

ORDER NUMBER: 627  
DATE: July 27, 1981

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the	)	
Application No. 76-2 of the	)	
	)	
NORTHERN TIER PIPELINE COMPANY	)	DECLARATORY RULING
	)	AND ORDER DECLINING
A Delaware Corporation	)	TO REPEAL RULE WAC
.....	)	463-46-055
	)	
In the Matter of the	)	
Application No. 79-1 of the	)	
	)	
TRANS MOUNTAIN OIL PIPE LINE	)	
CORPORATION	)	
	)	
A Delaware Corporation	)	
.....	)	

THIS MATTER Having come on regularly before the Energy Facility Site Evaluation Council at its regular meeting of July 13, 1981, upon petition by Snohomish County, an intervenor in the above-captioned applications, for a declaratory ruling on the application of WAC 463-46-055 to the above-captioned applications and the EIS timing procedures applicable to these applications and, in the alternative, an order repealing WAC 463-46-055, the Council having heard argument pertaining to the merits of the petition and the Council having duly voted on the matter in open session;

NOW, THEREFORE, BE IT HEREBY ORDERED By the Council that the petition of Snohomish County for an order repealing WAC 463-46-055 be and the same is hereby denied;

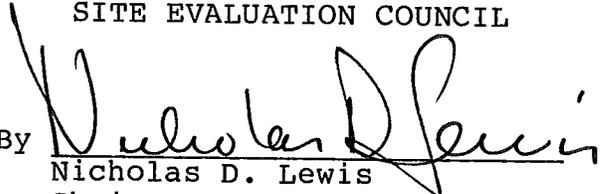
AND The Council hereby issues the following declaratory ruling upon request of petitioner Snohomish County:

1. WAC 463-46-055, as filed on March 11, 1981, with the Code Reviser of the State of Washington, is deemed by the Council not to be applicable to either the Northern Tier or the Trans Mountain applications presently pending before the Council at the time the rule was filed.
2. The specific EIS timing procedures which are applicable to the Northern Tier and Trans Mountain applications have been previously expressed in policy statements and decisions issued by

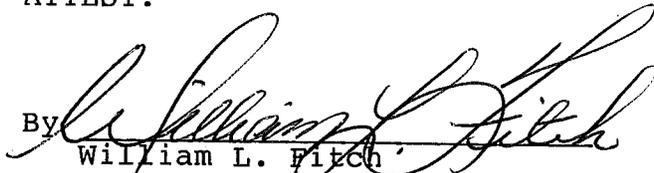
the Council to the effect that a final environmental impact statement would not be required by the Council prior to the initiation of land use or contested case hearings on the applications. Such final statement would, however, be required prior to the Council's decision on its recommendation to be made to the Governor.

Dated at Olympia, Washington and effective this 27th day of July 1981.

WASHINGTON STATE ENERGY FACILITY  
SITE EVALUATION COUNCIL

By   
Nicholas D. Lewis  
Chairman

ATTEST:

By   
William L. Fitch  
Executive Secretary

APPROVED AS TO FORM:

By   
Kevin M. Ryan  
Assistant Attorney General