

**BEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD**

JOHN SERVAIS and C. "TIP" JOHNSON,)
) No. 00-2-0020
Petitioners,)

v.

CITY OF BELLINGHAM, WHATCOM COUNTY and)
WESTERN WASHINGTON UNIVERSITY,)
)
Respondents,)
_____)

) ORDER DENYING
) MOTION FOR
) RECONSIDERATION
)

On November 6, 2000, Petitioners filed a motion for reconsideration, limited to the SEPA issue decided in the final decision and order. On November 13, 2000, WWU filed a response to the motion. That response was joined by Bellingham.

On November 14, 2000, Petitioners' filed a "reply." On November 15, 2000, WWU filed a motion to strike Petitioners "reply" brief. This motion was once again joined in by Bellingham. Later that same day Petitioners filed a response to WWU's motion to strike and a motion to strike portions of WWU's response brief.

WAC 242-02-832 does not authorize the filing of a reply brief to a response for the motion for reconsideration. The rule is clear that each side gets one opportunity to set forth their arguments on reconsideration and that is it. See *WEAN v. Island County*, 98-2-0023c (RO 11-20-00). We grant WWU and Bellingham's motion to strike Petitioners' reply brief.

Petitioner requests that we strike the portions of WWUs response that reference and rely upon Ex. 485. That exhibit was listed in the index, but was not submitted for the hearing on the merits. Consequently, it is not a part of our record and will not be considered. Petitioners' motion to strike references and reliance upon Ex. 485 is granted.

As to the merits of the motion for reconsideration, we have thoroughly reviewed the arguments related to the motion and reaffirm our conclusion that Petitioners did not sustain their burden of showing that the SEPA process for the 2000 MOA was a violation of SEPA under the clearly erroneous standard.

Petitioners motion for reconsideration is denied.

Pursuant to WAC 242-02-832(4), this decision constitutes a final decision and order for purposes of judicial review.

So ORDERED this ____ day of November, 2000.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

William H. Nielsen
Board Member

Nan A. Henriksen
Board Member

Les Eldridge
Board Member