



RULE-MAKING ORDER PERMANENT RULE ONLY

**CR-103P (December 2017)
(Implements RCW 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 30, 2025

TIME: 9:14 AM

WSR 25-12-063

Agency: Washington State Environmental and Land Use Hearings Office

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

☐ Yes ☒ No If Yes, explain:

Purpose: Clarifies "date of receipt" of board orders or decisions to align with Fode v. Dep't of Ecology, 22 Wn. App. 2d 22, 509 P.3d 325 (2022); adds new sections with procedures regarding the board's handling of confidential and exempt information and issuing protective orders; updates language to be gender neutral; adds new section and amends sections related to consolidation of appeals to align with RCW 43.21B.340; removes the requirement that settlement agreements be submitted to the board upon requesting a dismissal due to settlement; amends a section and adds a new section to give clarity on requirements for filing exhibits.

Citation of rules affected by this order:

New: 371-08-361; 371-08-391; 371-08-451; 371-08-471; 371-08-547

Repealed:

Amended: 371-08-305; 371-08-335; 371-08-340; 371-08-345; 371-08-365; 371-08-390; 371-08-440; 371-08-450

Suspended:

Statutory authority for adoption: RCW 43.21B.170

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-07-076 on March 17, 2025 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	<u>2</u>	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____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

New	<u>5</u>	Amended	8	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>5</u>	Amended	8	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	_____	Repealed	_____

Date Adopted: May 30, 2025

Name: Jamie Merly

Title: Director of Legal and Administrative Services

Signature:

