

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:
	)	<b>S-15-001 and S-15-002</b>
	)	
<b>FOSS MARITIME COMPANY</b>	)	DEPARTMENT OF PLANNING AND
	)	DEVELOPMENT'S SECOND
	)	AMENDED SUPPLEMENTED
from an interpretation by the Director,	)	WITNESS AND 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.

- 1           3.     **Larry Ahern**, City of Seattle Finance and Administrative Services, 30 minutes  
2           direct examination. Mr. Ahern may testify about the process of leasing moorage  
3           from the Port and applying for permits at Terminal 91 for the fire and rescue vessels  
4           moored there.
- 5           4.     **George Blomberg**, Port of Seattle, 30 minutes direct examination. Mr. Blomberg  
6           may testify as an adverse witness concerning his leasing, permitting and SEPA  
7           review, both generally and for activities at Terminal 5 and Terminal 91.
- 8           5.     **Linda Stryk**, Port of Seattle/Puget Sound Pilots, 45 minutes direct examination.  
9           Ms. Stryk may testify as an adverse witness concerning the types of activities  
10          occurring at Port facilities.
- 11          6.     **Faith Lumsden**, DPD, 15 minutes direct examination. Ms. Lumsden will testify on  
12          enforcement practices at DPD.
- 13          7.     Any **witness** listed by another party.

**II. EXHIBITS**

15          DPD 1	DPD Permits for Terminal 5	DPD research files and RFP 2
16          DPD 2	Table summarizing DPD 1 permits	
17          DPD 3	Southwest Harbor Cleanup and Redevelopment Project Draft EIS	DPD Permit files
18          DPD 4	Resolution 27618	City Clerk
19          DPD 5	Ordinance 100423 - sections	City Records
20          DPD 6	Ordinance 106200 (1977)	City Records
21          DPD 7	Ordinance 111078 (1983)	City Records
22          DPD 8	Ordinance 113466 (1987)	City Records
23		

1	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
2	DPD 10	Container Terminal Development Plan, Port of Seattle, October 1991	Seattle Public Library
3	DPD 11	Permits for Terminal 91	DPD Permit files
4	DPD 12	Table summarizing permits in DPD 11, Application 3006901 and 3017290	DPD Permit files and Foss 89 and 90
5	DPD 13	FS5 Kick off meeting notes 1/18/14	Larry Ahern, Seattle FAS
6	DPD 14	Kick off meeting attendance 1/18/14	Larry Ahern, Seattle FAS
7	DPD 15	Email 4/24/14 and meeting notes from Lindsay King to Larry Ahern	Larry Ahern, Seattle FAS
8	DPD 16	Email 4/29 to Larry Ahern from Lindsay King	Larry Ahern, Seattle FAS
9	DPD 17	Permits for Pier 66	DPD files
10	DPD 18	Table summarizing different uses on permits in DPD 17	
11	DPD 19	Permits for Pier 69	DPD files
12	DPD 20	Table summarizing different uses on permits in DPD 19	
13	DPD 21	Port online documents describing Port services	Port of Seattle Web page
14	DPD 22	Port Memo dated 5/23/14	CW 16-20
15	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	DPD 32	Marine Industrial Land Study, Port of Seattle, November <u>1998</u>	City Clerk
10	DPD 33	12/1 /12 Memo to City Council with Second Substitute bill for Ordinance 124105 (portions)	City Council
11	DPD 34	Definition of Terminal	Webster's Third New International Dictionary
12	DPD 35	Transcript July 31, 2015, Hearing Puget Soundkeeper Alliance v. Port of Seattle	Court/ court reporter
13	DPD 36 supplement	Port of Seattle DEIS (October 2006) and FEIS (February 2007) for Terminal 30 Container Reactivation and Cruise Terminal Relocation (excerpts describing preferred alternative)	Seattle Public Library
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			

DPD 37 supplement	Declaration of Terrence Plumb with exhibit showing area leased from Port of Seattle for Permit No. 6389907 (re: F091)	
-------------------	--	--

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 20th day of August, 2015.

PETER S. HOLMES  
Seattle City Attorney

By: s/Eleanore S. Baxendale, WSBA #20452  
Assistant City Attorney  
[eleanore.baxendale@seattle.gov](mailto: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 Second Amended Supplemented Witness and Exhibit List** with the  
4 Seattle 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](mailto:jack@mhseattle.com)  
8 McCullough Hill Leary P.S.  
9 701 Fifth Avenue, Suite 6600  
Seattle, WA 98104-7006  
*Attorneys for Appellant*  
*Foss Maritime Co.*

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

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

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

1 Patti A. Goldman  
Matthew R. Baca  
2 Earthjustice  
705 Second Ave., Suite 203  
3 Seattle, WA 98104-1711  
*Attorneys for Intervenors*  
4 *Puget Soundkeeper Alliance, Seattle*  
*Audubon Society, Sierra Club, and*  
5 *Washington Environmental Council*

(X) email: [pgoldman@earthjustice.org](mailto:pgoldman@earthjustice.org)  
(X) email: [mbaca@earthjustice.org](mailto:mbaca@earthjustice.org)

6 Joshua C. Allen Brower  
Molly K.D. Barker  
7 Veris Law Group PLLC  
1809 Seventh Avenue, Suite 1400  
8 Seattle, WA 98101-1394  
*Attorneys for T-5 Intervenors*

(X) email: [josh@verislawgroup.com](mailto:josh@verislawgroup.com)  
(X) email: [molly@verislawgroup.com](mailto:molly@verislawgroup.com)

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

10 Dated this 20<sup>th</sup> day of August, 2015, at Seattle, Washington.

11  
12   
13 ROSIE LEE HAILEY