

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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 SUPPLEMENTED
)	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, pursuant to the Hearing Examiner's July 27, 2014, Order and as extended by the parties to August 7.

I. WITNESSES

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

1. Andy McKim, DPD, 1.75 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. Stryk may testify as an adverse witness concerning the types of activities occurring at Port facilities.
6. Faith Lumsden, DPD, 15 minutes direct examination. Ms. Lumsden will testify on enforcement practices at DPD.
7. Any witness listed by another party.

II. EXHIBITS

DPD 1	DPD Permits for Terminal 5	DPD research files and RFP 2
DPD 2	Table summarizing DPD 1 permits	
DPD 3	Southwest Harbor Cleanup and Redevelopment Project Draft EIS	DPD Permit files
DPD 4	Resolution 27618	City Clerk
DPD 5	Ordinance 100423 - sections	City Records
DPD 6	Ordinance 106200 (1977)	City Records

1	DPD 7	Ordinance 111078 (1983)	City Records
2	DPD 8	Ordinance 113466 (1987)	City Records
3	DPD 9	"An Assessment of the Future Needs of Water Dependent Uses in Seattle," Seattle Shoreline Master Program Revision Project, DLU, May 1984	City Clerk SMP files
4	DPD 10	Container Terminal Development Plan, Port of Seattle, October 1991	Seattle Public Library
5	DPD 11	Permits for Terminal 91	DPD Permit files
6	DPD 12	Table summarizing permits in DPD 11, Application 3006901 and 3017290	DPD Permit files and Foss 89 and 90
7	DPD 13	FS5 Kick off meeting notes 1/18/14	Larry Ahern, Seattle FAS
8	DPD 14	Kick off meeting attendance 1/18/14	Larry Ahern, Seattle FAS
9	DPD 15	Email 4/24/14 and meeting notes from Lindsay King to Larry Ahern	Larry Ahern, Seattle FAS
10	DPD 16	Email 4/29 to Larry Ahern from Lindsay King	Larry Ahern, Seattle FAS
11	DPD 17	Permits for Pier 66	DPD files
12	DPD 18	Table summarizing different uses on permits in DPD 17	
13	DPD 19	Permits for Pier 69	DPD files
14	DPD 20	Table summarizing different uses on permits in DPD 19	
15	DPD 21	Port online documents describing Port services	Port of Seattle Web page
16	DPD 22	Port Memo dated 5/23/14	CW 16-20
17	DPD 23	Transcript 1/13/15	CW 21-98
18	DPD 24	Port Memo 1/9/15 for staff	CW 99-106

	briefing	
DPD 25	Seaport briefing to Port 1/9/15	CW 107-114
DPD 26	1/5/15 Email chain and drawings re bollard replacement at T-5	CW 127-149
DPD 27	1/26 email to Mike Merritt	CW 341
DPD 28	12/4/14 email to Scott Pattison	CW 355
DPD 29	10/9/14 email with briefing packet	CW 356-362
DPD 30	Linda Styrk biography	Port of Seattle Website
DPD 31	Blue Jacket to Council, Mayor's transmittal letter, Ordinance 124105 (portions)	City Clerk
DPD 32	Marine Industrial Land Study, Port of Seattle, November	City Clerk
DPD 33	199812/1 /12 Memo to City Council with Second Substitute bill for Ordinance 124105 (portions)	City Council

Plus, all Exhibits proposed by any other party. DPD reserves the right to supplement exhibits after a review of the Appellants' and T-5 Intervenor's exhibits provided August 6, 2015.

DATED this 7th day of August, 2015.

PETER S. HOLMES
Seattle City Attorney

By: s/Eleanore S. Baxendale, WSBA #20452
Assistant City Attorney
eleanore.baxendale@seattle.gov
Seattle City Attorney's Office
701 Fifth Ave., Suite 2050
Seattle, WA 98104-7097
Ph: (206) 684-8232
Fax: (206) 684-8284
Attorneys for Respondent
Department of Planning and Development

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 Opposition to T-5 Intervenors' Motion to Intervene** with the Seattle
4 Hearing Examiner 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:

7 John C. McCullough (X) email: jack@mhseattle.com
McCullough Hill Leary P.S.
8 701 Fifth Avenue, Suite 6600
Seattle, WA 98104-7006
9 *Attorneys for Appellant*
Foss Maritime Co.

10 David R. West (X) email: drwest@gsblaw.com
Donald B. Scaramastra (X) email: dscaramastra@gsblaw.com
11 Daniel J. Vecchino (X) email: dvecchio@gsblaw.com
Garvey Schuber Barer
12 1191 – 2nd Avenue, 18th Floor
Seattle, WA 98101-2939
13 *Attorneys for Appellant*
Foss Maritime Co.

14 Traci Goodwin (X) email: goodwin.t@portseattle.org
Senior Port Counsel
15 Port of Seattle
P. O. Box 1209
16 Seattle, WA 98111-1209
Attorneys for Appellant
17 *Port of Seattle*

18 Patrick J. Schneider (X) email: schnp@foster.com
Foster Pepper PLLC
19 1111 Third Ave., Suite 3400
Seattle, WA 98101-3299
20 *Attorneys for Appellant*
21 *Port of Seattle*

1 Patti A. Goldman
2 Matthew R. Baca
3 Earthjustice
4 705 Second Ave., Suite 203
5 Seattle, WA 98104-1711
6 *Attorneys for Intervenors*
7 *Puget Soundkeeper Alliance, Seattle*
8 *Audubon Society, Sierra Club, and*
9 *Washington Environmental Council*
10 Joshua C. Allen Brower
11 Molly K.D. Barker
12 Veris Law Group PLLC
13 1809 Seventh Avenue, Suite 1400
14 Seattle, WA 98101-1394
15 *Attorneys for T-5 Intervenors*

(X) email: pgoldman@earthjustice.org

(X) email: mbaca@earthjustice.org

(X) email: josh@verislawgroup.com

(X) email: molly@verislawgroup.com

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

10 Dated this 7TH day of August, 2015, at Seattle, Washington.

11
12 
13 TRUDY JAYNES