



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Environmental Hearings Office (Shorelines Hearings Board)

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: 09/08/97

(2) Purpose: To conform rules to Substitute House Bill 1314 and to clarify existing language of certain rules.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 461-08-310, 461-08-560 and 461-08-570
 Suspended:

(4) Statutory authority for adoption:

Other Authority: RCW 90.58.175 and SHB 1314

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-15-057 on July 15, 1997 (date).
 Describe any changes other than editing from proposed to adopted version: NONE

EMERGENCY RULE ONLY

N/A

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

N/A

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

**Permanent Rules
or Expedited Rule Making**

Emergency Rules

- 31 days after filing
- Other (specify) _____ *
- Immediately
- Later (specify)

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
Suzanne M. Skinner

Signature
Suzanne M. Skinner

Title Administrative Appeals Judge **Date** 9/12/97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
E.L.D.

1997

TIME 3:40 AM
WSR 97-19-063 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended <u>1</u>	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended <u>2</u>	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended <u>3</u>	Repealed

AMENDATORY SECTION (Amending WSR 96-17-017, filed 8/12/96, effective 9/12/96)

WAC 461-08-310 Computation of time. (1) In computing any period of time prescribed or allowed by these rules or applicable statute, the day of the act after which the designated period of time begins to run is not to be included. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for rule making, petition for declaratory ruling or any other adjudication which this chapter authorizes.

WAC 461-08-560 Deadline for the board to issue final decision((s)) on petitions for review of permitting decisions((τ)). Waivers and extensions of deadline. (1) The board shall, pursuant to RCW 90.58.180, issue a final decision on ((appeals of permitting decisions pursuant to RCW 90.58.180 (1) and (2))) petitions for review arising out of the granting, denying or rescinding of a permit within one hundred eighty days of the ((date of filing with the board of the petition for review or the petition to intervene, whichever is later)) following:

(a) The date the petition for review is filed; or

(b) The date a motion to intervene is filed by the department or the attorney general, whichever is later.

(2) The parties may agree to waive the one hundred eighty-day deadline.

(3) The board may, on its own motion, extend the deadline for thirty days after determining that good cause exists for the extension.

WAC 461-08-570 Time for filing petitions for ((judicial)) review to superior court. ((All appeals from orders of the board shall be to a superior court, unless the superior court certifies the order for direct review to the court of appeals or the court of appeals accepts a certificate of appealability issued by the board. In cases of appeal to superior court, and cases where certification to the court of appeals is sought, the appealing party shall file with the board and all parties of record a copy of the petition for judicial review to the superior court.)) An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within thirty days of the date that the board issues its final order or decision. The petitioner shall file a copy of the petition for review to superior court with the board and all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.