BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of: ) Hearing Examiner File:

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.
2. **Ben Perkowski**, DPD, 1 hour direct examination. Mr. Perkowski may testify about his analysis for issuing shoreline permits and the DPD permitting process.

3. **Larry Ahern**, City of Seattle Finance and Administrative Services, 30 minutes direct examination. Mr. Ahern may testify about the process of leasing moorage from the Port and applying for permits at Terminal 91 for the fire and rescue moored there.

4. **George Blomberg**, Port of Seattle, 30 minutes direct examination. Mr. Blomberg may testify as an adverse witness concerning his leasing, permitting and SEPA review, both generally and for activities at Terminal 5 and Terminal 91.

5. **Linda Styrk**, Port of Seattle/Puget Sound Pilots, 45 minutes direct examination. Ms. Styrk may testify as an adverse witness concerning the types of activities occurring at Port facilities.

6. Any witness listed by another party.

II. EXHIBITS

1. Permits for Terminal 5 including all permits in DPD’s response to RFP 2.


3. Container Terminal Development Plan, Port of Seattle, October 1991

4. Permit and Decision and Analysis for Application 9404118 and 9404124; application and Draft and Final Southwest Harbor Cleanup and Redevelopment Project; Draft and Final EIS and Addendum

5. Resolution 27618

6. Ordinance 100423
7. Ordinance 106200 (1977)
8. Ordinance 111078 (1983)
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
o) Application no. 9100264: Analysis and Decision 7/15/91; MUP Permit 
unsigned

p) Application No. 9300533 9-15/93

q) Application No. 9400324 6/23/94

r) Application No. 9701258 3/6/98

s) Application No. 9906405 9/13/2000

t) Application 3006901 and all permit review documents

u) Application 3017290 and all permit and permit review documents, and 
documents related to application and lease

11. Permits and permit materials for Pier 66, available for review, and related Draft 
and Final EIS

12. Permits for Pier 69, available for review, and related Draft and Final EIS

13. Port online documents

a) Port Seaport facilities flyer 
http://www.portseattle.org/Cargo/SeaCargo/Documents/Seaport_Facilities 
_Flyer_Reprint_sm.pdf

b) Port T-5 information 
http://www.portseattle.org/cargo/seacargo/Pages/default.aspx

c) Port T-5 information 
http://www.portseattle.org/Cargo/SeaCargo/Facilities/Container- 
Terminals/Pages/Terminal-5.aspx

d) Port general cargo info 
http://www.portseattle.org/Cargo/Pages/default.aspx

e) Port Cargo information 
http://www.portseattle.org/Cargo/SeaCargo/Facilities/Pages/default.aspx
f) Port T-91 http://www.portseattle.org/Cargo/SeaCargo/Facilities/Break-Bulk-Terminals/Pages/Terminal-91.aspx

  g) Port document business with the Port link http://www.portseattle.org/Pages/default.aspx

  h) Port document commercial marine http://www.portseattle.org/Commercial-Marine/Pages/default.aspx

  i) Port maritime industrial http://www.portseattle.org/Commercial-Marine/Maritime-Industrial-Center/Pages/default.aspx

  14. Portions of complete return of record in Soundkeeper’s case, King County Superior Court Case No. 15-2-05143-1

  15. Port of Seattle Linda Styrk biography

  16. Port of Seattle biographies for its employee witnesses

  17. History of Ordinance 124105, including but not limited to:

      a) Director’s Reports for Ordinances 124105 and 124750;

      b) Marine Industrial Land Study, Port of Seattle, November 1998;

      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

  18. DPD responses to Foss’s Interrogatories 1, 3, 4 and 5 and RFP1, 2 and 3.

  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.
21. All Exhibits proposed by any other party

DATED this 28th day of July, 2015.

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CERTIFICATE OF SERVICE

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

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

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

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

[Signature]
ROSIE LEE HAILEY

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