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KING COUNTY
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HONORABLE PETER D. JARVIS

Noting Date: January 15, 1999 at 9:00 AM

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

CITIZENS AGAINST SEATAC EXPANSION,)

No. 98-2-23944-1SEA

Petitioner/Plaintiff,)

v.)

PORT OF SEATTLE,)

ORDER DENYING RESPONDENT'S
MOTION TO DISMISS FOR LACK OF
STANDING AND STAYING ACTION
(PROPOSED)

Respondent.)

This matter came before the Court on the Respondent Port Of Seattle's Motion To Dismiss For Lack of Standing and on Respondent Port Of Seattle's Motion For Initial Hearing. The Court read and reviewed the respondent's motions, the Declaration of Michael Feldman Supporting Respondent Port Of Seattle's Motions For Initial Hearing, the Declaration Of Roger Pearce Supporting Port Of Seattle's Motion To Dismiss For Lack Of Standing, the Plaintiff Citizens Against Seatac Expansion's Consolidated Memorandum In Response To Respondent's Motions For Initial Hearing And Motion To Dismiss For Lack Of Standing, the Supplemental Declaration Of Lawrence Corvari Supporting Plaintiff's Consolidated Opposition Brief, the Declaration Of Greg Wingard Supporting Plaintiff's Consolidated Opposition Brief, the Declaration Of Richard A. Poulin Supporting Plaintiff's Consolidated Opposition Brief,

ORDER DENYING RESPONDENT'S MOTION TO
DISMISS FOR LACK OF STANDING AND STAYING
ACTION (PROPOSED) - 1

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1 Respondent Port of Seattle's Consolidated Reply Memorandum Supporting Motions for Initial
2 Hearing and Motion to Dismiss for Lack Of Standing, and the Declaration of Barbara Hinkle
3 Supporting Port of Seattle's Reply Memorandum.

4 The Court finds that the Port's decision challenged in this action – the Final
5 Determination of Nonsignificance and Notice of Decision regarding the creation of replacement
6 wetlands in the City of Auburn – is interrelated to other decisions occurring at the Seattle-
7 Tacoma International Airport (Airport) regarding the proposed construction of the Port's Master
8 Plan Update development actions. Because the entire project is interrelated, it would be incorrect
9 to dismiss this action for lack of standing, or for lack of an actual injury. Thus, the motion to
10 dismiss for lack of standing is denied.
11

12 However, the Court will also stay these proceedings, including the other pending motions
13 in this action, until the Port, as project proponent and lead agency under SEPA, completes all
14 environmental decisions with respect to the Third Runway, as necessary for administrative
15 actions under sections 401 and 404 of the Clean Water Act.
16

17 Accordingly, it is ORDERED, ADJUDGED, and DECREED as follows:
18

19 Respondent Port Of Seattle's Motion To Dismiss For Lack Of Standing should be, and
20 hereby is, DENIED.
21

22 All proceedings in this action, including the remaining motions pending before the Court,
23 are stayed until the Port of Seattle, as project proponent and lead agency under SEPA, completes
24 all environmental decisions with respect to the Third Runway, as necessary for administrative
25 actions under sections 401 and 404 of the Clean Water Act.
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