

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 fish and wildlife.

(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 fish and wildlife with respect to hydraulic projects specified in RCW 77.55.110, 77.55.230, 77.55.290 and off-site mitigation plans specified in RCW 77.55.230.

(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 fish and wildlife with respect to any approval, denial, conditioning, or modification of any hydraulic project approval as referenced in RCW 77.55.110, 77.55.200 and/or 77.55.290. The board also has jurisdiction to hear and decide appeals from any person aggrieved by a denial or conditioning of an off-site mitigation proposal specified in RCW 77.55.230.

(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 chapter 77.55 RCW as currently written or as may be hereafter amended.

[Statutory Authority: RCW 77.55.170(3), 02-06-014, § 259-04-010, filed 2/22/02, effective 3/25/02. 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

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SE, Building Two, Rowe Six, Mail Stop PY-21, Lacey, 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 with the hydraulic appeals board 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 issuance of the decision being appealed. Copies of all such written communications shall be furnished to the department of fish and wildlife and to all other interested parties or their representatives of record, and the original filed with the board shall show thereon compliance with this requirement.

[Statutory Authority: RCW 77.55.170(3), 02-06-014, § 259-04-050, filed 2/22/02, effective 3/25/02. 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.

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[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 77.55.170 and are intended to administratively implement RCW 77.55.110, 77.55.170, 77.55.200, 77.55.230, and 77.55.290.

[Statutory Authority: RCW 77.55.170(3). 02-06-014, § 259-04-070, filed 2/22/02, effective 3/25/02. Statutory Authority: RCW 75.20.130. 89-07-003 (Order 1), § 259-04-070, filed 3/2/89.]