



May 26, 2004

Peter Eglick
Helsell Fetterman
1001 Fourth Ave., Suite 4200
Seattle, WA 98154-1154

VIA FACSIMILE

Re: ACC v. Graves, et al., No. 04-35011 (9th Cir.)

Dear Peter:

As you know, the Port of Seattle previously advised you and your client in pleadings before the Washington State Supreme Court of its need to proceed with construction of the third runway by early June or lose the 2004 construction season altogether. For that reason, the Port requested a final ruling from the Court by June 1, 2004. On May 14, 2004, the Supreme Court issued its decision affirming Ecology's Clean Water Act ("CWA") section 401 certification with minor conditions. This ruling resolves all outstanding state law issues and leaves the Port free to begin construction under its CWA section 404 permit issued by the U.S. Army Corps of Engineers

Please be advised that the Port of Seattle intends to proceed with third runway construction on or before June 7, 2004. The Port issued its contractor a Notice of Intent To Award Contract yesterday, May 25, 2004 and expects to issue a Notice To Proceed with construction in the immediate future.

Ninth Circuit Rule 27-3 requires any party who may seek emergency or urgent relief in less than 21 days to avoid irreparable harm to notify the Clerk and opposing counsel and to serve such motion at the "earliest possible time." We are sending you this notice to document the Port's plans with respect to construction of the third runway project in the event that the Airport Communities Coalition seeks any remedies from the court pursuant to the expedited notice requirements of Rule 27-3.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Traci M. Goodwin'.

Traci M. Goodwin
Senior Port Counsel

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