



Gregory J. Nickels
Mayor of Seattle

July 21, 2009

Mark Johnston
Deputy Assistant Secretary for Special Needs
Department of Housing and Urban Development
451 Seventh Street, SW mail Code D
Washington, D.C. 20410

Dear Deputy Assistant Secretary Johnston:

I am writing to inform you of the City of Seattle's action, as the Local Redevelopment Authority for the Fort Lawton BRAC closure, to appeal the King County Superior Court's ruling regarding the Fort Lawton Redevelopment Plan. As you consider the Fort Lawton Redevelopment Plan that was submitted to both of your agencies last October, I felt you should be aware of this appeal.

The Superior Court faulted the city for not having conducted an environmental review under state law even though the Army will conduct environmental review under NEPA, and not having publicly determined whether the city's Discovery Park Master Plan applied to the Redevelopment Plan even though no such requirement exists. We do not agree with this decision, which in any event did not purport to enjoin any federal agency action.

The city has asked the Washington State Court of Appeals to review this decision. The court of Appeals will conduct a de novo review. We anticipate a decision on the appeal in late 2009 or early 2010.

If you should have any questions, please contact me at (206) 684-4000.

Sincerely,

TIM CEIS
Deputy Mayor