

# Permit Appeals Workshop

December 12, 2022

Questions and Comments Regarding Permit Appeal Process Regulations	
Name / Affiliation	Comment
Angela Johnson Meszaros, Earth Justice	Observed that, should the Board add another meeting, that would have the effect of creating more work for practitioners who are following this topic. Regarding the notice of appeal form and timing, suggested having a uniform timing from the date of the final permit decision. Regarding the proposed revisions to the regulation, asked for confirmation of her interpretation of the timing and steps in the process. Asked about the purpose behind holding a meeting on a petition to issue the initial order. Expressed uncertainty regarding the filing of a petition and the statement of reasons and where those come into the process. Did not understand the use of the term mediator as mediation is usually a voluntary process, but the option being considered by the Board would be a mandatory alternative decision maker process. Regarding the briefing schedule, there is no process for reply briefs following the filing of amicus briefs. Did not understand reference to hearing officer, oral argument, and how that differs from a hearing before the board. Questioned how the staff recommendation or tentative decision would work, and expressed concern about the potential for that to influence the outcome of the appeal. Expressed concern about the ability of the Board to reach a decision at the same meeting as the hearing on the appeal, and suggested that the Board may need to have more flexibility in how it reaches a decision.
Matt Williamson, Manatt	Expressed that formal written comments are being prepared. Agrees with Angela's comments regarding mediation, as the process as articulated would be more like alternative dispute resolution than mediation. Also expressed concern about that just slowing the process down by adding 90 days or more without helping to resolve the appeal. Also expressed concern with the idea of a tentative decision, but agreed that some documentation that is provided to the parties ahead of the hearing that helps the parties to focus their arguments could be very helpful.