

State of Washington

Energy Facility Site Evaluation Council

(name of governing body)

(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. 81-1

(1) Be it resolved by the Energy Facility Site Evaluation Council acting at Olympia, Washington (place)

that it does promulgate and adopted the annexed rules relating to:

- (1) WAC 463-30-080 Commencement of Contested Case Proceedings
(2) WAC 463-46-055 Timing of the EIS Process

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. \_\_\_\_\_ filed with the code reviser on 1-20-81 Such rules shall take effect: WSR 81-03-055
X pursuant to RCW 34.04.040(2) at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, \_\_\_\_\_ find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.\_\_\_\_ (1977 c 19 § 2)1 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- (a) This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute.
X (b) This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the

Energy Facility Site Evaluation Council

(agency)

has authority to implement the provisions of

Chapter 80.50 RCW

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW \_\_\_\_\_

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

STATE OF WASHINGTON

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12-WAC.

APPROVED AND ADOPTED March 9, 19 81

MAR 11 1981

By

William L. Fitch Executive Secretary

Title

CODE REVISER'S OFFICE

WSR 81-07-019

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-080 COMMENCEMENT OF CONTESTED CASE PROCEEDINGS  
Contested case proceedings pursuant to RCW 80.50.090(3) shall  
be commenced (~~(on receipt of the application)~~) upon issuance of  
a formal notice of hearing by the council.

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AMENDATORY SECTION (Amending Order 112, filed 12/15/76)

WAC 463-46-055 TIMING OF THE EIS PROCESS. (1) The primary purpose of the EIS process is to provide environmental information to governmental decision-makers to be considered prior to making their decision. The process should thus be completed before the decisions of the council commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. The council shall identify the times at which the EIS process must be completed. The lead agency should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision-making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(2) (~~At-a-minimum;~~) The threshold determination and any required EIS shall be completed prior to undertaking any proposed major action. For the purpose of this chapter, the council has determined that the proposed major action is the recommendation to the governor required in RCW 80.50.100. The council may initiate a contested case hearing required by RCW 80.50.100 prior to completion of the draft EIS. The council shall initiate and conclude a contested case hearing required by RCW 80.50.100 prior to issuance of the final EIS.

(3) When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a non-project nature, and the proponent of the major action is also the lead agency, then the maximum time limits contained in these guidelines for the threshold determination and EIS process need not apply to the proposal.