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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of:) Hearing Examiner File No. S-15-001
) (DPD Project No. 3020324)
FOSS MARITIME COMPANY)
)
from an Interpretation by the Director, Department)
of Planning and Development.)

_____)
) Hearing Examiner File No. S-15-002
) (DPD Project No. 3020324)
In the Matter of the Appeal of the:)
)
PORT OF SEATTLE,)
)
from Interpretation No. 15-001 of the Director of) PUGET SOUNDKEEPER’S
the Department of Planning and Development.) UPDATED EXHIBIT LIST AND
) WITNESS LIST
)
_____)

In accordance with the Hearing Examiner’s July 27, 2014 Order, Puget Soundkeeper Alliance, Seattle Audubon Society, Sierra Club, and Washington Environmental Council (collectively “Soundkeeper”) respectfully submit this updated list of exhibits and witnesses.

LIST OF EXHIBITS

1. Maps of Terminal 5 and the surrounding areas prepared by Soundkeeper’s witnesses showing the impact of the Coast Guard exclusion zone on navigation.

- 1 2. Port of Seattle and Washington Department of Natural Resources, 1998 Port
2 Management Agreement, Ex. A-1.
- 3 3. Port of Seattle, Harbor Development Strategy 21 (June 26, 2001).
- 4 4. Governor’s Container Ports Initiative: Recommendations of the Container Ports
5 and Land Use Work Group – Excerpts (Jan. 2009).
- 6 5. Port of Seattle Commission Meeting Minutes (May 13, 2014).
- 7 6. Jeffrey W. Monroe, Dictionary of Maritime and Transportation Terms (2005)
8 (definitions of “cargo,” “carrier,” “good,” “transfer” and “transport”).
- 9 7. Black’s Law Dictionary definitions of “cargo,” “carrier,” “good,” “transfer,” and
10 “transport”.
- 11 8. O.E.D. definitions of “cargo,” “carrier,” “good,” “transfer,” and “transport”.
- 12 9. Terminal 5 Opportunities Meeting Agenda (Oct. 27, 2014) (PRA Terminal 5-2105
13 to -2106).¹
- 14 10. Email Re: T5 bollard installation (Jan. 5, 2015) (PRA Terminal 5 – 2862 to -
15 2863).
- 16 11. Shell PowerPoint – Port of Seattle Terminal 5 Conference: Technical Details and
17 Assurances (PRA Terminal 5 – 2864, 2872-2884).
- 18 12. Email Re: T-5 Interim Use Consistency Analysis (Jan. 12, 2015) (PRA Terminal
19 5-5040 to -5041).
- 20 13. Email: Draft Foss T-5 Lease Attributes (Jan. 29, 2015) (PRA Terminal 5- 4475-
21 4476).

23 ¹ Documents produced by the Port under the Public Records Act are denoted “PRA” followed by
24 the bates-stamped identifier on the documents as released.

- 1 14. Email with Draft T-5 Term Lease Use of Premises (Jan. 31, 2015) (Terminal 5-
2 3467, 3474).
- 3 15. Email with Draft Lease (Feb. 2, 2015) (PRA Terminal 5-4826-4828, 4835).
- 4 16. Email Re: Terminal 5 Foss USE description (Feb. 3, 2015) (PRA Terminal 5-
5 1980 to -1981).
- 6 17. Email with Foss T-5 Term Lease (Feb. 3, 2015) (PRA Terminal 5-3437, 3444).
- 7 18. Email with Foss T-5 Term Lease (Feb. 12, 2015) (PRA Terminal 5-4543-4544,
8 4554).
- 9 19. SEPA Exemption for Lease at Terminal 5 (Feb. 5, 2015) (W-312).²
- 10 20. Terminal 5 Interim Use Consistency Analysis (Jan. 14, 2015) (CW-151 to -165).
- 11 21. Interim Use Analysis (Jan. 6, 2015) (CW-166 to -170).
- 12 22. Shell PowerPoint Presentation at Meeting with Port (Aug. 27, 2014) (CW-211 to -
13 233).
- 14 23. Container Terminal Development Plan Excerpts (Oct. 1991) (CW-245 to -268).
- 15 24. Notice of Availability of Final EIS, Southwest Harbor Cleanup and
16 Redevelopment Project (Nov. 25, 1994) (CW-279 to -280).
- 17 25. Joint Federal-State Final EIS, Southwest Harbor Cleanup and Redevelopment
18 Project Table of Contents and Excerpts of Summary (Nov. 1994) (CW-281 to -312).
- 19 26. Final EIS, Southwest Harbor Cleanup and Redevelopment Project, Technical
20 Appendix F-2 Shoreline and Land Use Analysis (Nov. 1994) (CW-313 to -317, CW-333 to -
21 335).

22 ² Documents that were included in the completed record in *Puget Soundkeeper Alliance v. Port*
23 *of Seattle*, No. 15-2-05143-1 SEA, in King County Superior Court are identified as W-___ or
24 CW-___, where the initials stand for “writ” and “completed writ” respectively.

- 1 27. Email Re: Interim Revenue from Terminal 5 (Feb. 9, 2015) (CW-339 to -340)
- 2 28. Email Re: Vessel Maintenance and Report at Terminal 5 (Jan. 26, 2015) (CW-
- 3 341).
- 4 29. Email Re: T-5 Use (Dec. 4, 2014) (CW-355).
- 5 30. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (April
- 6 20, 2015).
- 7 31. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May
- 8 19, 2015).
- 9 32. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May
- 10 19, 2015).
- 11 33. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May
- 12 21, 2015).
- 13 34. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May
- 14 21, 2015).
- 15 35. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June
- 16 3, 2015).
- 17 36. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June
- 18 3, 2015).
- 19 37. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June
- 20 3, 2015).
- 21 38. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June
- 22 3, 2015).

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1 39. Exhibits from the depositions of Andy McKim and Ben Perkowski.

2 40. Exhibits in rebuttal to testimony or evidence submitted by appellants.

3 LIST OF WITNESSES

4 1. Sue Joerger, Puget Soundkeeper Alliance. Ms. Joerger may present fact testimony on
5 Puget Soundkeeper Alliance's land-based monitoring of Shell, Shell contractor, and Foss
6 activities at Terminal 5 and will contrast that activity, and the effects of that activity on Puget
7 Soundkeeper Alliance's activities under the prior Terminal 5 use. Soundkeeper anticipates Ms.
8 Joerger's testimony will take less than 45 minutes.

9 2. Paul Fredrickson, Puget Soundkeeper Alliance. Mr. Fredrickson may present fact
10 testimony on Puget Soundkeeper Alliance's water-based monitoring of Shell, Shell contractor,
11 and Foss activities at Terminal 5 and will contrast that activity, and the effects of that activity on
12 Puget Soundkeeper Alliance's activities under the prior Terminal 5 use. Soundkeeper anticipates
13 Mr. Fredrickson's testimony will take less than 30 minutes.

14 DATED this 7th day of August, 2015.

15 *s/ Patti Goldman*

16 PATTI A. GOLDMAN, WSBA No. 24426

17 MATTHEW R. BACA, WSBA No. 45676

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