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6	BEFORE THE HEARING EXAMINER		
7	CITY OF SEATTLE		
8	In the Matter of the Appeals of:		
9		Hearing Examiner File Nos. S-15-001; S-15-002	
10	FOSS MARITIME COMPANY AND PORT OF SEATTLE,	T-5 INTERVENORS' PREHEARING	
11 12		BRIEF	
12	From an interpretation issued by the Director,		
13	Department of Planning and Development.		
15	At the hearing in this matter, the T-5 Intervenors will present evidence demonstrating		
16	that: (1) the activities of its members related to loading and unloading cargo, stores and		
17	provisions onto or off of the vessels and rig associated with the subject "Operations" <sup>1</sup> a		
18	Terminal 5 are consistent with the definition of "cargo terminal"; and (2) application of the		
19	Interpretation to its members' activities and operations will negatively impact, if not prohibit		
20	such activities or operations at Terminal 5 and other "cargo terminal" facilities in Seattle. The T-		
21	5 Intervenors will present evidence demonstrating how its members' operations at these cargo		
22	terminals will be impacted or effectively terminated if certain vessels, previously allowed to		
23	moor at these terminals without any permit, become prohibited from doing so without some prior		
24	permit or permission based upon either: (a) the "	primary function" of the vessels when they are	
25	$\frac{1}{1}$ The T-5 Intervenors hereby adopt and join in the briefs fill	ed by the Port of Seattle and Foss including the defined	

<sup>&</sup>lt;sup>1</sup> The T-5 Intervenors 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	not moored; or alternatively, (b) what happens to the cargo that the vessels are transporting after the vessels leave Secttle. The T.5 Interveners will establish that numerous contracts and husiness		
3	the vessels leave Seattle. The T-5 Intervenors will establish that numerous contracts and business		
4	relations with facilities, terminals, and vessel and rig owners and operators, will lose their value		
5	and reliability when T-5 Intervenor members can no longer perform under such agreements due		
	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 11 <sup>th</sup> day of August, 2015.		
9			
10	VERIS LAW GROUP PLLC		
11	By/s/ Joshua Brower		
12	Joshua C. Allen Brower, WSBA #25092 Molly K.D. Barker, WSBA #46587		
13	Attorneys for T-5 Intervenors		
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	T-5 INTERVENORS' PREHEARING 2 Veris Law Group PLLC		

2

BRIEF

2       I declare under penalty of perjury under the laws of the State of Washington that on this         3       date I caused the foregoing document to be served on the following persons via the methods         4       indicated:         5       Foss Maritime Company John C. McCullough McCullough Hill Leary jack@mhseattle.com       Overnight Delivery via Fed Ex First Class Mail via USPS         7       David R. West       Overnight Delivery via Fed Ex First Class Mail via USPS         9       David R. West       Overnight Delivery via Fed Ex First Class Mail via USPS         11       Port of Seattle Traci Goodwin       Overnight Delivery via Fed Ex First Class Mail via USPS         12       Goodwin.T@portseattle.org       Overnight Delivery via Fed Ex First Class Mail via USPS         13       Port of Seattle Traci Goodwin       Overnight Delivery via Fed Ex First Class Mail via USPS         14       Fost Er Pepper schnp@foster.com       Overnight Delivery via Fed Ex First Class Mail via USPS         15       City of Seattle, Department of Planning and Development Eleanore Baxendale       Overnight Delivery via Fed Ex First Class Mail via USPS         18       Earthjustice, Intervenors peoldman@earthjustice.org       Overnight Delivery via Fed Ex First Class Mail via USPS         13       Dated at Seattle, Washington, this 11 <sup>th</sup> day of August, 2015.       Yet Maid-Delivered via ABC Legal Messenger Facsimile         16       City of Se	1	DECLARATION OF SERVICE		
4       indicated:         5       Foss Maritime Company Joc. C.McCullough       Overnight Delivery via Fed Ex First Class Mail via USPS         6       McCullough Hill Leary Jack@mhseattle.com       Devide Resenger         7       Javid R. West Garvey Shubert Barer       Overnight Delivery via Fed Ex First Class Mail via USPS         9       David R. West Garvey Shubert Barer       Overnight Delivery via Fed Ex First Class Mail via USPS         9       DrWest@gsblaw.com       Hand-Delivered via ABC Legal Messenger         11       Traci Goodwin       Overnight Delivery via Fed Ex First Class Mail via USPS         12       Goodwin.T@portseattle.org       Hand-Delivered via ABC Legal Messenger         13       E-mail       Overnight Delivery via Fed Ex First Class Mail via USPS         14       Patrick Schneider Foster Pepper       Overnight Delivery via Fed Ex First Class Mail via USPS         15       schnp@foster.com       Hand-Delivered via ABC Legal Messenger         16       Overnight Delivery via Fed Ex First Class Mail via USPS         18       Eleanore Baxendale @seattle.gov       Overnight Delivery via Fed Ex First Class Mail via USPS         18       Eleanore Baxendale @seattle.gov       Overnight Delivery via Fed Ex First Class Mail via USPS         19       Patrick Schneider Eleanore Baxendale @seattle.gov       Overnight Delivery via Fed Ex First Class Mail via US	2	I declare under penalty of perjury under the laws of the State of Washington that on this		
7       Foss Maritime Company John C. McCullough McCullough Hill Leary jack@mhseatule.com       Overnight Delivery via Fed Ex First Class Mail via USPS Hand-Delivered via ABC Legal Messenger Facsimile         8       David R. West Garvey Shubert Barer 9       Overnight Delivery via Fed Ex First Class Mail via USPS Hand-Delivered via ABC Legal Messenger Facsimile         10       Overnight Delivery via Fed Ex First Class Mail via USPS Hand-Delivered via ABC Legal Messenger Facsimile         11       Port of Seattle Goodwin T@portseattle.org       Overnight Delivery via Fed Ex First Class Mail via USPS Hand-Delivered via ABC Legal Messenger Facsimile         13       Patrick Schneider Forst Class Mail via USPS schnp@foster.com       Overnight Delivery via Fed Ex First Class Mail via USPS Hand-Delivered via ABC Legal Messenger Facsimile         14       Pott of Seattle, Department of Planning and Development Eleanore Baxendale Eleanore.Baxendale @seattle.gov       Overnight Delivery via Fed Ex First Class Mail via USPS Hand-Delivered via ABC Legal Messenger Facsimile         19       Earthjustice, Intervenors Patti Goldman and Matthew Baca pgoldman@earthjustice.org mbaca@earthjustice.org       Overnight Delivery via Fed Ex First Class Mail via USPS Hand-Delivered via ABC Legal Messenger Facsimile         12       Dated at Seattle, Washington, this 11 <sup>th</sup> day of August, 2015.         13       Stattle, Washington, this 11 <sup>th</sup> day of August, 2015.         14       Dated at Seattle, Washington, this 11 <sup>th</sup> day of August, 2015.	3	date I caused the foregoing document to b	be served on the following persons via the methods	
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