BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of: FOSS MARITIME COMPANY from an Interpretation by the Director, Department of Planning and Development.

In the Matter of the Appeal of the: PORT OF SEATTLE, from Interpretation No. 15-001 of the Director of the Department of Planning and Development.

Puget Soundkeeper Alliance, Seattle Audubon Society, Sierra Club, and Washington Environmental Council (collectively “Soundkeeper”) respectfully submit this fourth updated list of exhibits and witnesses. Soundkeeper requested that the other parties stipulate to Soundkeeper’s submission of excerpts of documents as PSA Exs. 13-15 and 17-18; Foss declined to stipulate. For that reason, Soundkeeper is adding the complete documents corresponding to those excerpts to its exhibit list. Soundkeeper will provide paper copies for the
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.


7. Black’s Law Dictionary definitions of “cargo,” “carrier,” “good,” “transfer,” and “transport”.

8. O.E.D. definitions of “cargo,” “carrier,” “good,” “transfer,” and “transport”.

9. Terminal 5 Opportunities Meeting Agenda (Oct. 27, 2014) (PRA Terminal 5-2105 to -2106).


1 Documents produced by the Port under the Public Records Act are denoted “PRA” followed by the bates-stamped identifier on the documents as released.
14A. Re-scaled: Email with Draft T-5 Term Lease Use of Premises (Jan. 31, 2015) (Terminal 5-3467, 3474).
17. Email with Foss T-5 Term Lease (Feb. 3, 2015) (PRA Terminal 5-3437, 3444).
17A. Re-scaled: Email with Foss T-5 Term Lease (Feb. 3, 2015) (PRA Terminal 5-3437, 3444).
17B. Complete Ex. 17A Document: Re-scaled: Email with Foss T-5 Term Lease (Feb. 3, 2015) (PRA Terminal 5-3437, 3444).

18. Email with Foss T-5 Term Lease (Feb. 12, 2015) (PRA Terminal 5-4543-4544, 4554).

18A. Re-scaled: Email with Foss T-5 Term Lease (Feb. 12, 2015) (PRA Terminal 5-4543-4544, 4554).

18B. Complete Ex. 18A Document: Re-scaled: Email with Foss T-5 Term Lease (Feb. 12, 2015) (PRA Terminal 5-4543-4544, 4554).


^2 Documents that were included in the completed record in Puget Soundkeeper Alliance v. Port of Seattle, No. 15-2-05143-1 SEA, in King County Superior Court are identified as W-___ or CW-____, where the initials stand for “writ” and “completed writ” respectively.
30. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (April 20, 2015).
31. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May 19, 2015).
32. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May 19, 2015).
33. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May 21, 2015).
34. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (May 21, 2015).
35. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June 3, 2015).
36. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June 3, 2015).
37. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June 3, 2015).
38. Photograph taken by Soundkeeper’s witnesses of Terminal 5’s use by Foss (June 3, 2015).
39. Foss Maritime Company’s Objections and Responses to Department of Planning and Development’s First Set of Interrogatories (Aug. 10, 2015).

40. Foss Maritime Company’s Objections and Responses to Department of Planning and Development’s First Set of Requests for Production of Documents (Aug. 10, 2015).

41. Department of Planning and Development’s First Set of Interrogatories and Requests for Production of Documents to Port of Seattle and Response Thereto (Aug. 10, 2015).


43. Letter from Patti Goldman et. al to Port of Seattle Commissioners, re: Request for Reconsideration Regarding Terminal 5 Interim Lease (Jan. 28, 2015) (CW-180 to -185).

44. Pilot’s Report of Incident, Board of Pilotage Commissioners (Mar. 9, 2015) (filed in the related litigation).


48. Exhibits from the depositions of Andy McKim and Ben Perkowski.

49. Additional exhibits in rebuttal to testimony or evidence submitted by appellants.

LIST OF WITNESSES

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

DATED this 21st day of August, 2015.

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Attorneys for Intervenors Puget Soundkeeper Alliance, Seattle Audubon Society, Sierra Club and Washington Environmental Council
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<th>Description</th>
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<td>Jeffrey W. Monroe, Dictionary of Maritime and Transportation Terms (definitions of “cargo,” “carrier,” “good,” “transfer” and “transport”).</td>
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<td>7</td>
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<td>Email Re: Vessel Maintenance and Report at Terminal 5.</td>
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<td>Letter from Patti Goldman et. al to Port of Seattle Commissioners, re: Request for Reconsideration Regarding Terminal 5 Interim Lease.</td>
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<td>U.S. Coast Guard Foreign and Offshore Compliance Division, Monthly List of IMO Reportable Detentions Webpage and Apr. 2015 Report.²</td>
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<td>46</td>
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<td>Excerpts from: Shell Gulf of Mexico Inc., Revised Outer Continental Shelf Lease Exploration Plan: Chukchi Sea, Alaska (Revision 2: March 2015).³</td>
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<td>47</td>
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<td>Excerpts from: Shell, Chukchi Sea Regional Exploration Program Oil Spill Response Plan.⁴</td>
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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of:  
FOSS MARITIME COMPANY  
from an Interpretation by the Director, Department of Planning and Development.

In the Matter of the Appeal of:  
PORT OF SEATTLE,  
from Interpretation No. 15-001 of the Director of the Department of Planning and Development.

I am a citizen of the United States and a resident of the state of Washington. I am over 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203; Seattle, Washington 98104-1711.

I declare that on August 21, 2015, I served a copy of PUGET SOUNDKEEPER’S FOURTH UPDATED EXHIBIT LIST AND WITNESS LIST, PUGET SOUNDKEEPER ALLIANCE (“PSA”) EXHIBITS – TERMINAL 5 and this DECLARATION OF SERVICE via the Hearing Examiner’s electronic filing system and/or via e-mail on the following parties:
DECLARATION OF SERVICE

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Ballard Oil Company; Crowley Maritime Corporation;
Glacier Fish Company; Premier Pacific Seafoods;
Sailors’ Union of the Pacific; SSA Terminals, LLC;
Transportation Institute and Vigor Industrial LLC

I, Eudora Powell, declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Executed this 21th day of August, 2015, at Seattle, Washington.

EUDORA POWELL, Litigation Assistant