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AUG 23 2001

ENVIRONMENTAL
HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY; and
THE PORT OF SEATTLE,

Respondents.

No. PCHB _____

REQUEST FOR SCHEDULING
CONFERENCE TO SET BRIEFING
SCHEDULE AND HEARING DATE ON
STAY REQUEST

Appellant Airport Communities Coalition ("ACC") respectfully requests a scheduling conference with the Presiding Officer pursuant to WAC 371-08-450(4)(d) for the purpose of establishing an expedited briefing schedule and hearing date in regard to ACC's request for a stay of the Section 401 Certification, Order No. 1996-4-02325, issued by Respondent Department of Ecology ("Ecology") to Respondent Port of Seattle ("Port") on August 10, 2001, for the Port of Seattle's proposed Third Runway Project.

AR 008516

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1325 Fourth Avenue
Seattle, WA 98101-2509

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

REQUEST FOR SCHEDULING
CONFERENCE - 1

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1 In Ecology's press release announcing the 401 certification, Department of
2 Ecology Director Tom Fitzsimmons characterized the Port's proposed project as "one
3 of the largest public-works projects ever attempted in the State of Washington." He
4 also said "the potential effects on water quality and the natural environment are
5 enormous . . ." ACC seeks an expedited hearing of its request for a stay in light of the
6 potential "enormous" effects on water quality and the natural environment and in
7 light of the overriding public interest in an expedited review of the matter. The
8 requested stay, if granted, will halt irreversible impacts to the environment including
9 the permanent and irreversible filling of wetlands until final resolution of ACC's
10 appeal of the 401 Certification.
11
12

13 ACC, an organization consisting of adjacent municipalities and a school
14 district, represents the interests of over 150,000 citizens whose property, health, and
15 safety are immediately and irreparably threatened by the construction activities.
16 Given the ponderous scale of the proposed project, the weight of the interests at stake,
17 and the need for immediate resolution of the stay request, ACC requests that the
18 normal briefing and hearing schedules set forth in WAC 371-08-450(4) be modified
19 and an expedited hearing date set. Establishing an expedited schedule and hearing on
20 ACC's request for a stay pursuant to WAC 371-08-450(4)(d) will allow the stay request
21 to be briefed and decided in an efficient manner, thus hastening the resolution of the
22 legal conflict while protecting the interests of the parties.
23
24

25
REQUEST FOR SCHEDULING
CONFERENCE - 2

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AR 008517


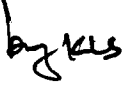
1 Proposed forms of orders setting a scheduling conference and establishing an
2 expedited schedule are submitted herewith.

3 DATED this 23rd day of August, 2001.
4

5 HELSEL FETTERMAN LLP

6 By: 

7 Peter J. Eglick, WSBA #8809
8 Kevin L. Stock, WSBA #14541

9 And by:  by 

10 Rachael Paschal Osborn
11 WSBA #21618

12 Attorneys for Appellant

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REQUEST FOR SCHEDULING
CONFERENCE - 3

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

ENVIRONMENTAL
HEARINGS OFFICE

AIRPORT COMMUNITIES COALITION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY; and
THE PORT OF SEATTLE,

Respondents.

No. PCHB _____

(PROPOSED)
ORDER GRANTING AIRPORT
COMMUNITIES COALITION'S REQUEST
FOR SCHEDULING CONFERENCE ON
STAY REQUEST

THIS MATTER having come before the Board this _____ day of August, 2001,
on Appellant's request for a scheduling conference with the Presiding Officer
pursuant to WAC 371-08-450(4)(d), for the purpose of setting a modified briefing
schedule and hearing date in the matter of Appellant's Request for a Stay, and the
Board having considered the matter, NOW, THEREFORE, it is hereby

ORDERED that Appellant's request for a scheduling conference with the
presiding officer to set briefing schedules and a hearing date is hereby GRANTED,
with said scheduling conference to be held on the _____ day of

AR 008519

HELSELL FETTERMAN LLP
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1325 Fourth Avenue
Seattle, WA 98101-2509

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

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1 August, 2001 at _____ a.m./p.m. All parties shall attend.

2 DATED this _____ day of August, 2001.

3 _____
4 Presiding Officer/Board Member
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ENVIRONMENTAL
HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,

Appellant,

v.

DEPARTMENT OF ECOLOGY, an agency
of the State of Washington and
The PORT OF SEATTLE, a Washington
Municipal Corporation

Respondents.

No. PCHB _____

(PROPOSED)
ORDER SETTING BRIEFING SCHEDULE
AND HEARING ON STAY REQUEST

THIS MATTER having come before the Board on Appellant's Request for Scheduling Conference to Set Briefing Schedule and Hearing Date on Appellant's Request for a Stay of the Department of Ecology's Section 401 Certification, Order No. 1996-4-02325, and the Board having considered the matter, NOW, THEREFORE it is hereby ORDERED as follows:

1. Appellant ACC's request for stay and supporting brief shall be filed and served by the close of business on Thursday, September 13, 2001.

2. Any responsive brief shall be filed and served by Respondents by the close of business on Thursday, September 20, 2001.

AR 008521

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Seattle, WA 98101-2509

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

ORDER SETTING BRIEFING SCHEDULE AND
HEARING ON STAY REQUEST - 1

COPY

1 3. Appellant ACC's reply to response briefs shall be filed and served by the
2 close of business on Wednesday, September 26, 2001.

3 4. Hearing on Appellant's Request for Stay shall be set for September
4 _____, 2001 at _____ a.m./p.m.

5 DATED this _____ day of August, 2001.
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8 _____
9 Presiding Officer / Board Member
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AUG 23 2001

ENVIRONMENTAL
HEARINGS OFFICE

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES)
COALITION,)
Appellant,)
v.)
STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY; and)
THE PORT OF SEATTLE,)
Respondents.)

No. PCHB _____

CERTIFICATE OF SERVICE

I, Andrea Grad, an employee of Helsell Fetterman LLP, attorneys for the Airport Communities Coalition, certify that:

I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, and over the age of eighteen years.

On August 22, 2001, I caused to be hand-delivered a true and correct copy of the Notice of Appeal (with attachments); Request for Scheduling Conference to Set Briefing Schedule and Hearing Date on Stay Request; (Proposed) Order Granting Airport Communities Coalition's Request for Scheduling Conference on Stay Request; and

AR 008523

HELSELL FETTERMAN LLP
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1325 Fourth Avenue
Seattle, WA 98101-2509

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

1 (Proposed) Order Setting Briefing Schedule and Hearing on Stay Request in the above-
2 captioned case to:

3
4 Ann Kenny
5 Senior Environmental Specialist
6 Department of Ecology, Northwest Regional Office
7 3190 160th Avenue SE
8 Bellevue, WA 98008-5452

9
10 Tom Fitzsimmons
11 Director, Department of Ecology
12 300 Desmond Drive
13 Lacey, WA 98503

14
15 Linda J. Strout
16 Registered Agent, Port of Seattle
17 Pier 69, 2711 Alaskan Way
18 Seattle, WA 98121

19
20 M. R. Dinsmore
21 Executive Director, Port of Seattle
22 Pier 69, 2711 Alaskan Way
23 Seattle, WA 98121

24
25 Christine Gregoire
State Attorney General
1125 Washington Street SE, 5th Floor
Olympia, WA 98504-0100

I certify under penalty of perjury under the laws of the State of Washington that
the foregoing is true and correct.

DATED this 23rd day of August, 2001, at Seattle, Washington.


Andrea Grad

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CERTIFICATE OF SERVICE - 2

HELSELL FETTERMAN LLP
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Seattle, WA 98101-2509

Rachael Paschal Osborn
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2421 West Mission Avenue
Spokane, WA 99201

AR 008524