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ENVIRONMENTAL HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD FOR THE STATE OF WASHINGTON

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AIRPORT COMMUNITIES COALITION,)	
)	No. 01-133
Appellant,)	No. 01-160
)	
V.)	ACC's MOTION FOR PERMISSION TO
)	FILE OVERLENGTH REPLY BRIEF
STATE OF WASHINGTON,)	
DEPARTMENT OF ECOLOGY; and)	(Section 401 Certification No.
THE PORT OF SEATTLE,)	1996-4-02325 and CZMA concurrency
)	statement, issued August 10, 2001,
Respondents.)	Reissued September 21, 2001, under No.
-)	1996-4-02325 (Amended-1))
)	• • • •

Appellant Airport Communities Coalition moves the Board for an order permitting it to file an overlength brief in reply to Respondents Department of Ecology and Port of Seattle's opposition papers in response to ACC's Motion for Stay. Pursuant to the Board's September 7, 2001 letter, briefs are limited to 30 pages in length. ACC requests permission to file the attached 46 page reply brief. ACC is in need of the additional 16 reply pages for the following reasons:

1. In response to ACC's Motion for Stay, Respondent Department of Ecology filed a 26 page brief and 7 declarations totaling 66 pages together with over a hundred pages of attached exhibits. Respondent Port of Seattle filed a 30 page brief and 15 declarations totaling 155 pages together with several thousand pages of exhibits. While some of the arguments presented by Ecology and the Port are duplicative, others are not. Rather than write a separate reply to each response (an approach that would have allowed ACC 60 pages), ACC has consolidated its reply into the single 46 page reply being filed herewith.

ACC MOTION FOR PERMISSION TO FILE OVERLENGTH REPLY BRIEF - 1 ORIGINAL

HELSELJ, FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 Rachael Paschal Osborn Attorney at Law 2421 West Mission Avenue Spokane, WA 99201



1	2. ACC has incorporated into its reply brief issues raised by Ecology and the Port's			
2	agreement to rescind the 401 Certification issued on August 10, 2001 and re-issued with			
3	substantive changes on September 21, 2001. Rather than file a separate brief on the significance			
4	of the changes, ACC has included arguments relating to the changes in its reply brief.			
5	For the forgoing reasons, ACC respectfully request that it be permitted to file an			
6	overlenth brief of 46 pages.			
7	A proposed order is filed herewith.			
8	DATED this 8 th day of October, 2001.			
9	HELSELL FETTERMAN LLP			
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12	By: Kevin L. Stock, WSBA #14541			
13	V Attorneys for Appellant			
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