

## Merrill, Hannah

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**From:** pearl hewett [REDACTED]  
**Sent:** Saturday, April 28, 2012 9:45 AM  
**To:** zSMP; Miller, Sheila Roark; Gray, Steve; earnest spees; harry bell; Jay Petersen  
**Cc:** Lois Perry  
**Subject:** Fw: DOE SMP APPEALS GIVEN TO GROWTH MANAGEMENT

**I submit this as my SMP comment**  
**Pearl Rains Hewett Trustee**  
**George C. Rains Sr. Estate**  
**Member SMP Advisory Committee**

**taken out of context**

### **House Bill 2671**

- 1. If a county appeals the (DOE) Department of Ecology's final action on their local shoreline master program**
- 2. The appeal is given to the Growth Management Hearings Board**

I asked how House Bill 2671 would affect our SMP at the April 24, 2012 SMP Advisory meeting. I was shut down immediately and **denied any discussion** with the members of the Advisory Committee.

Sheila Miller made a brief, adamant comment about the **Growth Management Hearings Board**. I hope her comment is quoted in the summary of that meeting.

**Sent:** Wednesday, April 04, 2012 11:40 AM  
**Subject:** SMP-DOE-APPEALS-GROWTH MANAGEMENT-SUPERIOR COURT

### **I'm sure glad they clarified this**

**House Bill 2671: Clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions**

Signed by Gov. Christine Gregoire on March 29, 2012, amends certain standards and procedures relating to the review of shoreline master programs by the **Growth Management Hearings Board, Shoreline Hearings Board, and superior courts.**

### **If you read it, it says,**

- 1. If a county appeals the (DOE) Department of Ecology's final action on their local shoreline master program**
- 2. The appeal is given to the Growth Management Hearings Board**
- 3. The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.**
- 4. Any party aggrieved by a final decision of the Growth Management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.**

As the law now stands, you can't sue the county for the SMP.  
**It is the sole product of the DOE.**

On appeal, now, after the passing of this new law, would the Superior Court make the SMP the product of the **DOE and the Growth Management Act?**

Pearl Rains Hewett

Read on if you are interested  
The full house bill 2671 is on line

House Bill 2671: Clarifying procedures for appealing department of ecology final action on a local shoreline master program by ensuring consistency with existing procedural provisions

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AN ACT Relating to

**clarifying procedures** for appealing department

**of ecology final action on a local shoreline master program**

by ensuring consistency with existing procedural provisions of

**the growth management act, chapter 36.70A RCW, the administrative procedure act, chapter 34.05 RCW, and the state environmental policy act, chapter 43.21C RCW; and amending RCW 90.58.190.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec. 1.** RCW 90.58.190 and 2011 c 277 s 5 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's final decision to approve or reject a proposed master program or master program amendment by a local government planning under RCW 36.70A.040

**shall be appealed to the growth management hearings board** by filing a petition as provided in

RCW 36.70A.290.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the etc. etc.