

Clarification of March 14, 2019:

TreePAC seeks to intervene in these proceedings of the Subject Appeal to assure that the ADU FEIS adequately evaluates and protects trees as an extremely valuable environmental resource. TreePAC concurs with the Subject Appeal relief item 3.2 that indicates the EIS should be remanded to the Department. The lack of FEIS content relative to tree loss impacts and the lack of witnesses and exhibits relative to the impact of tree canopy reduction is truly concerning. Without intervention, the Hearing Examiner may be deprived of relevant factual information and legal argument to bring the ADU FEIS in full compliance with SEPA. For the foregoing reasons, TreePAC requests that the Hearing Examiner grant its motion to intervene in the appeal by allowing participation without directly adding days in the hearing schedule. Since (a) the directions for moving for an intervention are not identified on the Hearing Examiner Website, and (b) interventions are not one of the e-filing options, and (c) that we have been only advised today by the office of the Hearing Examiner that we must ask permission to access the case, and (d) TreePAC demonstrated the intent and copied all parties their email addresses as already consented to email communications among the current parties of the appeal W-18-009, TreePAC is timely in issuing the intervention before 10 business days of the appeal hearing date. If for any reason that the Hearing Examiner should determine that there was sufficient information on how to post an Intervention and that this is not timely, then TreePAC requests the right to appeal the order from the hearings - which may be filed up to the day before the appeal hearing.

Sincerely,

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Reference:

- (a) 2018-10-18 Notice of Appeal.pdf
- (b) 2019-2-12 Appellant's final wit & exh.pdf
- (c) other documents posted with the appeal before the hearing