

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 AMENDED
)	SUPPLEMENTED WITNESS AND
from an interpretation by the Director,)	EXHIBIT LIST
Department of Planning and Development.)	
)	

The Department of Planning and Development submits its 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 witnesses 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 Stryk**, 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			
5			
6	DPD 10	Container Terminal Development Plan, Port of Seattle, October 1991	Seattle Public Library
7	DPD 11	Permits for Terminal 91	DPD Permit files
8	DPD 12	Table summarizing permits in DPD 11, Application 3006901 and 3017290	DPD Permit files and Foss 89 and 90
9			
10	DPD 13	FS5 Kick off meeting notes 1/18/14	Larry Ahern, Seattle FAS
11	DPD 14	Kick off meeting attendance 1/18/14	Larry Ahern, Seattle FAS
12			
13	DPD 15	Email 4/24/14 and meeting notes from Lindsay King to Larry Ahern	Larry Ahern, Seattle FAS
14	DPD 16	Email 4/29 to Larry Ahern from Lindsay King	Larry Ahern, Seattle FAS
15			
16	DPD 17	Permits for Pier 66	DPD files
17	DPD 18	Table summarizing different uses on permits in DPD 17	
18	DPD 19	Permits for Pier 69	DPD files
19	DPD 20	Table summarizing different uses on permits in DPD 19	
20	DPD 21	Port online documents describing Port services	Port of Seattle Web page
21			
22	DPD 22	Port Memo dated 5/23/14	CW 16-20
23	DPD 23	Transcript 1/13/15	CW 21-98

1	DPD 24	Port Memo 1/9/15 for staff briefing	CW 99-106
2	DPD 25	Seaport briefing to Port 1/9/15	CW 107-114
3	DPD 26	1/5/15 Email chain and drawings re bollard replacement at T-5	CW 127-149
4	DPD 27	1/26 email to Mike Merritt	CW 341
5	DPD 28	12/4/14 email to Scott Pattison	CW 355
6	DPD 29	10/9/14 email with briefing packet	CW 356-362
7	DPD 30	Linda Styrk biography	Port of Seattle Website
8	DPD 31 <u>amended</u>	Blue Jacket to Council, Mayor's transmittal letter, <u>transmittal sheet</u> , Ordinance 124105 <u>ver. 2</u> (portions)	City Clerk
9			
10			
11	DPD 32	Marine Industrial Land Study, Port of Seattle, November <u>1998</u>	City Clerk
12			
13	DPD 33	12/1 /12 Memo to City Council with Second Substitute bill for Ordinance 124105 (portions)	City Council
14			
15	DPD 34	Definition of Terminal	Websters Third New International Dictionary
16			
17	DPD 35	Transcript July 31, 2015, Hearing Puget Soundkeeper Alliance v. Port of Seattle	Court/ court reporter

18 //
19 //
20 //
21 //
22 //
23 //

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

3 DATED this 11th day of August, 2015.

4 PETER S. HOLMES
5 Seattle City Attorney

6 By: s/Eleanore S. Baxendale, WSBA #20452
7 Assistant City Attorney
8 eleanore.baxendale@seattle.gov
9 Seattle City Attorney's Office
10 701 Fifth Ave., Suite 2050
11 Seattle, WA 98104-7097
12 Ph: (206) 684-8232
13 Fax: (206) 684-8284
14 *Attorneys for Respondent*
15 *Department of Planning and Development*
16
17
18
19
20
21
22
23

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 Amended Supplemented Witness and Exhibit List** 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
8 McCullough Hill Leary P.S.
9 701 Fifth Avenue, Suite 6600
10 Seattle, WA 98104-7006
11 *Attorneys for Appellant*
12 *Foss Maritime Co.*

10 David R. West (X) email: drwest@gsblaw.com
11 Donald B. Scaramastra (X) email: dscaramastra@gsblaw.com
12 Daniel J. Vecchino (X) email: dvecchio@gsblaw.com
13 Garvey Schuber Barer
14 1191 – 2nd Avenue, 18th Floor
15 Seattle, WA 98101-2939
16 *Attorneys for Appellant*
17 *Foss Maritime Co.*

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

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

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

Patti A. Goldman
Matthew R. Baca
Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104-1711
Attorneys for Intervenors
Puget Soundkeeper Alliance, Seattle
Audubon Society, Sierra Club, and
Washington Environmental Council
Joshua C. Allen Brower
Molly K.D. Barker
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101-1394
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

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

Dated this 11th day of August, 2015, at Seattle, Washington.


ROSIE LEE HAILEY