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BEFORE THE HEARING EXAMINER
THE CITY OF SEATTLE

In the Matter of the Appeals of the
**FOSS MARITIME COMPANY AND
PORT OF SEATTLE,**
from an Interpretation Issued by the Director,
DEPARTMENT OF PLANNING AND
DEVELOPMENT.

Hearing Examiner File:
S-15-001 and S-15-002

(Director’s Interpretation: 15-001)

**PORT OF SEATTLE’S RESPONSE TO
T-5 INTERVENORS’ MOTION TO
INTERVENE**

On June 10, 2015, Alaska Marine Lines, American Seafoods Company, American Waterway Operators, Arctic Fjord, Inc., Arctic Storm, Inc., 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 (collectively, “T-5 Intervenors”) filed a motion to intervene in this consolidated appeal by the Port of Seattle and Foss Maritime Company of Interpretation No. 15-001 issued by the Department of Planning and Development on May 7, 2015.

The Port of Seattle agrees that intervention by the T-5 Intervenors is appropriate and meets the standards set forth in Hearing Examiner Rule 3.09 and related case law on intervention. The Hearing Examiner, by order dated June 5, 2015, has already permitted intervention by the Puget Soundkeeper Alliance, Seattle Audubon Society, Sierra Club, and Washington Environmental Council. The T-5 Intervenors are maritime businesses that have a

1 substantial interest in these proceedings that is not otherwise adequately represented by the other
2 parties. Allowing the T-5 Intervenors leave to intervene will not delay the hearing process,
3 expand the issues, or prejudice the rights of other parties. See HER 3.09(b), (c). The Hearing
4 Examiner should therefore grant the motion to intervene.

5 RESPECTFULLY SUBMITTED this 17th day of June, 2015.

6 PORT OF SEATTLE

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25 *Attorneys for Appellant Port of Seattle*

1 **DECLARATION OF SERVICE**

2 The undersigned declares under penalty of perjury under the laws of the State of
3 Washington that I am now and at all times herein mentioned a resident of the State of
4 Washington, over the age of eighteen years, not a party to the above-entitled action, and
5 competent to be a witness herein.

6 On June 17, 2015, I caused the foregoing document to be served as follows:

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DATED this 17th day of June, 2015.


Debra A. Samuelson