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**APPROVED MINUTES
COMMISSION REGULAR MEETING MAY 12, 2015**

The Port of Seattle Commission met in a regular meeting Tuesday, May 12, 2015, at Port of Seattle Headquarters, Commission Chambers, 2711 Alaskan Way, Seattle, Washington. Commissioners Albro, Bowman, Bryant, and Creighton were present. Commissioner Gregoire was absent for health reasons.

1. CALL TO ORDER

The meeting was called to order at 1:02 p.m. by Commission Co-President Stephanie Bowman.

2. EXECUTIVE SESSION pursuant to RCW 42.30.110 – None.

PLEDGE OF ALLEGIANCE

A recording of this part of the meeting has been made available online.

3. SPECIAL ORDERS OF BUSINESS – None.

4. UNANIMOUS CONSENT CALENDAR – None.

5. PUBLIC TESTIMONY

Public comment regarding the Port's lease with Foss Maritime for interim use of Terminal 5 was received. The following individuals spoke in opposition to the lease for a variety of reasons, including global climate change, opposition to Arctic oil drilling, lack of transparency, and Shell Oil Company's environmental record:

- Richard Hodgin, Seattle, who submitted written materials, which are included here as minutes [Exhibit A](#) and are available for public review
- Mohawk Kuzma, Seattle
- Stu Yarfitz, Seattle
- Scott McClay, Seattle
- Fred Felleman, Northwest Consultant for Friends of the Earth, who submitted written materials, which are included here as minutes [Exhibit B](#) and are available for public review
- Basilia Brownell, Seattle
- Mike Dash, Seattle
- Zarna Joshi, Seattle
- Harmony Shenk, Seattle
- Zoe Lennox, Brisbane, Australia

- Dan Cannon, Washington
- Heather McAuliffe, Seattle
- Mark Hennon, Seattle
- Annette Klapstein
- Elizabeth Deavine, with six other members of the Raging Grannies
- Maris and Bodhi Abelson, Lake Forest Park
- Dr. Susan Lubetkin, Seattle
- Alison Fujino, Seattle
- George Jeff Boutel, Seattle
- Cynthia Linet, Seattle, and Kelly Mears, Vashon Island, Washington, who presented a large, vinyl banner in the form of a \$20 bill
- James Kahn, Socialist Alternative
- Kurtis Dengler, Seattle
- Mary Nichol, Greenpeace organizer
- Michael Almoslino, Seattle
- Christina Alexa Liakos, Palmek, Alaska
- Charles Conatzer, Rising Tide Seattle
- Samantha Corbin, New York, New York
- Sara Alice Grendon, 350 Seattle, Climate Action Now
- Carol Isaac, Seattle
- BJ Cummings, Seattle
- Michael Lubrano, Vashon Island, Washington
- KC Golden, Senior Policy Advisor, Climate Solutions
- Peter Goldman, Seattle
- Emily Johnston, 350 Seattle
- Ellen Finkelstein, Seattle
- Amber Dawn Hallet, San Francisco, California
- Benjamin Smith, San Francisco, California
- Michael Almoslino, Seattle
- Ed Mast, Seattle
- Kenan Block, Seattle
- Bob Barnes, Seattle
- Michael Foster, Seattle
- Carl Wassilie, Alaska Inter-Tribal Council
- Alex Epstein, Climate Solutions, submitted a written statement, which is included here as minutes [Exhibit C](#) and is available for public review

The following people spoke in favor of the lease for a variety of reasons, including job creation, strength of Seattle's maritime sector, Foss Maritime's environmental and safety record, the interests of constituencies in Alaska, and the need for the Port to approach its leases impartially:

- Cathy Giessel, Alaska State Senator
- Anthony Edwardson, Barrow, Alaska
- Hugh Patkojak, Alaska

- John Hopson, Mayor, Wainwright, Alaska
- Teresa Im, Alaska
- Chris Hladich, Alaska Commissioner of Commerce, Community, and Economic Development
- Paul Stevens, Seattle
- Glenn Reed, President, Pacific Seafood Processing Association
- Paul Fuhs, Dutch Harbor, Alaska
- Herald Ugles, ILWU Local 19
- Roger Wilson, Prudhoe Bay, Alaska
- Kate Blair, Anchorage, Alaska
- Rick Rogers, Executive Director, Alaska Resource Development Council, who submitted written materials, which are included here as minutes [Exhibit D](#) and are available for public review
- Chuck Wendt, President, ILWU Alaska Longshore Division
- Vince O'Halloran, Sailors Union of the Pacific
- Joe Vincenzo, Seafarers International Union
- Goodspaceguy, King County resident
- Cameron Williams, President, ILWU Local 19
- Alan Coté, Inland Boatmen's Union
- Chris Philips, Philips Publishing, *Pacific Maritime Magazine*
- Dan McKisson, ILWU Puget Sound District Council President
- Mike Elliott, Locomotive Engineers and Trainmen
- Gail McCormick, Inland Boatmen's Union
- Joshua Berger, Coordinator, Washington Maritime Federation
- Justin Hirsch, ILWU Local 19
- Steven Walker, Marine Engineers Beneficial Association
- John Lockwood, President, Seattle Marine Business Coalition
- Charles Costanzo, American Waterways Operators
- Dave Gering, Executive Director, Manufacturing and Industrial Council
- Bill Knowlton, Marine Engineers Beneficial Association
- Monty Anderson, Executive Secretary, Seattle Building Trades

RECESSED AND RECONVENED

During public testimony, the meeting was recessed at 2:30 p.m. and reconvened at 2:45 p.m., and again recessed at 4:08 p.m. and reconvened at 4:30 p.m., chaired by Commissioner Bowman.

A recording of this part of the meeting has been made available online.

6. DIVISION, CORPORATE, AND COMMISSION ACTION ITEMS

- 6a. **Request for the CEO to advise Foss Maritime Company that the City of Seattle has determined the proposed moorage of the Royal Dutch Shell exploratory drilling rig and two accompanying tugboats are not a permitted use at Port cargo terminals.**

Request document(s) provided May 11 included a Commission agenda [memorandum](#), full text of the [motion](#), [City of Seattle Department of Planning and Development Director's Interpretation](#), a [letter from Department of Planning and Development Director Diane Sugimura dated May 8, 2015](#), a [letter from Seattle Mayor Ed Murray dated May 8, 2015](#), and a [letter from Foss Maritime dated May 8, 2015](#).

Presenter(s): Mike Merritt, Interim Commission Chief of Staff; Diane Sugimura, Director, City of Seattle Department of Planning and Development; Andy McKim, Seattle Department of Planning and Development; Traci Goodwin, Senior Port Counsel; and Linda Styrk, Managing Director, Maritime Division.

There was a single presentation on agenda items 6a and 6b, regarding the interpretation of the City Department of Planning and Development Director related to the use of Terminal 5 for Foss Maritime operations. The relevant facts were described and the City's interpretation that servicing of Shell Oil Company's drilling rig *Polar Pioneer* is not a consistent use for a cargo terminal was summarized.

Ms. Sugimura outlined the rationale and definitions relied upon for the Director's Interpretation. There was a discussion of the potential for further review of the applicable definitions in the City Code. Commissioners posed several questions about the interpretation, including the ramifications for common and accepted marine cargo practices throughout the Seattle harbor. Clarification on the appeal process and the enforceability of the interpretation pending appeal was provided.

Clarification on additional vessels using Terminal 5 was provided. A statement from Commissioner Gregoire, who was absent for health reasons, was read.

The text of the motion in agenda item 6a reads as follows:

The Port Commission hereby directs the Chief Executive Officer to notify the Foss Maritime Company that, according to the zoning code interpretation issued by the Director of the Department of Planning and Development for the City of Seattle, the proposed moorage of the Royal Dutch Shell exploratory drilling rig and two accompanying tug boats at Terminal 5 is not consistent with the legally established use of Terminal 5 as a cargo terminal under applicable zoning laws. This interpretation was formally issued on May 7. In light of the City's interpretation, the Port requests that Foss Maritime inform Royal Dutch Shell that its moorage of the oil exploration vessels and tugs and other activities deemed by the City to be inconsistent with the legally established cargo terminal use at Terminal 5 should be delayed pending further legal review of the City's interpretation. If and when this code interpretation is deemed a final decision by the City of Seattle, should such moorage occur, the Port of Seattle will consider all of its options under the lease, including default by Foss Maritime under the term lease agreement no. 002652.

The motion for approval of the motion contained in agenda item 6a, as shown above, carried by the following vote:

In favor: Albro, Bowman, Creighton (3)

Opposed: Bryant (1)

Absent for the vote: Gregoire

A recording of this part of the meeting has been made available online.

6b. Request the CEO to appeal to the City of Seattle Hearing Examiner Department of Planning and Development Director's Interpretation No. 15-001, formally issue on May 7, 2015, concerning the moorage of oil exploration vessels at Terminal 5.

Request document(s) provided May 11 included a Commission agenda [memorandum](#), full text of the [motion](#), and [City of Seattle Department of Planning and Development Director's Interpretation](#).

Presenter(s): (See agenda item 6a above.)

The text of the motion in agenda item 6b reads as follows:

On May 7, 2015, the City of Seattle Director of the Department of Planning and Development issued DPD Interpretation No. 15-001, which concluded the proposed moorage of Royal Dutch Shell exploratory drilling rig and two accompanying tug boats at Terminal 5 would not be consistent with the legally established use of Terminal 5 as a cargo terminal. Because this interpretation is inconsistent with the Port's historic operation of its cargo terminals and raises significant questions about the legality of long, preexisting diverse cargo activities at the Port of Seattle cargo terminals, the Port of Seattle Commission directs the Chief Executive Officer to appeal Interpretation No. 15-001 with the City of Seattle Hearing Examiner.

The motion for approval of the motion contained in agenda item 6b, as shown above, carried by the following vote:

In favor: Albro, Bowman, Bryant, Creighton (4)

Absent for the vote: Gregoire

A recording of this part of the meeting has been made available online.

7. STAFF BRIEFINGS – None.

8. ADDITIONAL NEW BUSINESS – None.

9. ADJOURNMENT

There was no further business, and the meeting adjourned at 5:45 p.m.

Tom Albro
Secretary

Minutes approved: November 24, 2015.