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BEFORE THE HEARING EXAMINER
THE 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:
S-15-001 and S-15-002

(Director's Interpretation: 15-001)

**PORT OF SEATTLE'S UPDATED
WITNESS AND EXHIBIT LISTS**

I. WITNESSES

The Port of Seattle may call the following witnesses, who may be contacted through the undersigned counsel.

1. **Mike McLaughlin**, Director of Cruise and Maritime Operations. Mr. McLaughlin may testify about the Port's non-containerized cargo business at all of its maritime facilities, and the business that the Port conducts at all its maritime facilities, including the moorage of many different kinds of vessels not used for transporting goods in the stream of commerce. Mr. McLaughlin's direct testimony is expected to last 1.5 hours.
2. **Greg Englin**, Manager, Maritime Operations. Mr. Englin may testify about the Port's moorage of a variety of vessels at all its facilities, particularly at Terminal 91 and Piers 66 and 69, and about the Port's "Terminal Tariff No. 5." Mr. Englin's direct testimony is expected to last 1.5 hours.

1 3. **Paul Meyer**, Manager of Seaport Environmental Programs. Mr. Meyer may testify about
2 the history and use of the Port's maritime facilities, including the permits that the City
3 has and has not required for such facilities, and the time required to obtain permits. Mr.
4 Meyer's direct testimony is expected to last 1.5 hours.

5 4. **Thomas Tanaka**, Senior Port Counsel. Mr. Tanaka may testify about how Federal
6 regulations prohibit the Port from discriminating against or among vessels based upon the
7 purpose or use of the vessels. Mr. Tanaka may also testify about moorage at Port
8 facilities. Mr. Tanaka's direct testimony is expected to last 30 minutes.

9 The Port reserves the right to identify other witnesses who may be identified during on-
10 going discovery, and to call any witness named by another party.

11
12 **II. PORT OF SEATTLE'S EXHIBIT LIST**

13 1. All materials in DPD's files, including in particular the materials submitted to DPD by
14 the Port of Seattle in response to DPD's questions about the use of Terminal 5 and other
15 Port facilities.

16 2. All documents included in the record that the Port certified to the superior court on June
17 2, 2015 in Cause No. 15-2-05143-1. A link to the web site from which these documents
18 can be downloaded will be provided on request.

19 3. The Port's Terminal Tariff No. 5 (available on the Port's web site).

20 4. Representative Daily Berthing Plans from Terminal 91, illustrating the variety of vessels
21 that moor at the Port's cargo terminals. Copies will be provided on request.

22 5. DPD shoreline permits for Port maritime facilities, including Terminal 5, Terminal 91,
23 Pier 66, and Pier 69.

24 6. Assorted photographs, maps, and site plans that depict the Port's maritime facilities and
25 vessels mooring at such facilities. Copies can be provided once these documents are
26 identified and prepared.

7. Photographs that depict prior moorage by oil drilling rigs in Seattle.
8. Vessel Activity Report for Piers 48, 66, and 69, January 1996 to May 2000
9. Vessel Logs by month at T91 and other Port mooring facilities, January through June 2015
10. All documents identified as exhibits or potential exhibits by other parties to this appeal.
11. All documents that the Port learns are relevant as a result of on-going discovery.

RESPECTFULLY SUBMITTED this 30th day of July, 2015.

PORT OF SEATTLE



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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned a resident of the State of Washington, over the age of eighteen years, not a party to the above-entitled action, and competent to be a witness herein.

On July 21, 2015, I caused the foregoing document to be served as follows:

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DATED this 30th day of July, 2015.



Brenda Bole

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