

Environmental Hearings Office
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Agency Responsibilities

EHO administers the five quasi-judicial boards listed below. For each board, members and judges conduct trials and issue decisions relating to the specific jurisdiction of each board.

- **Pollution Control Hearings Board (PCHB):** RCW 43.21.B.110
- **Shorelines Hearings Board (SHB):** RCW 90.58.170
- **Environmental and Land Use Hearings Board (ELUHB):** RCW 43.21L.005
- **Forest Practices Appeals Board (FPAB):** RCW 76.09.010
- **Hydraulics Appeals Board (HAB):** RCW 77.55.170 and RCW 77.55.200

Organizational Chart and Budget
 William H. Lynch, Director
 9 FTEs

Activity: Administer 5 Quasi-Judicial Hearings Boards
Budget: 2003-05 \$1,942,000 General Funds

Director/ PCHB/SHB/ ELUHB Chair	PCHB	SHB	ELUHB	FPAB	HAB
	Three full-time members appointed by Governor and subject to Senate confirmation	Six members: PCHB members plus designee of DNR, reps of Counties and Cities	Six members: Same composition as the SHB	Three part-time members appointed by Governor and subject to Senate confirmation	Directors or designees of DNR, DOE and WDFW
Administrative Appeals Judges	Administrative Assistant	Hearings Coordinator		Secretary/Receptionist	
Handle appeals for 5 boards; Mediations; Procedural Assistance; Rules Coordinator; ADA Coordinator.	Financial Mgmt.; Budget; Personnel; IT Administrator; Reports to Governor; Administration; Supervise staff.	Scheduling; Process Orders; Case Management; Website updates.		Respond to Public; New Appeals; Case Management; Superior Court Appeals; Travel coordination & Compensation.	

Most Pressing Issues or Challenges:

Integration of new Environmental and Land Use Hearings Board (ELUHB):

The Legislature created the ELUHB during the 2003 session as a mechanism to shorten the time for appeals of complex economic development projects involving multiple permits. The effort was directed to bring projects, which will spur economic development in depressed counties, on-line in a more rapid manner by “establishing uniform, expedited, and coordinated appeal procedures and uniform criteria for reviewing such decisions.” The key difference between the ELUHB and the other Boards of the EHO is that it is mandated to process different types of permits in one appeal process. Some permits, which before were not within the jurisdiction of EHO, will be reviewed as part of this hearing process. For example: an ELUHB project may have on appeal, a shoreline variance, a §401 certification (under the

Clean Water Act) and a local binding site plan (not a prior EHO review-able permit) —all at the same time and before the ELUHB.

However, the statute adopted was general in nature, so EHO has had to develop procedural rules to make the statutory provisions work. Emergency rules were adopted in 2003. The main rule development problem is trying to reconcile the statutory appeal process with various unrelated permits. By unrelated we mean that the issues and evidence surrounding a given permit (like a binding site plan) may not be the same as another permit (§401 certification). So there is a practical problem as to how to integrate these appeals into the same process and/or the same trial, yet create a speedy and efficient process. The EHO is now in the process of developing permanent rules for the ELUHB. It is imperative to develop these rules and have them in place before the time-pressure contemplated by the statute occurs. Training must be developed for all Board members on October 8, 2004. The development and environmental community are the major stakeholders.

Lack of Resources by a Small Agency:

EHO was created to provide citizens with an expeditious and cost-effective appeal process, a process that would be less formal from superior court, and would provide a uniform interpretation of environmental laws on a statewide basis. EHO also must fulfill administrative requirements requested of all agencies, which include having Information Technology security plans and portfolios, a Sustainable Practice Plan with measures, Hazard Mitigation Plan and measures, Service Delivery standards and measures, Performance Measures and Performance Agreements, and Quality measures and standards. EHO has only 9 FTEs to accomplish these objectives.

Unlike large agencies, EHO does not have dedicated funds that carry forward for refreshing IT equipment on a regularly scheduled basis or for ongoing IT support. EHO employees are compensated much less than comparable positions in state government. EHO does not have funds for merit salary increases for deserving employees or for employee recognition programs, nor are there funds available for training. We believe the lack of funds may impact our ability to attract and retain good people. Stakeholders include all members of the general public with issues before the Board. We have submitted a decision package to address these funding issues.