

State of Washington
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON

CONCERNED FRIENDS OF FERRY
COUNTY,

Petitioner,

vs.

FERRY COUNTY,

Respondent.

Case No.: 97-1-0018

ORDER ON MOTION FOR
RECONSIDERATION AND

AMENDED

SECOND ORDER ON
COMPLIANCE

On May 23, 2000, the Board issued Second Order on Compliance.

On June 2, 2000, Petitioner filed a Motion for Reconsideration on Issue 1-D, "Specifically, the interpretation that there is no requirement "to address species other than endangered, threatened, or sensitive."

On July 10, 2000, the Board held a telephonic reconsideration hearing. Petitioner was represented by Dave Robinson; Respondent was represented by Stephen Graham.

After hearing oral argument, the Board enters the following:

Petitioners argue in their motion for reconsideration that the Board's conclusion for Issue 1-D is in error. After hearing their argument, the Board concurs that the wording of the conclusion for Issue 1-D is in error.

Petitioners argue that WAC 365-190-080 (5)(a) gives equal importance to habitats and species of local importance and habitats with which endangered, threatened, and sensitive species have a primary association. The Board's conclusion for Issue 1-D, dealing with habitat for endangered, threatened and sensitive species, "finding no requirement to address species other than endangered, threatened, or

sensitive in their comprehensive plan" is erroneous.

However, the Ferry County Comprehensive Plan does address species of local importance in Sec. 7.4.12. The Board addressed the adequacy of this process in Issue 1C., finding that section in compliance regarding its citizen review process. The Board now finds that the process for nomination of species of local importance is in compliance with the Growth Management Act.

Ferry County need take no further action at this time regarding species of local importance.

Therefore, the conclusion for Issue 1D is modified to read as follows:

Ferry County is found partially in compliance with the Growth Management Act on Petitioner's Issue No. 9. Although there is a requirement to address species of local importance, the County has adequately complied with this requirement by the development of a process for the nomination and designation of habitats and species of local importance.

Ferry County is found in non-compliance with the GMA on Petitioner Issue No. 9 for providing insufficient evidence that its failure to list all species that are endangered, threatened or sensitive is based on best available science as required by RCW 36.70A.172.

The remainder of the Second Order on Compliance remains unchanged.

SO ORDERED this 19th day of July, 2000.

**EASTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS**

BOARD

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