

<b>Description</b>	<p> Minutes  Day 5  Tuesday August 27, 2015  S-15-001 &amp; S-15-002  Foss Maritime Company and Port of Seattle  Terminal 5  Time: 9:00 AM  Examiner: Anne Watanabe  Assistant: Tiffany Ku </p> <p> Party Representatives: </p> <p> Foss Maritime, Appellant  c/o David R. West  Garvey Shubert Barer  1191 2nd Avenue, 18th Floor  Seattle, WA 98101 </p> <p> and </p> <p> Katie Kendall  McCullough Hill Leary, P.S.  701 Fifth Avenue, Suite 6600  Seattle, WA 98104 </p> <p> Port of Seattle, Appellant  Patrick Schneider  Foster Pepper  111 Third Ave, Suite 3400  Seattle, WA 98101 </p> <p> Eleanore Baxendale, for DPD  City Attorney's Office  701 Fifth Ave, Suite 2050  Seattle, WA 98104 </p> <p> Puget Soundkeeper, Intevenor  c/o Patti Goldman and Matthew Baca  Earthjustice  705 Second Ave, Suite 203  Seattle, WA 98104 </p> <p> T-5 Intevenors, Intevenor  c/o Molly Barker  Veris Law Group, PLLC  1809 Seventh Ave, Suite 1400 </p>
--------------------	---

	Seattle, WA 98101		
<b>Date</b>	8/27/2015	<b>Location</b>	Large Hearing Room
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">10:30:27 AM</a>		Continued from 8/25/15 to discuss admission of remaining exhibits.	
<a href="#">10:30:46 AM</a>		Parties are introduced.	
<a href="#">10:34:43 AM</a>		Baxendale discusses DPD Exhibits 5-9, legislative history.	
<a href="#">10:35:29 AM</a>		Objection by Schneider, no explanation of relevance and inconsistent with witness testimony.	
<a href="#">10:37:01 AM</a>		Baxendale responds documents provide definitions.	
<a href="#">10:38:57 AM</a>		<b>Examiner will admit DPD Exhibits 5-8.</b>	
<a href="#">10:39:30 AM</a>		Baxendale discusses DPD Exhibit 9.	
<a href="#">10:42:41 AM</a>		<b>Examiner will admit DPD Exhibit 9.</b>	
<a href="#">10:46:26 AM</a>		Discussion re: DPD Exhibit 16.	
<a href="#">10:47:02 AM</a>		<b>Examiner will admit DPD Exhibit 16</b>	
<a href="#">10:49:11 AM</a>		Baxendale discusses DPD Exhibit 17.	
<a href="#">10:49:18 AM</a>		Objection by Schneider, relevance and not appropriate.	
<a href="#">10:49:50 AM</a>		Objection by West, not an accurate description.	
<a href="#">10:56:19 AM</a>		<b>Examiner will admit DPD Exhibit 17.</b>	
<a href="#">10:57:04 AM</a>		<b>DPD Exhibits 1, 4, 11, 13-15 are admitted with no objections.</b>	
<a href="#">10:58:08 AM</a>		Baxendale discusses DPD Exhibit 21.	
<a href="#">11:02:44 AM</a>		<b>DPD Exhibit 21 is denied.</b>	
<a href="#">11:06:17 AM</a>		<b>Baxendale discusses DPD Exhibit 23; Examiner will only accept pages that were previously admitted (1-7, 13-17).</b>	
<a href="#">11:09:06 AM</a>		Baxendale discusses DPD Exhibit 25.	
<a href="#">11:12:18 AM</a>		<b>DPD Exhibit 25 is admitted. DPD Exhibits 23-24, 26-29 are admitted with no objections.</b>	
<a href="#">11:12:22 AM</a>		Discussion re: DPD Exhibit 30, Biography of Linda Styrk.	
<a href="#">11:13:32 AM</a>		<b>DPD Exhibit 30 is denied.</b>	
<a href="#">11:13:49 AM</a>		Baxendale discusses DPD Exhibits 31 and 33	
<a href="#">11:14:30 AM</a>		Objection by Schneider, not relevant.	
<a href="#">11:17:32 AM</a>		Schneider and West withdraw their objections.	

<a href="#">11:17:40 AM</a>		<b>DPD Exhibits 31 and 33 are admitted.</b>
<a href="#">11:19:09 AM</a>		Baxendale discusses DPD Exhibit 32.
<a href="#">11:20:38 AM</a>		Objection by Schneider, same objections, relevance.
<a href="#">11:21:28 AM</a>		<b>Examiner responds, DPD Exhibit 32 is denied.</b>
<a href="#">11:24:39 AM</a>		Discussion of DPD Exhibit 34, definitions.
<a href="#">11:25:05 AM</a>		<b>DPD Exhibit 34 is admitted.</b>
<a href="#">11:26:47 AM</a>		Baxendale discusses DPD Exhibit 35.
<a href="#">11:27:15 AM</a>		Objection by Schneider, relevance.
<a href="#">11:28:39 AM</a>		<b>DPD Exhibit 35 is denied.</b>
<a href="#">11:31:10 AM</a>		Discussion of DPD Exhibit 36.
<a href="#">11:31:16 AM</a>		Objections by West and Schneider, no witness.
<a href="#">11:32:18 AM</a>		<b>DPD Exhibit 36 is admitted.</b>
<a href="#">11:32:33 AM</a>		<b>Baxendale also offers Foss Exhibits 54, 55, and 104 and they are admitted.</b>
<a href="#">11:33:08 AM</a>		<b>DPD Exhibits 4, 5, 6, 7, 8 are also admitted.</b>
<a href="#">11:33:32 AM</a>		West discusses Foss Exhibits 28 and 29.
<a href="#">11:35:37 AM</a>		Baxendale asks for clarification. West responds.
<a href="#">11:36:29 AM</a>		Objection by Baxendale not identified the record.
<a href="#">11:38:15 AM</a>		<b>Foss Exhibits 28 and 29 are denied.</b>
<a href="#">11:39:21 AM</a>		<b>Goldman discusses admission of Foss Exhibits 33, 37 (same as DPD 24), they are admitted.</b>
<a href="#">11:40:57 AM</a>		Goldman discusses Foss Exhibit 39.
<a href="#">11:41:59 AM</a>		Objection by West.
<a href="#">11:42:08 AM</a>		Goldman responds.
<a href="#">11:42:47 AM</a>		<b>Foss Exhibit 39 is admitted.</b>
<a href="#">11:43:06 AM</a>		<b>Foss Exhibit 46 is admitted.</b>
<a href="#">11:44:07 AM</a>		Goldman discusses Soundkeeper Exhibit 2.
<a href="#">11:45:47 AM</a>		West responds to Goldman, incomplete document.
<a href="#">11:48:58 AM</a>		<b>Soundkeeper Exhibit 2 is admitted.</b>
<a href="#">11:51:20 AM</a>		Goldman discusses Soundkeeper Exhibit 3.
<a href="#">11:52:23 AM</a>		Objection by Schneider, relevance.
<a href="#">11:52:31 AM</a>		Goldman responds to objection.

<a href="#">11:53:05 AM</a>		Examiner asks for clarification.
<a href="#">11:55:25 AM</a>		<b>Soundkeeper Exhibit 3 is denied.</b>
<a href="#">11:57:28 AM</a>		Discussion of Soundkeeper Exhibit 6, Monroe Dictionary of Maritime and Transportation Terms, and it is admitted.
<a href="#">11:58:01 AM</a>		<b>Soundkeeper Exhibit 7 is admitted as well under the same premise of Soundkeeper Exhibit 6.</b>
<a href="#">11:58:59 AM</a>		Examiner would like to take notice of various dictionary definitions.
<a href="#">12:00:22 PM</a>		<b>Soundkeeper Exhibit 12 is admitted with no objections.</b>
<a href="#">12:01:19 PM</a>		Discussion of Soundkeeper Exhibits 13, 13A, 14A, 14B, 15A. 15B Draft Leases. Full documents are included for context in addition to excerpts.
<a href="#">12:03:31 PM</a>		Objection by West and Schneider, relevance.
<a href="#">12:04:50 PM</a>		Goldman responds to objection.
<a href="#">12:06:01 PM</a>		Examiner asks for clarification.
<a href="#">12:06:08 PM</a>		Goldman responds to Examiner.
<a href="#">12:07:52 PM</a>		<b>Examiner will admit Soundkeeper Exhibits 13A, 14B, 15B, and 17 B with reservation. Other variants are not admitted.</b>
<a href="#">12:09:27 PM</a>		<b>Soundkeeper Exhibit 16 is admitted with no objections.</b>
<a href="#">12:09:38 PM</a>		Goldman discusses Soundkeeper Exhibit 19.
<a href="#">12:10:43 PM</a>		<b>Soundkeeper Exhibits 19, 20, 21 are admitted without objections.</b>
<a href="#">12:11:41 PM</a>		<b>Soundkeeper Exhibit 22, Shell PowerPoint Presentation is admitted.</b>
<a href="#">12:12:02 PM</a>		Goldman discusses Soundkeeper Exhibits 24-26.
<a href="#">12:13:28 PM</a>		Objections by West, outside of scope and misleading.
<a href="#">12:13:51 PM</a>		Goldman responds to objections.
<a href="#">12:16:29 PM</a>		<b>Soundkeeper Exhibits 24-26 are admitted.</b>
<a href="#">12:17:36 PM</a>		<b>Soundkeeper Exhibits 28 and 29 are admitted. (Duplicate DPD Exhibits)</b>
<a href="#">12:18:11 PM</a>		Soundkeeper Exhibit 42 is withdrawn.
<a href="#">12:18:29 PM</a>		Goldman raises issue with attachments in Foss Exhibit 22, not relevant to issues in case.
<a href="#">12:19:38 PM</a>		Examiner responds.
<a href="#">12:19:46 PM</a>		Schneider responds.
<a href="#">12:20:10 PM</a>		<b>Examiner accepting Foss Exhibit 22 as what was submitted to</b>

		<b>DPD.</b>
<a href="#">12:20:45 PM</a>		Goldman brings up transcript for proceedings.
<a href="#">12:26:26 PM</a>		Hearing is adjourned.

Produced by FTR Gold™  
[www.fortherecord.com](http://www.fortherecord.com)