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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeals of:

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

FOSS MARITIME COMPANY AND
PORT OF SEATTLE,

T-5 INTERVENORS' PREHEARING
BRIEF

From an interpretation issued by the Director,
Department of Planning and Development.

At the hearing in this matter, the T-5 Intervenor will present evidence demonstrating that: (1) the activities of its members related to loading and unloading cargo, stores and provisions onto or off of the vessels and rig associated with the subject "Operations"¹ at Terminal 5 are consistent with the definition of "cargo terminal"; and (2) application of the Interpretation to its members' activities and operations will negatively impact, if not prohibit, such activities or operations at Terminal 5 and other "cargo terminal" facilities in Seattle. The T-5 Intervenor will present evidence demonstrating how its members' operations at these cargo terminals will be impacted or effectively terminated if certain vessels, previously allowed to moor at these terminals without any permit, become prohibited from doing so without some prior permit or permission based upon either: (a) the "primary function" of the vessels when they are

¹ The T-5 Intervenor hereby adopt and join in the briefs filed by the Port of Seattle and Foss, including the defined terms contained therein.

1 not moored; or alternatively, (b) what happens to the cargo that the vessels are transporting after
2 the vessels leave Seattle. The T-5 Intervenors will establish that numerous contracts and business
3 relations with facilities, terminals, and vessel and rig owners and operators, will lose their value
4 and reliability when T-5 Intervenor members can no longer perform under such agreements due
5 to the Interpretation. The T-5 Intervenors will explain how this unlawful and inequitable result
6 will deeply impact cargo workers, mariners, fishermen and other boatmen.
7

8 DATED this 11th day of August, 2015.

9
10 VERIS LAW GROUP PLLC

11 By /s/ Joshua Brower
12 Joshua C. Allen Brower, WSBA #25092
13 Molly K.D. Barker, WSBA #46587
14 Attorneys for T-5 Intervenors
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DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on this date I caused the foregoing document to be served on the following persons via the methods indicated:

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Dated at Seattle, Washington, this 11th day of August, 2015.

/s/ Whitney Jackson
Whitney Jackson
Legal Assistant
4836-1534-8774, v. 5