

**RCW 90.58.180 Review of granting, denying, or rescinding permits by shorelines hearings board—Board to act—Local government appeals to board—Grounds for declaring rule, regulation, or guideline invalid—Appeals to court—Consolidated appeals.** (1) (a) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within 21 days of the date of filing of the decision as defined in RCW 90.58.140(6).

(b) Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with at any time within 15 days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within 21 days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within 180 days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of 30 days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within 30 days of the date of the adoption or approval. The board shall make a final decision within 60 days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter;
- or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment;
- or
- (e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within 30 days after the date of final decision by the shorelines hearings board.

(8) Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, have been appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals, including appeals to the shorelines hearings board, pursuant to RCW 43.21B.340. [2024 c 347 s 4; 2011 c 277 s 4; 2010 c 210 s 37; 2003 c 393 s 22; 1997 c 199 s 1; 1995 c 347 s 310; 1994 c 253 s 3; 1989 c 175 s 183; 1986 c 292 s 2; 1975-'76 2nd ex.s. c 51 s 2; 1975 1st ex.s. c 182 s 4; 1973 1st ex.s. c 203 s 2; 1971 ex.s. c 286 s 18.]

**Intent—Effective dates—Application—Pending cases and rules—**  
**2010 c 210:** See notes following RCW 43.21B.001.

**Finding—Severability—Part headings and table of contents not law**  
**—1995 c 347:** See notes following RCW 36.70A.470.

**Effective date—1989 c 175:** See note following RCW 34.05.010.

**Severability—1986 c 292:** See note following RCW 90.58.030.

*Appeal under this chapter also subject of appeal under state  
environmental policy act: RCW 43.21C.075.*