

76 - 1039

MOTION NO. 2802

1  
2 A MOTION relating to the application of the  
3 Northern Tier Pipeline Company to construct  
4 a crude oil pipeline across Washington State,  
5 including King County; authorizing the Pros-  
6 ecuting Attorney to intervene on behalf of  
7 King County in the proceedings before the  
8 Washington State Energy Facility Site Evalu-  
9 ation Council relating to said application.

7 WHEREAS, WAC 463-08-025 grants the right of intervention  
8 in proceedings before the Washington State Energy Facility Site  
9 Evaluation Council where the intervenor claims a pertinent inter-  
10 est in the proposed site, the subject of the application; where  
11 the intervenor is so situated that the disposition of the site  
12 application may as a practical matter impair or impede its ability  
13 to protect such interest; and where the intervenor's interest is  
14 not adequately represented by existing parties including counsel  
15 for the environment, and

16 WHEREAS, WAC 463-08-030 grants to any person or entity  
17 accepted by the council as an intervenor full procedural rights  
18 to protect their interests in any and all proceedings before the  
19 council, including the right to submit briefs to the council; the  
20 right to be served with all orders and decisions entered by the  
21 council and the governor in the application process; and the right  
22 to file a petition for rehearing, and

23 WHEREAS, King County has a pertinent governmental interest  
24 in the subject application, in that the proposed pipeline would  
25 follow a 45-mile corridor through the county, primarily over land  
26 zoned F-R (Forestry-Recreation), A (Agricultural) and G (General  
27 and would pass over river and stream systems within the jurisdic-  
28 tion of the County's shoreline management and other regulatory  
29 programs, and it is in the county's interest to insure that the  
30 pipeline complies with these and all other applicable land use,  
31 environmental and health regulations of the county, and,  
32  
33

1           WHEREAS, King County has a pertinent governmental interest  
2 in the subject application to assure that crude oil is trans-  
3 ported within the boundaries of the State of Washington in a  
4 manner which offers maximum protection to the waters and natural  
5 resources of Puget Sound, which resources are of great value to  
6 the citizens of King County and the State of Washington, and

7           WHEREAS, King County is currently not represented as a  
8 party in the proceedings before the site evaluation council and  
9 no current party, including the Counsel for the environment, will  
10 adequately represent the interest of the County in this matter,  
11 and

12           WHEREAS, formal intervention by King County in the  
13 Northern Tier Pipeline and related proceedings is therefore  
14 necessary to protect the important interests of the County at  
15 stake through exercise of the full procedural rights granted by  
16 WAC 463-08-030 to a party intervenor.

17           NOW, THEREFORE, BE IT MOVED by the Council of King County:

18           That the Prosecuting Attorney, as the legal representative  
19 of King County, is directed to petition for intervention in the  
20 matter of the Northern Tier Pipeline and any related proceedings,  
21 and if that intervention is granted the Prosecuting Attorney  
22 should, with the assistance of the appropriate King County  
23 officials and departments, participate in such proceedings as  
24 is necessary to protect the aforementioned pertinent interests of  
25 King County, PROVIDED, that the Prosecuting Attorney shall keep  
26 the Council fully informed of the progress of such participation  
27 and of major developments in such proceedings through periodic  
28 reports to the Council.

29           PASSED this 13<sup>th</sup> day of DECEMBER, 1976.

30           King County Council  
31           King County, Washington

32           Don Mooney  
33           Chairman

ATTEST:

Don Hammond  
Clerk of the Council Deputy