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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeals of
**FOSS MARITIME COMPANY AND
PORT OF SEATTLE**
from an interpretation issued by the Director,
Department of Planning and Development

Hearing Examiner File Nos.
S-15-001; S-15-002

FOSS RESPONSE TO T-5
INTERVENORS' MOTION TO
INTERVENE
(Code Interpretation No. 15-001)

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 (the "T-5 Intervenors") have moved to
intervene in this appeal. Foss Maritime Company ("Foss") supports the motion for intervention.

The motion for intervention meets the standards for intervention set forth in Hearing
Examiner Rule 3.09. Allowing intervention in this case will not delay the hearing process,
expand the issues or prejudice the rights of other parties. Further, the T-5 Intervenors have
significant interests in the outcome of this proceeding, interests that are not otherwise adequately
represented by the existing parties.

1 The Hearing Examiner previously granted intervention to the Puget Soundkeeper
2 Alliance, Seattle Audubon Society, Sierra Club and Washington Environmental Council, parties
3 whose interests in the outcome of this appeal are much more tenuous as compared to the T-5
4 Intervenors. In this respect, denying intervention by the T-5 Intervenors would also work a
5 manifest injustice, by excluding from participation parties whose substantial interests as
6 maritime businesses may be compromised by the outcome of this appeal. No existing parties
7 will be representing these specific interests. As the Examiner has noted in the prior order on
8 intervention, only a minimal showing may be required regarding whether an intervenor's
9 interests are adequately represented.
10

11 Accordingly, the Hearing Examiner should grant intervention for the T-5 Intervenors.

12 Respectfully submitted this 17 day of June, 2015.

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