

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re Appeal by

WASHINGTON STATE MAJOR LEAGUE
BASEBALL STADIUM PUBLIC FACILITIES
DISTRICT; and SEATTLE BUILDING &
CONSTRUCTION TRADES COUNCIL,

of the City of Seattle's adoption of a Final
Environmental Impact Statement and FEIS
Addendum for the Greater Duwamish
Manufacturing and Industrial Center Subarea
Plan

No. W-26-001

MOTION TO DISMISS, IN WHOLE OR
PART

I. INTRODUCTION AND RELIEF REQUESTED

The Office of Planning and Community Development (Department) moves to dismiss the appeal in full because the Examiner lacks jurisdiction to adjudicate this appeal. Alternatively, dismissal is warranted here because Appellants lack SEPA standing. Finally, if the appeal is not dismissed in full, the Department moves to dismiss several appeal issues outside of the Examiner's authority under the Seattle Municipal Code (SMC) including alleged noncompliance with the Growth Management Act (GMA) and alleged non-compliance with a Determination of Significance (DS).

DEPARTMENT'S MOTION TO DISMISS,
IN WHOLE OR IN PART- 1

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1 First, the Department moves to dismiss the appeal in full because the City Council recently
2 removed jurisdiction from the Hearing Examiner to adjudicate pre-decision SEPA appeals of the
3 adequacy of an Environmental Impact Statement (EIS) or a Determination of Non-Significance
4 (DNS). The Examiner only has the jurisdiction granted by ordinance or other City Council action.
5 Because the Council recently removed the Examiner's jurisdiction to hear these pre-decision SEPA
6 appeals, the Examiner no longer has jurisdiction to conduct the hearing and issue a decision in the
7 present appeal. Like before a court, a claim of lack of subject matter jurisdiction can be raised at
8 any time. The Examiner lacks jurisdiction and the appeal must be dismissed.

9 Second, in the alternative, the Examiner must dismiss the appeal because Appellants did not
10 establish the necessary SEPA standing. They fail both prongs of the two-part SEPA standing test.

11 Third, if the appeal is not dismissed in its entirety the Department moves to dismiss Issues
12 2.2 and 2.3 which are outside of the Examiner's jurisdiction including claims alleging GMA
13 noncompliance and alleged claims of noncompliance for the City's Determination of Significance.
14 GMA noncompliance must be challenged to the Growth Management Hearing Board, the Examiner
15 lacks jurisdiction over such claims. Further, the City Council through the Code limited
16 administrative appeals to the adequacy of a Final Environmental Impact Statement (FEIS) or a
17 Determination of Non-Significance (DNS). The Examiner lacks jurisdiction over challenge to a
18 Determination of Significance. Therefore, Appellants' Issues 2.2 and 2.3 must be dismissed.

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II. FACTS AND PROCEDURAL HISTORY

A. Environmental Review of the Greater Duwamish MIC Subarea Plan.

In 2019, the City began a planning process that led to the creation of the Industrial and Maritime Strategy. Addendum, p. 4. The Industrial and Maritime Strategy focused on the long-term health and vitality of industrial land primarily focusing on the two regionally designated Manufacturing/Industrial Centers (Greater Duwamish and the Ballard Interbay Manufacturing/Industrial Centers (Duwamish MIC and Ballard MIC). *Id.* On September 29, 2022, the Department issued the Industrial and Maritime Strategy FEIS that analyzed a new industrial zoning framework, citywide Comprehensive Plan policies, and MIC Subarea Plans. *Id.*

On May 14, 2026, the Department adopted the Industrial and Maritime FEIS and issued an addendum to the FEIS, along with issuing the draft Duwamish MIC Subarea Plan. Notice of Adoption and Issuance of Addendum, Attachment A to Appellants' Notice of Appeal (Appeal).

B. Current appeal.

Appellants filed a SEPA appeal on May 28, 2026. Appeal, Cause No. W-26-001. It alleges eight objections. Appeal at 4-5.

C. The Council Abolished the Examiner's Jurisdiction over Pre-Decision SEPA appeals.

On July 28, 2026, Seattle City Council passed Ordinance 127477, which removed the Examiner's jurisdiction over Pre-Decision SEPA appeals. Ordinance 127477.¹ On July 31, 2026, the Mayor signed this Ordinance. *Id.* Section 8 of Ordinance 127477 provides:

Section 25.05.680 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

25.05.680 Appeals

* * *

¹ Per HER 3.19(a), the Examiner can take official notice of City Legislation. The Ordinance can be found here: [SEATTLE CITY COUNCIL - Record No: CB 121215](#)

1 F. (~~RCW 36.70A.070, 36.70A.600 and 43.21C.495 exempt certain Council land use actions~~
2 ~~from administrative or judicial appeals, except as provided in subsection 25.05.680.G.~~
3 ~~Environmental documents and Council land use actions intended to be exempt from SEPA~~
4 ~~appeals pursuant to RCW 43.21C.495 should so state.)) There is no administrative appeal to
5 the Hearing Examiner of a SEPA threshold determination or the adequacy of an EIS
6 associated with any proposed Comprehensive Plan or development regulation, whether new
7 or amended.~~

8 The Ordinance will be effective on August 30, 2026, and the Examiner will lack jurisdiction
9 over this pending SEPA appeal. The Examiner set the hearing for this matter on November 4, 2026.
10 Prehearing Order in case file.

11 III. STATEMENT OF ISSUES

- 12 1. Whether the appeal must be dismissed because Ordinance 127477 removes the
13 Hearing Examiner's authority to hear SEPA appeals tied to a proposed
14 Comprehensive Plan including the present SEPA appeal, and the Ordinance will
15 become effective before Appellants' hearing occurs. **Yes.**
- 16 2. Whether the appeal must be dismissed because Appellants fail the SEPA standing
17 test. SEPA standing requires an actual concrete injury and interest in the natural
18 or built environment and here, Appellants' only alleged injuries are speculative
19 and economic. **Yes.**
- 20 3. Whether the Examiner must dismiss Issues 2.2 and 2.3 because they assert
21 Growth Management Act non-compliance and violations of a Determination of
22 Significance (DS)—matters outside the Examiner's jurisdiction—given that the
23 Seattle Municipal Code authorizes only SEPA appeals challenging the adequacy
of a Final Environmental Impact Statement or a Determination of Non-
Significance (DNS) and does not permit appeals aimed at enforcing GMA
requirements or DS-related claims. **Yes.**

IV. EVIDENCE RELIED UPON

This motion relies on the papers and pleadings in this matter.

V. ARGUMENT

A. The Hearing Examiner must dismiss this appeal under HER 3.17(j).

The Hearing Examiner should dismiss the entire appeal under Hearing Examiner Rule (HER)
3.17(j), which provides "A party may move to dismiss an appeal, in whole or in part, if:

- (1) The appellant lacks standing to appeal the decision or action being challenged; ...

1 (3) The Examiner lacks jurisdiction, in whole or in part, over the appeal; ...”
2 HER, Rule 3.17(j).

3 **B. The Examiner must dismiss matters over which the Examiner lacks jurisdiction.**

4 The Examiner must dismiss matters over which it lacks jurisdiction. HER 3.01(b) provides
5 “Examiner jurisdiction is limited to matters identified in the Seattle Municipal Code or assigned to
6 the Hearing Examiner by ordinance or other City Council action.” Critical here, HER 3.01(c)
7 provides: “A party or the Examiner may raise issues concerning Examiner jurisdiction at any time. A
8 party shall raise jurisdictional issues promptly upon becoming aware of the facts giving rise to the
9 issue.” Here, the present appeal must be dismissed in whole because the Examiner will lack subject
10 matter jurisdiction over the appeal at the time set for hearing.

11 While the SMC had previously authorized a pre-decision SEPA appeal to the Examiner
12 challenging the adequacy of an EIS or a DNS at the time the current appeal was filed, jurisdiction has
13 since been removed effective August 30. At the time the appeal was filed, the Code stated:

14 The following agency environmental determinations shall be subject to appeal to the Hearing
15 Examiner by any interested person as provided in this subsection 25.05.680.A.2:

- 16 1) Determination of Nonsignificance (DNS);
17 2) Adequacy of the Final EIS as filed in the SEPA Public Information Center.

18 SMC 25.05.680.A.2.a.

19 Appellants brought a “SEPA” appeal. P. 1 of Appeal, “Appeal details”, “desired Relief”.
20 Under “Decision being appealed”, p. 2 of Appeal, Appellants also state:

21 This appeal challenges the City of Seattle’s adoption of the Industrial and Maritime
22 Final Environmental Impact Statement (FEIS) for the Industrial and Maritime Strategy,
23 along with an FEIS addendum, for the purpose of evaluating the environmental impacts
of the Greater Duwamish Manufacturing and Industrial Center Subarea Plan.

However, on July 28, 2026, the Seattle City Council voted to remove pre-decision SEPA
appeals from the Code for Comprehensive Plan and development regulations legislation. P. 8 of

1 Ordinance 127477, amending SMC 25.05.680.F.² Ordinance 127477 applies to the present appeal.
2 Appellants challenge the Industrial and Maritime FEIS and addendum issued for the Duwamish
3 MIC Subarea Plan. Appeal at 1-2. On July 31, 2026, the Mayor signed Ordinance 127477 into law.
4 *Id.* The ordinance will be effective 30 days after the Mayor’s signature, which will be August 30,
5 2026. Because the hearing will not occur until November with a decision issued thereafter, the
6 Examiner will no longer have jurisdiction to adjudicate the pending SEPA appeal.

7 Washington case law is clear: A newly enacted statute applies to all cases pending on appeal
8 that are not yet final. *City of Olympia v. W. Washington Growth Mgmt. Hearings Bd.*, 27 Wn. App.
9 2d 77, 83, 531 P.3d 816, 820 (2023). There, Division One held that the Growth Board (GMHB) had
10 committed error in not dismissing a pending SEPA appeal of housing legislation despite a newly
11 enacted statute that prohibited administrative and judicial appeals for middle housing legislation. *Id.*
12 The statute was enacted after a party filed a SEPA appeal to the GMHB but before the GMHB
13 decided on the merits. Division One held that the GMHB erred in not dismissing the pending
14 appeal, and held that a statutory cause of action is extinguished where it is abolished before a final
15 decision on appeal. *Id.*, citing *Fischer Studio Bldg. Condo. Owners Ass’n*, 25 Wn. App.2d 593, 599
16 (2023).

17 Here, like in *Olympia*, the City extinguished the optional SEPA appeal to the Examiner
18 before a final decision could be rendered. Appellants’ SEPA claims assert a statutory cause of
19 action, arising under RCW 43.21C.075. It is well established under Washington law that “a cause of
20 action that exists only by virtue of a statute is not a vested right, and it can be retroactively
21 abolished by the legislature . . . even if the lawsuit is pending.” *Ballard Square Condo. Owners*
22 *Ass’n v. Dynasty Const. Co.*, 158 Wn.2d 603, 617-18, 146 P.3d 914, 922 (2006); *see also 1000*

23 _____
² *Supra*, footnote 1.

1 *Virginia Ltd. P'ship v. Vertecs Corp.*, 158 Wn.2d 566, 587, 146 P.3d 423, 434 (2006) (“[T]he
2 legislature can divest a plaintiff of a statutory claim after suit is filed.”).

3 Appellants’ statutory based cause of action will be extinguished once Ordinance 127477 is
4 effective, on August 30, months before the hearing. The Examiner will lose jurisdiction before the
5 hearing and before final judgment can be entered. Here, Appellants’ pending appeal must be
6 dismissed because the Examiner will lack jurisdiction effective August 30, well before this matter
7 goes to hearing and before the Examiner enters a decision. The entire appeal must be dismissed.

8 **C. The Examiner must dismiss this appeal because Appellants lack standing.**

9 If the Examiner does not dismiss the appeal based on the City Council’s removal of the pre-
10 decision SEPA appeals to the Examiner, the Examiner should dismiss Appellants Washington State
11 Major League Baseball Stadium Public Facilities District (“Facilities District”) and Seattle Building
12 & Construction Trades Council (“Trades Council”) based on lack of SEPA standing.

13 Per SMC 25.05.680.B.1, any qualifying SEPA appeal can be challenged “by any interested
14 person,” but all appellants must show SEPA standing. As the Examiner previously held:

15 The courts have established a two-part test for SEPA standing: the
16 interest sought to be protected must arguably be within the zone of
17 interest to be protected or regulated by the statute; and the petition must
18 allege an “injury in fact;” *Trepanier v. City of Everett*, 64 Wn. App. 380,
19 382, 824 P.2d 524 (1992), *rev. denied*, 119 Wn.2d 1012 (1992). The
20 Court in *Trepanier* also stated that when a person [or corporation] alleges
21 a “threatened injury, as opposed to an existing injury, he or she must
22 show an immediate, concrete and specific injury to him or herself. If the
23 injury is merely conjectural or hypothetical, there can be no standing.” 64
Wn. App at 383 (citations omitted).

See p. 2 of Order on Motions to Dismiss/Cross Motion for Summary Judgment, *In the Matter of the
Appeal of Laurelhurst Community Club and Seattle Community Council Federation* from a DNS by
DPD, Hearing Examiner file W-11-007 (2011). See also Order on Motion to Dismiss, *In the matter
of the Appeals of Keep Washington Beautiful and Total Outdoor Corp.* from a DNS issued by
SDCI, Hearing Examiner File W-13-003 and W-13-004 (2013).

The common law test continues to be this two-prong test. See *Lands Council v. Washington*

1 *State Parks Recreation Comm'n*, 176 Wn. App. 787, 799, 309 P.3d 734, 740 (2013). Appellants'
2 Appeal fails to establish standing under this test; neither Facilities District nor Trades Council
3 demonstrated SEPA injury or any grounds to meet the SEPA zone of interest test.

4 To show an injury in fact, Appellants must allege specific and perceptible harm. If
5 Appellants allege a threatened rather than an existing injury, they “must also show that the injury
6 will be ‘immediate, concrete and specific’; a conjectural or hypothetical injury will not confer
7 standing.” *Suquamish Indian Tribe v. Kitsap Cnty.*, 92 Wn. App. 816, 829, 965 P.2d 636, 642
8 (1998) (holding alleged injuries of nearby property owners such as increased traffic is enough to
9 establish injury in fact to withstand a summary judgement motion); *Anderson v. Pierce Cnty.*, 86
10 Wn. App. 290, 299-300, 936 P.2d 432, 438 (1997) (holding a neighbor alleged an injury that
11 MDNS mitigation was insufficient to control stormwater that would damage his property was
12 enough to establish an injury in fact that was within the zone of interest). Often, the two parts of the
13 test are analyzed together.

14 Both Appellants fail to show an injury in fact in their Appeal, and their alleged harm is not
15 within the zone of interest of SEPA. Appellant Facilities District has worked to advance the
16 redevelopment of the Stadium District and owns property in the area (east of 1st Avenue South).
17 Facilities District alleged injury due to the claim that their employees may lose housing due to the
18 Subarea Plan. P. 3: 7-8, Appeal. Appellants cite Duwamish MIC Subarea Plan Policy DLU 5.1 which
19 would prohibit new residential uses from being adopted in the Stadium District, which they allege would
20 cause a loss of housing. P. 3; 19-26, Appeal. However, housing is not currently allowed in the Stadium
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1 District. Ordinance 127430.³ This is acknowledged by Appellants. P. 3: 11-13, Appeal.⁴ By way of
2 background, the UI zoned property in the Stadium District was amended by Ordinance [127191](#) in March 2025
3 to allow limited workforce housing in the Stadium District if an Administrative Conditional Use permit was
4 obtained. See first whereas clauses of Ordinance 127430.⁵ This legislation was challenged and, in June 2026,
5 repealed. Ord. 127430. Thus, housing is not currently allowed in the Stadium District. Appellants therefore
6 cannot establish an injury based in loss of housing in the proposed Subarea Plan. And even if housing was
7 allowed in the Stadium District, which the code does not currently allow, it is speculative to allege a loss of
8 potential housing is an injury to some current or future Facilities District employees. The UI zoned lots are not
9 owned by Facilities District or contracted to be for Facilities District employees. Thus, any alleged injury is
10 speculative, which is not enough to establish SEPA standing. Further, alleged injury of another- in
11 this case for the Organization's current or future employees - cannot establish "injury in fact"
12 standing under SEPA. *See, e.g., KS Tacoma Holdings LLC v. Shorelines Hearing Board*, 166 Wn.
13 App. 117, 272 P.3d 876, 138, where the court states "Generally, a party cannot rely on injuries to
14 third parties to establish standing. *See, e.g., Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 804, 105
15 S. Ct. 2965, 86 L.Ed.2d 628 (1985). Facilities District has not shown it will suffer any injury in fact
16 from the subarea plan.

17 Similarly, Appellant Trades Council cannot establish injury in fact within the zone of
18 interests based on its members working or recreating in the area or due to their economic interest as
19 parties to agreements if future private development occurs within part of the Stadium District.

20 Neither interest is sufficient to establish SEPA standing.

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22 ³ Per HER 3.19(a), the Examiner can take official notice of these enactments of law. Ordinance 127430 (CB 120933) can
be found here: [Online Information Resources - CityClerk | seattle.gov](#).

23 ⁴ Appellants state, "CB 120933 was ultimately overturned by Washington's Growth Management Hearings Board for
failure to follow required procedures."

⁵ Supra, footnote 3.

1 Washington courts have rejected SEPA standing based purely on citizen status. *Snohomish*
2 *County Property Rights Alliance v. Snohomish County*, 76 Wn. App. 44, 54, 882 P.2d 807 (1994),
3 review denied, 125 Wn.2d 1025 (1995). To grant Trades Council standing based only on it leasing
4 office space in Seattle or its employees living or working in Seattle would provide no meaningful
5 limitation on standing to appeal. In *Sno. Co. Property Rights Alliance*, the court held that citizens
6 lacked standing because they lacked proof they would suffer specific injury and their injuries
7 asserted were economic, which are not within the zone of interests protected by SEPA. *Id.* at 53-54.

8 Further, Trades Council reliance on economic injury has been rejected by Washington
9 Courts and the Examiner as a basis to establish SEPA standing. In *Harris v. Pierce County*, the
10 court denied standing where the Petitioner's interest alleged—owning property that could be
11 condemned—because this injury was economic and not within the zone of interest protected by
12 SEPA. 84 Wn. App. 222, 230-33, 928 P.2d 1111 (1996). There was no showing of sufficient
13 “immediate, concrete, and special” injury to even this economic interest. *Id.* Appellants’ allegation
14 of standing, like that in *Snohomish County* and *Harris*, is based on economic injuries, which are not
15 within the zone of interest protected by SEPA. Here, the Trades Council claim of economic injury is
16 insufficient to show injury in fact required by SEPA. Appeal at 3-4. Courts have denied standing
17 where the petitioner does not allege facts showing that the challenged land use decision would lead
18 to any specific injury. *Trepanier v. City of Everett*, 64 Wn. App. 380, 383-84, 824 P.2d 524 (holding
19 petitioner did not have standing where he offered only bare assertions), *review denied*, 119 Wn.2d
20 1012 (1992); *Sno. Co. Property Rights Alliance v. Sno. Co.*, 76 Wn. App. 44, 53-54, 882 P.2d 807
21 (1994) (organization’s affidavits offered only speculative conclusions regarding anticipated future
22 effects of county-wide planning), *review denied*, 125 Wn.2d 1025 (1995). Like in *Harris* where the
23 court held the alleged injury was not enough to establish standing because it was based on possible

1 loss of property was economic and speculative, here the Trade's Council's injury is similarly
2 speculative and premised on economic interests of the Trade's Council. Further, because the injury
3 alleged by the Trades Council is a threatened injury because it is uncertain that the prohibition on
4 housing would harm its agreements, they must show an immediate, concrete, and specific injury.
5 *See Snohomish* at 53; *Suquamish Indian Tribe v. Kitsap Cnty* at 829. They fail to do so. Many
6 factual links are missing that make any injury to Appellants conjectural and speculative.⁶
7 Washington courts have declined to find "injury in fact" for SEPA standing under such
8 circumstances. Here, Appellants allege no real, direct injury that would result from the Duwamish
9 Subarea Plan. Asserting conjectural or hypothetical harm is not enough to establish an injury for
10 standing under SEPA.

11 Similarly, Interests are within the SEPA zone of interest when related to broad questions
12 adverse environmental impacts. *Harris v. Pierce Cnty.*, 84 Wash. App. 222, 231, 928 P.2d 1111,
13 1116 (1996) (holding that affidavits by members who property is possibly subject to condemnation
14 at some phase of the trail building plan is purely economic and not an environmental impact within
15 the zone of interest for SEPA standing). Building Council's interests sought to be protected are
16 economic—they want contracts to build workforce housing in the Stadium District; this is not
17 within the SEPA zone of interest. Likewise, Stadium Facilities' interest sought to be protected relates
18 to have enlivening the Stadium District, which is to encourage folks to go to events at the stadiums,
19 which is also an economic interest which is not within SEPA's zone of interests. Identifying no basis
20 for SEPA standing, both Facilities District and Trades Council should be dismissed from the appeal.

23 ⁶ The foregoing is not meant to be an exhaustive list of the links in the factual chain that would be required for Appellants
to establish SEPA standing, but it is sufficient to demonstrate the very conjectural nature of any injury here.

1 **D. The Examiner must dismiss issues without merit and other grounds established**
2 **by law that demand dismissal.**

3 If the appeal is not dismissed in whole, Issues 2.2 and 2.3 must be dismissed because the
4 Examiner lacks jurisdiction over claims of alleged noncompliance with GMA and alleged SEPA
5 noncompliance related to a Determination of Significance.

6 **1. The Examiner lacks jurisdiction over alleged Growth Management Act**
7 **noncompliance.**

8 As a quasi-judicial official, the Hearing Examiner “has only the authority granted it by
9 statute and ordinance.” *HJS Development, Inc. v. Pierce County*, 148 Wn.2d 451, 471 (2003); SMC
10 3.02.120. The Hearing Examiner’s Rules provide further: “Examiner jurisdiction is limited to
11 matters identified in the Seattle Municipal Code or assigned to the Hearing Examiner by ordinance
12 or other City Council action.” HER 3.01(b). The Examiner’s jurisdiction over a challenge to the
13 adequacy of a FEIS is explained in SMC 25.05.680.A.2.a.1.

14 The Seattle Municipal Code provides no jurisdiction for the Examiner to hear and decide
15 claims alleged noncompliance with the GMA. No code provision, ordinance, or other City Council
16 action lets the Examiner hear appeals regarding GMA noncompliance. Rather, state law delegates
17 the authority to hear such appeals to the Growth Management Hearings Board.
18 RCW 36.70A.280(1)(a). GMA compliance is distinct from an administrative appeal of the adequacy
19 of a FEIS under SEPA, which is the basis for the present administrative appeal before the Examiner.
20 The Examiner has ruled that “Compliance within GMA and the [Comprehensive] Plan is not within
21 the Hearing Examiner’s jurisdiction.” *In re Maple Leaf Community Council Executive Board*,
22 Seattle Hearing Examiner, File No. MUP-08-014(DR,W), Order, at 3 (July 28, 2008). The
23 Examiner must dismiss all claims alleging GMA noncompliance including Appellants’ Appeal
24 Objection 2.2.

1 **2. The Examiner lacks jurisdiction over alleged non-compliance with the**
2 **Department's Determination of Significance.**

3 Appellants seek to challenge a part of the Department's Determination of Significance
4 associated with the Maritime and Industrial Strategy proposal, citing WAC 197-11-330. Appeal,
5 Objection 2.3. The SEPA regulations state "Agencies may establish procedures for such an appeal,
6 or may eliminate such appeals altogether, by rule, ordinance or resolution." WAC 197-11-680.2.
7 The City Council did not give the Examiner jurisdiction to hear challenges to a Determination of
8 Significance. SMC 25.05.680. Rather, the City Council gave the Examiner the jurisdiction to hear
9 appeals on the adequacy of an EIS or a DNS. *Id.* The Examiner does not have jurisdiction to hear
10 challenges to a Determination of Significance. Appellants' Issue 2.3 must be dismissed.

11 **VI. CONCLUSION**

12 The Department requests that the Examiner dismiss this Appeal in full due to loss of jurisdiction
13 of the pending appeal under Ordinance 127477, or alternatively, due to Appellants' lack of SEPA
14 standing where they rely on a speculative and economic injury that does not fall within SEPA's zone of
15 interest test. If the appeal is not dismissed in full, Issues 2.2 and 2.3 must be dismissed.

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this day I caused a true and correct copy of the foregoing document to be served on the following in the manner indicated below:

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Dated this August 7, 2026 at Seattle, Washington.

s/ Eric Nygren
Eric Nygren