 11. Permits and permit materials for Pier 66, available for review, and related Draft
- 11 and Final EIS
- 12 12. Permits for Pier 69, available for review, and related Draft and Final EIS
- 13 13. Port online documents
- 14 a) Port Seaport facilities flyer
- 15 [http://www.portseattle.org/Cargo/SeaCargo/Documents/Seaport_Facilities](http://www.portseattle.org/Cargo/SeaCargo/Documents/Seaport_Facilities_Flyer_Reprint_sm.pdf)
- 16 [Flyer Reprint sm.pdf](http://www.portseattle.org/Cargo/SeaCargo/Documents/Seaport_Facilities_Flyer_Reprint_sm.pdf)
- 17 b) Port T-5 information
- 18 <http://www.portseattle.org/cargo/seacargo/Pages/default.aspx>
- 19 c) Port T-5 information
- 20 [http://www.portseattle.org/Cargo/SeaCargo/Facilities/Container-](http://www.portseattle.org/Cargo/SeaCargo/Facilities/Container-Terminals/Pages/Terminal-5.aspx)
- 21 [Terminals/Pages/Terminal-5.aspx](http://www.portseattle.org/Cargo/SeaCargo/Facilities/Container-Terminals/Pages/Terminal-5.aspx)
- 22 d) Port general cargo info
- 23 <http://www.portseattle.org/Cargo/Pages/default.aspx>
- e) Port Cargo information
- <http://www.portseattle.org/Cargo/SeaCargo/Facilities/Pages/default.aspx>

- 1 f) Port T -91 <http://www.portseattle.org/Cargo/SeaCargo/Facilities/Break-Bulk-Terminals/Pages/Terminal-91.aspx>
- 2
- 3 g) Port document business with the Port link
<http://www.portseattle.org/Pages/default.aspx>
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- 5 h) Port document commercial marine
<http://www.portseattle.org/Commercial-Marine/Pages/default.aspx>
- 6
- 7 i) Port maritime industrial <http://www.portseattle.org/Commercial-Marine/Maritime-Industrial-Center/Pages/default.aspx>
- 8
- 9 14. Portions of complete return of record in Soundkeeper's case, King County Superior Court Case No. 15-2-05143-1
- 10
- 11 15. Port of Seattle Linda Styrk biography
- 12
- 13 16. Port of Seattle biographies for its employee witnesses
- 14
- 15 17. History of Ordinance 124105, including but not limited to:
- 16
- 17 a) Director's Reports for Ordinances 124105 and 124750;
- 18 b) Marine Industrial Land Study, Port of Seattle, November 1998;
- 19 c) "Seattle Shoreline Master Program Update, Comparison of Land Supply and Demand for Water Dependent and Water Related Uses" Department of Planning and Development December 2009
- 20
- 21 18. DPD responses to Foss's Interrogatories 1, 3, 4 and 5 and RFP1, 2 and 3.
- 22
- 23 19. Exhibits from the depositions of Andy McKim and Ben Perkowski.
20. Documents responsive to Appellants' specifying exhibits and witnesses on their Witness and Exhibit lists and as supplemented and amended by July 30, 2015.

1 21. All Exhibits proposed by any other party

2 DATED this 28th day of July, 2015.

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4 Seattle City Attorney

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14 *Department of Planning and Development*
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1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of the **Department of Planning**
3 **and Development's Preliminary Witness and Exhibit List** with the Seattle Hearing Examiner
4 using its e-filing system.

5 I also certify that on this date, a copy of the same document was sent to the following
6 parties listed below in the manner indicated:

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16 the foregoing being the last known address of the above-named parties.

17 Dated this 28th day of July, 2015, at Seattle, Washington.

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ROSIE LEE HAILEY