

Chapter 463-14 WAC

POLICY AND INTERPRETATION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

463-14-060	Open meetings with full discussion. [Order 104, § 463-14-060, filed 11/4/76.] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).
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WAC 463-14-010 Purpose. The purpose of this chapter is to publicize significant policy determinations and interpretations by which the council is guided in implementing chapter 80.50 RCW and this title.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-14-010, filed 10/11/04, effective 11/11/04; Order 104, § 463-14-010, filed 11/4/76.]

WAC 463-14-020 Need for energy facilities—Legislative intent binding. RCW 80.50.010 requires the council "to recognize the pressing need for increased energy facilities." In acting upon any application for certification, the council action will be based on the policies and premises set forth in RCW 80.50.010 including, but not limited to:

(1) Ensuring through available and reasonable methods that the location and operation of such facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life;

(2) Enhancing the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; and

(3) Providing abundant power at reasonable cost.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-14-020, filed 10/11/04, effective 11/11/04; Order 104, § 463-14-020, filed 11/4/76.]

WAC 463-14-030 Public meetings and hearings policy for application reviews. The council encourages, and will provide for, public participation in its public meetings and hearings during reviews of applications for site certification as afforded by law and rule. The following sets forth the public participation in those meetings and hearings required in RCW 80.50.090.

(1) The public informational hearing as prescribed in RCW 80.50.090(1) shall be held in the county of the proposed site. All persons shall be afforded an opportunity to comment to the council regarding the proposed site.

(2) The public land use consistency hearing as prescribed in RCW 80.50.090(2) shall be held in the county where the proposed site is located to determine whether or not the proposed use of the site is consistent and in compliance with city, county or regional land use plans and zoning ordinances at the time of application. If the proposed site is located in more than one county, a land use consistency hearing shall be held in each county. The council shall limit public testimony at this hearing to the issue of consistency and compliance with city, county, or regional land use plans and zoning ordinances.

(3) Although all persons desirous of participating may not be accorded "party" status in the public hearing held as an adjudicative proceeding under chapter 34.05 RCW prior to preparation of any recommendation to the governor, the council, at times and places designated by the council, upon compliance with reasonable procedures, shall allow any person desiring to be heard to speak in favor of or in opposition to the proposed site.

(4) The council views the provisions of RCW 80.50.-090(4) as authorizing it to conduct additional public hearings as "public informational hearings," "public land use consistency hearings" or "adjudicative proceedings." The council may also hold public meetings concerning the application for site certification.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-14-030, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 91-03-090, § 463-14-030, filed 1/18/91, effective 2/18/91; Order 104, § 463-14-030, filed 11/4/76.]

WAC 463-14-040 County, city and port district representatives—Segmentation of hearings and issues. RCW 80.50.030 (4), (5) and (6) necessitate segmentation of hearings and issues in instances where proposed energy facilities would extend beyond the boundaries of a single county, city and/or port district.

[Statutory Authority: RCW 80.50.040(1). WSR 78-09-078 (Order 78-5), § 463-14-040, filed 8/28/78; Order 104, § 463-14-040, filed 11/4/76.]

WAC 463-14-050 Preemption. Chapter 80.50 RCW operates as a state preemption of all matters relating to energy facility sites. Chapter 80.50 RCW certification is given in lieu of any permit, certificate, or similar document which might otherwise be required by state agencies and local governments.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-14-050, filed 10/11/04, effective 11/11/04; Order 104, § 463-14-050, filed 11/4/76.]

WAC 463-14-070 Integration of council activities with federal agency activities. In consonance with RCW 80.50.040(10), the council hereby adopts a policy of holding

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joint hearings, whenever practical and desirable, with federal agencies having jurisdiction over matters affecting certification under chapter 80.50 RCW.

[Statutory Authority: RCW 80.50.040(1). WSR 98-01-081, § 463-14-070, filed 12/12/97, effective 1/12/98; Order 104, § 463-14-070, filed 11/4/76.]

WAC 463-14-080 EFSEC deliberative process. RCW 80.50.100 requires the council to report to the governor its recommendation of approval or rejection of an application for certification. In order for the council to develop such a recommendation, it shall use wherever applicable the following deliberative process:

- (1) Evaluate an application to determine compliance with chapter 80.50 RCW and chapter 463-60 WAC;
- (2) Contract for an independent consultant study of the application;
- (3) Conduct a review under the State Environmental Policy Act;
- (4) Conduct an adjudicative proceeding for the presentation of evidence on the application;
- (5) Conduct one or more sessions for the taking of public testimony concerning the proposed project;
- (6) Consider public comments received;
- (7) Consider any laws or ordinances, rules or regulations, which may be preempted by certification.

The council, when fully satisfied that all issues have been adequately reviewed, will consider and by majority decision will act on the question of approval or rejection of an application.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-14-080, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 91-03-090, § 463-14-080, filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 80.50.040(1). WSR 81-20-028 (Order 81-4), § 463-14-080, filed 9/30/81.]

WAC 463-14-100 Citations. As used in Title 463 WAC citations to state statutes and regulations include such laws as they now exist or as hereafter amended.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-14-100, filed 10/11/04, effective 11/11/04.]