

Title 259 WAC

ENVIRONMENTAL HEARINGS OFFICE (HYDRAULIC APPEALS BOARD)

Chapters 259-04

Board administration—Functions— Organization.

Chapter 259-04 WAC

BOARD ADMINISTRATION—FUNCTIONS— ORGANIZATION

WAC

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WAC 259-04-010 Membership—Function and jurisdiction of the hydraulic appeals board. (1) The hydraulic appeals board (hereinafter board) shall consist of three members: The director of the department of ecology or designee, the director of the department of agriculture or designee, and the director or the director's designee of the department of fisheries or department of wildlife whose action or decision is under appeal.

(2) The function of this board is to provide an expeditious and efficient disposition of appeals from the decisions and orders of the department of fisheries or the department of wildlife with respect to hydraulic projects specified in RCW 75.20.103.

(3) The board shall have exclusive jurisdiction to hear and decide formal appeals from any person aggrieved by any final decision issued by the department of fisheries or department of wildlife with respect to any approval, denial, conditioning, or modification of any hydraulics project application or approval specified in RCW 75.20.103 or the denial of application for the modification of any approval issued pursuant to that section.

(4) This chapter is intended to be general and informational only, and failure herein to list matters over which the board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction as conferred upon this board by RCW 75.20.103 as currently written or as may be hereafter amended.

[Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-010, filed 3/2/89.]

WAC 259-04-020 Board administration—Office of the board. The headquarters and principal office of the board is the Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two, Rowe Six, Mail Stop PY-21, Lacey,

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Washington 98504, (360) 459-6327. All notices, pleadings, and other documents hereinafter required or allowed to be filed shall be filed at this address.

[Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-020, filed 3/2/89.]

WAC 259-04-030 Board administration—Meeting of the board. The board shall have no formal meeting schedule but shall be convened as and when necessary to expeditiously adjudicate all disputes brought before it. The board may, in its discretion, utilize the services of the staff and facilities of the environmental hearings office as may be necessary to achieve that end.

[Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-030, filed 3/2/89.]

WAC 259-04-040 Board administration. At least two members of the three-member board shall agree upon any decisions, and may act although one position on the board may be absent. For promulgation of rules and regulations relating to its procedures, representatives of all four agencies may participate; a majority must agree on new or revised rules and may act although one position on the board is absent. A designated administrative law judge may hold hearings and take testimony when assigned by at least two members of the board to do so. The findings of the administrative law judge shall not become final until approved in writing by at least two members of the board.

[Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-040, filed 3/2/89.]

WAC 259-04-050 Board administration—Communications with the board. All written communications by parties pertaining to a formal appeal, including requests for hearings on claimed violations of rules and regulations as provided in RCW 75.20.140, notices of appeal from orders and decisions of the relevant department approving, denying, conditioning or modifying any hydraulics project application or approval specified in RCW 75.20.103, or the denial of any application for the modification of such approval issued pursuant to that section; and all other applications and requests for relief authorized by that section shall be filed with the board at its principal office in Lacey, Washington. Requests for hearings must be received within thirty days from the date of denial of a hydraulic project approval, issuance of an approval with contested conditions, or denial of application for modification of an approval. Copies of all such written communications shall be furnished to the relevant department or other appropriate agency and to all other interested parties or their representatives of record, and the original filed with

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the board shall show thereon compliance with this requirement.

[Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-050, filed 3/2/89.]

WAC 259-04-060 Procedures applicable. Insofar as applicable and not in conflict with these rules, the procedural rules established in chapter 371-08 WAC shall apply.

[Statutory Authority: RCW 75.20.140. 94-12-029, § 259-04-060, filed 5/24/94, effective 6/24/94. Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-060, filed 3/2/89.]

WAC 259-04-070 Authority. These rules are promulgated pursuant to RCW 75.20.130 and are intended to administratively implement RCW 75.20.103, 75.20.130, and 75.20.140.

[Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-070, filed 3/2/89.]