

**BEFORE THE HEARING EXAMINER  
FOR CLALLAM COUNTY**

In the Matter of the Application of	)	No. SHR2017-00011
	)	
	)	
<b>Jamestown S’Klallam Tribe</b>	)	
	)	
For a Shoreline Substantial Development	)	
Permit and a Shoreline Conditional	)	<b>ORDER ON 5<sup>th</sup> REQUEST FOR</b>
<u>Use Permit</u>	)	<b>CONTINUANCE</b>

**TO: PARTIES OF RECORD**

The Hearing Examiner initially held an open record hearing on the above referenced request for a Shoreline Substantial Development Permit and a Shoreline Conditional Use Permit on April 5, 2018. At that time, the Hearing Examiner ruled that the record would be left open and the hearing would be continued to allow for additional public comment and evaluation of the proposal. The hearing was continued to June 7, 2018.

Since then, four requests for continuances have been granted to allow the Jamestown S’Klallam Tribe (Applicant) and the Clallam County Department of Community Development (DCD) adequate time to conduct studies and to assess and evaluate the proposal. The most recent order set the continued open record hearing for April 4, 2019 at 1:00 PM.

On March 13, 2019, the Applicant requested the hearing again be continued in light of recent communications with the U.S. Fish and Wildlife Service (USFWS). USFWS has expressed concern, to the Applicant, about the ecological impacts of the proposal and the Applicant would like time to allow for government-to-government consultation. DCD provided a memorandum noting that it had no objection to the Applicant’s request. DCD further indicated that it would conduct a new SEPA review once the Applicant and USFWS complete their government-to-government consultation. Finally, DCD noted that it would be preferable to avoid establishing a “date certain” for the continued hearing at this time because it is unknown how long the government-to-government consultation or the ensuing SEPA review will take.

The Clallam County Rules of Procedure for Proceedings Before the Hearing Examiner on Hearings on Permit Applications and Other Hearing Matters, Sec. 9.7(2) provides that any party

*Order on 5<sup>th</sup> Request for Continuance  
Clallam County Hearing Examiner  
Jamestown S’Klallam Tribe, SSDP and SCUP  
No. SHR2017-00011*

of record may request a continuance of a hearing based on reasonable grounds and that the Hearing Examiner shall have discretion to grant or deny the request.

DCD and the Applicant have provided reasonable grounds for the requested continuance and, accordingly, the request is **GRANTED**. Further, the Hearing Examiner concurs with DCD's position that the continued hearing should be scheduled after the parties have a better sense of when agency and DCD review of the proposal will be complete. Accordingly, the parties shall inform the Hearing Examiner when agency and DCD review of the proposal is complete and the continued hearing shall be scheduled thereafter. At that time, the County shall provide notice of its new SEPA determination and the continued hearing date such that interested parties have adequate time to comment on the proposal in advance of the continued hearing.

**SO ORDERED** this 18<sup>th</sup> day of March 2019.



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center