

# SEPA

## Second Draft

### Proposed Guidelines

APRIL 1975

NOTE: These are draft guidelines only, and have no legal force or effect. To avoid confusion, this draft should be destroyed when the final guidelines are adopted by the Council.

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SECOND DRAFT SEPA GUIDELINES

Enclosed is the second draft of the Council on Environmental Policy's guidelines interpreting and implementing the State Environmental Policy Act (SEPA). These guidelines are being drafted pursuant to the legislative directive contained in RCW 43.21C.110. When adopted in final form, the Council's guidelines will govern the scope and content of SEPA guidelines which must be adopted by all state and local agencies.

Many of the changes in the second draft of the guidelines reflect recommendations which were made to us in comments on the first draft. The Council wishes to acknowledge and express its appreciation to all who took the time and effort to review and comment upon the first draft of the guidelines.

The Council also invites your comments upon the second draft guidelines. A notice giving the dates and time of the public meetings is on the reverse side of this letter. We prefer written comments, even if you plan to make a presentation at one of the public meetings. Please include in your written comments your recommendations for specific language changes in the guidelines to reflect your position. In order to be considered by the Council, written comments must be received by June 27, 1975.

At the conclusion of the public meetings in June, the Council will evaluate the comments received and begin the final revisions of the guidelines. As soon as this task is completed, the final guidelines will be adopted at a public meeting in Olympia.

Yours very truly,



W. A. Gissberg  
Chairman

WAG:bjw

NOTE: Public Meeting Notice  
on reverse side of  
this letter.

ERRATUM

Substitute the following for WAC 197-10-445 which appears in the bound guidelines:

WAC 197-10-445 DRAFT EIS--OPTIONAL ADDITIONAL ELEMENTS--LIMITATION. Agencies in their guidelines may add to the list in WAC 197-10-443 additional elements covering social, cultural and/or economic issues. Such additional elements shall become part of the environment for EIS purposes, and not otherwise. The guidelines of the lead agency shall control the content of the EIS, even though other agencies with jurisdiction are involved in the proposal. No agency shall prescribe additional material for an EIS beyond that which is required by WAC 197-10-440, -442, and -443, or which is optionally allowed by those sections, or which is added to the elements of the environment by the guidelines of the lead agency pursuant to the authority in this section.

SUMMARY OF THE MAJOR CHANGES  
IN THE SECOND DRAFT SEPA GUIDELINES

CEP has received written comments from 121 individuals, organizations and government agencies on the first draft SEPA guidelines. Consideration of these comments together with those made at the public meetings has resulted in extensive changes in the second draft of the guidelines. These changes have not been identified in the text (to do so would have made the text unreadable). The major changes are summarized below; however, since some changes were made in almost every section, readers are urged to compare the provisions of the first and second draft. The second draft has been reorganized so that most of the section numbers vary from those of the first draft. A table relating first draft section numbers to those of the second draft is provided to facilitate comparison.

The following is a summary of the major changes in the second draft:

- (1) Addition of a section defining the scope and coverage of these guidelines and limiting it primarily to the EIS requirements of RCW 43.21C.030(2)(c) and (2)(d). [-025]
- (2) Redefinition of non-project actions to narrow the range of these, while allowing agencies the option of treating other activities as non-project actions. [-040(2)(c) and (2)(d)]
- (3) Definition of "environment" and "physical environment" by reference to the elements of the environment in WAC 197-10-443. [-040(14) and (27)] The term, "physical environment," is now used primarily in the definition of "action," while other references use the term "environment."
- (4) Addition of a section on timing of the EIS process. [-050]
- (5) Addition of a section summarizing the information which can be required of a private applicant. [-100]
- (6) Deletion of the section in the first draft [WAC 197-10-110 in first draft] which mandated an EIS for certain actions. A threshold determination must now be made for all non-exempt actions, unless the applicant and lead agency agree that an EIS is necessary. [See -300]

Summary - Page 3

- (19) Deletion of the "no draft option." [WAC 197-10-650 in first draft.
- (20) Addition of a requirement for newspaper publication of notice of availability of draft EIS in all cases. [-450] The time period allowed for public comment is now tied to this publication.
- (21) Addition of a section limiting the duties of a consulted agency to respond in certain instances. [-540]
- (22) Expansion of the time allowed to prepare a final EIS; changed to allow greater extensions. [-550]
- (23) Clarification of the final EIS content requirements, allowing the final to consist of the draft plus supplementary material. [-570, -580]
- (24) Addition of sections covering EISs prepared under NEPA. [-650 through -653]
- (25) Addition of a requirement that the decision on a proposal not take place until seven days after the final EIS is available. [-700]
- (26) Clarification of the substantive effect of SEPA upon standards for decision-making, including a duty to mitigate adverse impacts reasonably capable of mitigation. [-720]
- (27) Addition of a section allowing the establishment of regional SEPA Public Information Centers. [-835]
- (28) Addition of a section clarifying CEP's position with respect to fees. [-860]

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1 WAC 197-10-010 AUTHORITY. This chapter is promulgated  
2 pursuant to the authority granted in Section 6, Chapter  
3 179, Laws of 1974, Ex. Sess., amending the State Environmental  
4 Policy Act of 1971 [SEPA], Chapter 43.21C, RCW.

5 (OLD -020 REVISED)

6 WAC 197-10-020 PURPOSE. (1) The purpose of this  
7 chapter is to establish statewide guidelines interpreting  
8 and implementing the State Environmental Policy Act (SEPA),  
9 which must be adopted by each state and local agency of  
10 government.

11 (2) These guidelines were developed to fulfill the  
12 purpose of the legislature to establish methods and means  
13 of implementing SEPA "in a manner which reduces duplicative  
14 and wasteful practices, establishes effective and uniform  
15 procedures, encourages public involvement, and promotes  
16 certainty with respect to the requirements of the act."

17 (NEW SECTION)

18 WAC 197-10-025 SCOPE AND COVERAGE OF THIS CHAPTER.

19 It is the intent of the Council on Environmental Policy (CEP)  
20 that compliance with the guidelines of this chapter will con-  
21 stitute complete compliance with the procedural requirements  
22 of RCW 43.21C.030(2)(c) and (2)(d), RCW 43.21C.120, and  
23 RCW 43.21C.150. This chapter also includes references to  
24 utilization of the substantive policies of SEPA in governmental  
25 decision making. These references are not intended to be  
26 exclusive. The substantive policies of SEPA will apply  
27 to activities of government which are not "actions" under

1 and also the decision to purchase, sell, lease, transfer  
2 or exchange natural resources, including land, whether or  
3 not it directly modifies the environment.

4 (c) Governmental action of a non-project nature. This  
5 includes and is limited to:

6 (i) the adoption or amendment of legislation, ordin-  
7 ances, rules or regulations which contain standards controlling  
8 use or modification of the physical environment;

9 (ii) the adoption or amendment of comprehensive land  
10 use plans and zoning ordinances; and

11 (iii) the adoption of any plan or program relating  
12 to future governmental actions of a project nature, but not  
13 including any plan or program for which approval must be  
14 obtained from any federal agency prior to implementation.

15 (d) The following are activities to which the man-  
16 datory provisions of this chapter do not apply, but which the  
17 acting agency at its option may treat as governmental actions  
18 of a non-project nature: requests for appropriations, adoptions  
19 of budgets, adoption or approval of utility and transportation  
20 rates, or the adoption of any plan, program or policy respecting  
21 use or modification of the environment which is not included in  
22 (b) or (c) above.

23 (3) Agencies with Expertise means those agencies to  
24 which a draft EIS shall be sent pursuant to WAC 197-10-460 and  
25 -465, except agencies with jurisdiction.

26 (4) Agencies with Jurisdiction means those agencies  
27 from which a license is required for a proposal or any part

1 determination, pre-draft consultation, or consultation on a  
2 draft EIS.

3 (9) County/City means a county, city or town. For  
4 the purposes of this chapter, duties and powers are assigned  
5 to a county, city or town as a unit, with the delegation of  
6 responsibilities among the various departments of a county,  
7 city or town being left to the legislative or charter authority  
8 of the individual counties, cities, or towns.

9 (10) Declaration of Non-Significance means the  
10 written decision by the responsible official of the lead  
11 agency that a proposal will not have a significant adverse  
12 environmental impact and that therefore no EIS is required.  
13 The form in WAC 197-10-355 shall be used for this declaration.

14 (11) Declaration of Significance means the written  
15 decision by the responsible official of the lead agency  
16 that a proposal will have a significant adverse environmental  
17 impact and that therefore an EIS is required. The form  
18 in WAC 197-10-355 shall be used for this declaration.

19 (12) Draft EIS means an environmental impact state-  
20 ment prepared prior to the final detailed statement.

21 (13) EIS means the detailed statement required by  
22 RCW 43.21C.030(2)(c). It may refer to either a draft or  
23 final EIS, or both, depending upon context.

24 (14) Environment means, and is limited to, those areas  
25 listed in WAC 197-10-443.

26 (15) Environmental Checklist means the form contained  
27 in WAC 197-10-365.

1 (22) Licensing is the agency process in granting,  
2 renewing, or modifying a license.

3 (23) List of Elements of the Environment means  
4 the list contained in WAC 197-10-443 which must be attached  
5 to every EIS.

6 (24) Local Agency means any political subdivision,  
7 regional governmental unit, district, municipal or public  
8 corporation including cities, towns and counties. The term  
9 does not include the departments of a city or county.

10 (25) Major Action means any "action" as defined  
11 in this section which is not exempted by WAC 197-10-170  
12 through -180.

13 (26) Non-Project EIS or Program EIS means an  
14 EIS prepared for a proposal for any governmental action of  
15 a non-project nature as defined under "action" in this section.

16 (27) Physical Environment means and is limited to  
17 those elements of the environment listed under "physical  
18 environment" in WAC 197-10-443.

19 (28) Private Applicant means any person or entity,  
20 other than an "agency" as defined in this section, applying  
21 for a license from an agency.

22 (29) Private Project means any proposal for which  
23 the primary initiator or sponsor is an individual or entity  
24 other than an "agency" as defined in this section.

25 (30) Proposal means a specific written request to  
26 undertake any major action submitted to, and which is  
27 seriously considered by, an agency or a decision maker within

1 beginning of this process. In many cases, however, preliminary  
2 decisions must be made upon a proposal before the proposal  
3 is sufficiently detailed to be submitted to environmental  
4 analysis. All agencies shall identify the times at which  
5 the EIS process must be completed either in their guidelines  
6 or on a case by case basis. The lead agency should require  
7 completion of the threshold determination and EIS (if required)  
8 at the earliest point in the planning and decision making  
9 process when the principal features of a proposal and its  
10 impacts upon the environment can be reliably  
11 identified.

12 (2) At a minimum, the threshold determination and  
13 any required EIS shall be completed prior to undertaking  
14 any proposed major action.

15 (NEW SECTION)

16 WAC 197-10-055 TIMING OF THE ENVIRONMENTAL CHECKLIST.  
17 WAC 197-10-365 provides a form for an environmental check-  
18 list to be initially completed by an action proponent,  
19 usually in conjunction with a license application. This  
20 form must be used in the threshold determination, and will  
21 also be helpful in the lead agency determination and pre-  
22 draft consultation. Where the action proponent and lead  
23 agency agree that an EIS is necessary, the threshold  
24 determination procedures may be avoided and completion of  
25 the environmental checklist rendered unnecessary.

26  
27

1 some time well in the future. For example, in a proposal for a  
2 plat approval another agency with jurisdiction may be the appropriate  
3 sewer district, even though installation of sewers may not occur  
4 until several years later.

5 (3) The impacts of a proposal include its direct impacts  
6 as well as its secondary impacts. Secondary impacts are those  
7 which result from any activity which is facilitated or induced  
8 by a proposal. These include, but are not limited to, consideration  
9 of impacts resulting from growth induced by the proposal, or the  
10 likelihood that the present action will serve as a precedent for  
11 future actions. (For instance, adoption of a comprehensive plan  
12 will induce particular types of projects.) Contemporaneous or  
13 subsequent development of a similar nature, however, need not  
14 be considered in the threshold determination unless there will  
15 be some causal connection between such development and one or  
16 more of the governmental decisions necessary for the proposal  
17 in question.

18 (4) Extensive proposals involving future actions over a  
19 long period of time may, at the option of the lead agency, be divided  
20 into segments with an EIS prepared for each segment. In such event,  
21 the earlier EIS shall describe the later segment(s) of the proposal  
22 and note that future environmental analysis will be required for  
23 these future segments. The segmentation allowed by this subsection  
24 shall not be applied at the threshold determination to determine  
25 that any segment of a more extensive significant proposal is  
26 insignificant.

27 (5) For proposed projects, such as highways, streets,

1 | which can be most difficult to modify at some future date.

2 |       (2) The application by governmental agencies of  
3 | the EIS procedures to non-project actions will accomplish  
4 | four objectives:

5 |       (a) Saving of considerable public and private  
6 | financial resources through the authorization of previously  
7 | prepared EISs for new actions possessing essentially identical  
8 | impacts to the earlier proposal [See WAC 197-10-660].

9 |       (b) Improving the government's ability to effectively  
10 | weigh and integrate environmental considerations into  
11 | their decision-making process through vigorous examination  
12 | at an early stage of alternative methods of achieving the pro-  
13 | posal's objective at the lowest level of environmental degrada-  
14 | tion.

15 |       (c) Fostering a climate of greater public and  
16 | private certainty as to the nature of the future course of  
17 | governmental agency's policies and procedures through, in  
18 | part, the requirement that the involved public agencies ex-  
19 | press their concerns under penalty of barring their untimely  
20 | later reservations [See WAC 197-10-545].

21 |       (d) Securing the greatest public benefit through  
22 | the requirement that governmental decision-making be highly  
23 | visible to all interested citizens and other governmental  
24 | agencies, as well as ensuring that programs posing serious  
25 | environmental difficulties are examined before the commit-  
26 | ment of resources precludes abandonment of or substantial  
27 | modification to the proposal.

(NEW SECTION)

1        WAC 197-10-100 SUMMARY OF INFORMATION WHICH MAY BE  
2 REQUIRED OF A PRIVATE APPLICANT. (1) There are three areas  
3 of these guidelines where an agency is allowed to require  
4 information from a private applicant. These are:

5        (a) Environmental checklist;

6        (b) Threshold determination;

7        (c) Draft and final EIS.

8 Each of these is summarized below.

9        (2) Environmental Checklist. A private applicant  
10 is required to complete an environmental checklist [See  
11 WAC 197-10-365] either concurrently with or after filing  
12 the application. Explanations for each "yes" and "maybe"  
13 indicated thereon may be required. Agencies may not require  
14 a complete assessment or "mini" EIS at this stage. [See  
15 WAC 197-10-310.]

16        (3) Threshold Determination. The lead agency  
17 shall make an initial review of a completed environmental  
18 checklist without requiring more of a private applicant.  
19 If, and only if, the lead agency determines as a result of  
20 its initial review that the information available to it is  
21 not reasonably sufficient to determine the environmental  
22 impacts of the proposal, the lead agency may require further  
23 information from the applicant in the form of a partial  
24 assessment. This assessment shall be limited to those elements  
25 on the environmental checklist for which, as determined by the  
26 lead agency, existing information is not reasonably sufficient  
27 to evaluate the environmental impacts of the proposal. Field



1        WAC 197-10-150 EXEMPTIONS EXCLUSIVE--CEP APPROVAL OF  
2 ADDITIONAL EXEMPTIONS. (1) The only activities exempt from  
3 the threshold determination requirements of this chapter  
4 are those which are not included in the definition of "action"  
5 in WAC 197-10-040(2), or which are categorically exempted  
6 in WAC 197-10-170 through -180. Except to specify emergencies  
7 as allowed in WAC 197-10-180, agencies shall add additional  
8 exemptions in their guidelines only after obtaining approval  
9 of CEP in accordance with either subsection (2) or (3) of  
10 this section.

11        (2) An agency may petition CEP, pursuant to RCW  
12 34.04.060, for adoption of additional exemptions through  
13 amendments to these guidelines. Such petition shall set  
14 forth the language of the exemption requested, the reasons  
15 for request of the exemption, the requesting agency's views  
16 on the impacts to the environment resulting from the actions  
17 proposed for exemption, and the approximate number of actions  
18 within the class proposed for exemption which come before  
19 the agency. CEP shall consider and make a determination  
20 upon any such petition within 30 days of  
21 receipt, and if the determination is favorable, shall  
22 initiate the rule-making procedures of Chapter 34.04, RCW,  
23 to amend these guidelines. Amendments to these guidelines  
24 will apply either generally or to specified classes of  
25 agencies. Affected agencies shall amend their guidelines  
26 accordingly after the amendments to the CEP guidelines  
27 become effective.

1        WAC 197-10-170 CATEGORICAL EXEMPTIONS. Activities  
2 of the types listed herein are not major actions, and pro-  
3 posals for such activities are exempted from the threshold  
4 determination and EIS requirements of SEPA and these guidelines:

5        (1) Repair, replacement, maintenance or minor altera-  
6 tion of existing facilities. The repair, replacement, mainten-  
7 ance or minor alteration of existing private or public structures,  
8 facilities or equipment, involving no material expansions or  
9 changes of use beyond that previously existing. If the previous  
10 use had been abandoned for a period of five years or more prior  
11 to the present proposal, this exemption shall not apply.

12        (2) Minor new construction. The following types of  
13 minor new construction shall be exempt except when undertaken  
14 wholly or in part on lands covered by water:

15        (a) The construction of a single family residence,  
16 duplex or apartment of twelve dwelling units or less.

17        (b) The construction of a barn, loafing shed, farm  
18 equipment storage building, produce storage or packing structure,  
19 or similar agricultural structure, covering less than 10,000  
20 square feet and to be used only by the property owner or his  
21 or her agent in the conduct of farming the property. This ex-  
22 emption shall not apply to structures the primary purpose of  
23 which is the confinement feeding of livestock.

24        (c) The construction of an office, school, commercial,  
25 recreational, service or storage building with less than 10,000  
26 square feet of floor area, and with associated parking facilities  
27 designed for 20 cars or less.

1 inspection of all sewer collector lines.

2 (n) Grading, excavating, filling, landscaping and construction of  
3 accessory structures and accessory facilities for any building  
4 or facility exempted by this subsection.

5 (o) Additions or modifications to any building  
6 or facility exempted by this subsection when such addition  
7 or modification will not change the character of the build-  
8 ing or facility in a way which would remove it from an  
9 exempt class.

10 (p) The demolition of any structure or facility,  
11 the construction of which would be exempted by this subsection,  
12 except for structures or facilities with recognized historical  
13 significance.

14 (3) Water rights. The following appropriations  
15 of water shall be exempt, the exemption covering not only the  
16 permit to appropriate water, but also any hydraulics permit,  
17 shoreline permit or building permit required for a normal  
18 diversion or intake structure, well and pumphouse reasonably  
19 necessary to accomplish the exempted appropriation, and includ-  
20 ing any activities relating to construction of a distribution  
21 system solely for any exempted appropriation:

22 (a) Appropriations of 50 cfs or less of surface  
23 water for irrigation purposes, when done without a government  
24 subsidy.

25 (b) Appropriations of 1 cfs or less of surface or  
26 of 10 cfs or less of ground water for any purpose.

27 (4) Judicial activity. The following shall be

1 the adoption of any ordinance or regulation be considered  
2 exempt by virtue of this subsection.

3 (e) Any suspension or revocation of a license  
4 for any purpose.

5 (6) Business and other regulatory licenses. The  
6 following business and other regulatory licenses are exempt:

7 (a) All licenses to undertake an occupation,  
8 trade or profession.

9 (b) All licenses required under electrical, fire,  
10 health and safety codes.

11 (c) Licenses to operate amusement devices and  
12 entertainment carnivals, dances, music machines and theaters,  
13 including approval of use of public facilities for temporary  
14 civic celebrations, but not including licenses required for  
15 construction of any of the above.

16 (d) Licenses for solicitation or door to door  
17 sales, private security services, and taxicabs and other  
18 vehicles for hire: PROVIDED, That regulation of common  
19 carriers by the Utilities and Transportation Commission  
20 shall not be considered exempt under this subsection.

21 (e) Licenses for close-out sales.

22 (f) Licenses for food services, sales and  
23 distribution.

24 (g) Licenses for the sale or display of fireworks.

25 (h) Animal control licenses.

26 (i) The renewal or reissuance of any license  
27 regulating any present activity or structure, so long as the

1 the option of the action agency): PROVIDED, That if such  
2 adoption is the final agency decision to undertake a proposal  
3 which will directly modify the physical environment, it shall  
4 not be exempt.

5 (d) The borrowing of funds, issuance of bonds, or  
6 applying for a grant.

7 (e) The review and payment of vouchers and claims.

8 (f) The establishment and collection of liens and  
9 service billings.

10 (g) All personnel actions, including hiring, ter-  
11 minations, appointments, promotions, allocations of positions,  
12 or expansions or reductions in force.

13 (h) All agency organization, reorganization,  
14 internal operational planning or coordination of plans or  
15 functions.

16 (9) Review and comment actions. Any activity where  
17 one agency reviews or comments upon the actions of another  
18 agency or another department within an agency shall be exempt:  
19 PROVIDED, That the exemption shall not apply where the review-  
20 ing agency by its review or comment exercises a substantive  
21 affirmative decision on the proposal.

22 (10) Purchase or sale of real property. The follow-  
23 ing real property transactions by an agency shall be exempt:

24 (a) The purchase or acquisition of any right to  
25 real property by an agency.

26 (b) The sale, transfer or exchange of any real  
27 property by an agency to or with a private individual or

1 of legislation, rules, regulations, resolutions, or ordinances,  
2 or of any plan or program relating solely to governmental  
3 procedures, and containing no substantive standards respecting  
4 use or modification of the environment shall be exempt.

5 (13) Acceptance of filings. The acceptance by an  
6 agency of any document or thing required or authorized by  
7 law to be filed with the agency and for which the agency has  
8 no discretionary power to refuse acceptance shall be exempt.  
9 No license shall be considered exempt by virtue of this sub-  
10 section.

11 (14) Variances under Clean Air Act. Variances  
12 granted pursuant to RCW 70.94.181 extending applicable air  
13 pollution control requirements for one year or less shall be  
14 exempt.

15 (15) Burning permits. The issuance, revocation or  
16 suspension of permits for open burning shall be exempt. The  
17 adoption of plans, programs, objectives or regulations by  
18 any agency incorporating general standards respecting the  
19 issuance of burning permits shall not be exempt.

20 (16) Water quality certifications. The granting  
21 or denial of water quality certifications pursuant to Section  
22 401 of the Federal Water Pollution Control Act Amendments of  
23 1972 shall be exempt.

24 (17) Financial assistance grants. The approval of  
25 grants or loans by one agency to another shall be exempt.

26 (18) Information collection and research. Proposals  
27 for basic data collection, research, resource evaluation, and

1        WAC 197-10-175 EXEMPTIONS APPLICABLE TO SPECIFIC AGENCIES.

2        (1) Exemptions are established in this section which relate only  
3        to the specific programs identified within the named agencies.  
4        The exemptions of this section are in addition to the general  
5        exemptions of WAC 197-10-170 and -180 which apply to all agencies,  
6        including those named in this section, unless the general exemp-  
7        tions are specifically made inapplicable to particular programs  
8        by this section.

9        (2) Department of Motor Vehicles. All licenses required  
10       under programs administered by the department of motor vehicles  
11       as of June 30, 1975, are hereby exempted, except the following,  
12       which, notwithstanding the provisions of WAC 197-10-170, shall  
13       not be considered exempt:

14       (a) Camping club promotional permits required by  
15       Chapter 19.105, RCW.

16       (b) Registration of land developments required by  
17       Chapter 58.19, RCW.

18       (c) Motor vehicle wrecker licenses required by  
19       Chapter 46.80, RCW. The provisions of WAC 197-10-170(6)(g)  
20       shall be applied to allow possible exemption of renewals of any  
21       of the above.

22       (3) Department of Labor and Industries. All licenses  
23       required under programs administered by the department of labor  
24       and industries as of June 30, 1975, are hereby exempted except  
25       the issuance of any license for the manufacture or storage of  
26       explosives. The adoption of any industrial health or safety  
27       regulations containing noise standards shall be considered a

1 exempt where the applicant indicates that a change of land use  
2 is contemplated subsequent to the implementation of the practice:

3 PROVIDED FURTHER, That no approval of Class III

4 forest practices shall be exempt when conducted upon the shore-  
5 lines of the state as defined by RCW 90.58.030(2)(d) and (e),  
6 or in or over Type 1 waters as defined in WAC 222-16-020.

7 (i) Scarification of tree planting sites of 100 con-  
8 tiguous acres of land or less.

9 (j) Issuance of agricultural leases of 100 con-  
10 tiguous acres of land or less.

11 (k) Issuance of leases for Christmas Tree harvest-  
12 ing and brush picking.

13 (l) Issuance of leases for recreational and school  
14 sites, not including home and cabin sites.

15 (m) Issuance of permits for the dumping of forest debris  
16 and wood waste in forested areas.

17 (n) All timber sales which were analyzed in a program-  
18 matic EIS previously prepared by the department, and all  
19 timber and forest product sales permits and leases not other-  
20 wise included in such an EIS covering 100 acres or less.

21 (o) Issuance of leases for mineral prospecting pursuant  
22 to RCW 79.01.616, or RCW 79.01.652, but not including issuance of  
23 subsequent contracts for mining.

24 (p) Issuance of leases for mooring buoys designed to  
25 secure pleasure craft.

26 (q) Development by the department of recreational  
27 sites if not designed for use by all terrain



1 PROVIDED, That if chemical sprays are used, the utility's  
2 program for such spraying shall first be subjected to a  
3 threshold determination and EIS, if required.

4 (l) Installation of a night light or security light  
5 when requested by a property owner.

6 (m) Installation of pole or rack-mounted reclosers,  
7 capacitors, sectionalizers, three-phase transformer banks,  
8 regulators or transformers.

9 (n) Addition of one or more phase wires to an existing  
10 single phase distribution line.

11 (o) Installation of demand meters, watt-hour meters,  
12 current and potential transformers and related conduit, wiring,  
13 switches and boxes.

14 (p) All modifications undertaken within the established  
15 confines of an existing substation.

16 (6) Department of Fisheries. The following activities of  
17 the department of fisheries are hereby exempted:

18 (a) The establishment of seasons, catch limits or  
19 geographical areas for fishing or shellfish removal.

20 (b) All licenses authorized to be issued by the department  
21 of fisheries as of June 30, 1975, except the following, which,  
22 notwithstanding the provisions of WAC 197-10-170, shall not be  
23 considered exempt:

24 (i) clam farm licenses;

25 (ii) oyster farm licenses;

26 (iii) fish farming licenses, or other licenses allowing  
27 the cultivation of aquatic animals for commercial purposes;

1 the department of natural resources.

2 (8 ) Department of Social and Health Services. All actions  
3 pursuant to and licenses required under programs administered  
4 by the department of social and health services as of June 30,  
5 1975, are hereby exempted, except the following, which, not-  
6 withstanding the provisions of WAC 197-10-170, shall not  
7 be considered exempt:

8 (a) The adoption or amendment by the department of any  
9 plans, programs, objectives or regulations incorporating general  
10 standards respecting the issuance of licenses authorizing the  
11 possession, use and transfer of radioactive source material  
12 pursuant to RCW 70.98.080: PROVIDED, That the issuance, revoca-  
13 tion or suspension of individual licenses thereto shall be  
14 exempt.

15 (b) The approval of a comprehensive plan for public  
16 water supply systems servicing 1,000 or more units pursuant  
17 to WAC 248-54-280.

18 (c) The approval of a new public water supply system  
19 designed or capable of servicing 10 or more dwelling units,  
20 or the approval of additions or extensions to existing public  
21 water supply systems designed to or capable of servicing  
22 50 or more dwelling units, pursuant to WAC 248-54-300.

23 (d) The approval of an application for a certificate of  
24 need pursuant to RCW 70.38.120 for construction of a new hospital  
25 or medical facility or for major additions to existing hospitals  
26 or facilities which would significantly alter the existing service  
27 capacity of such institutions.

1 | except for the following which, notwithstanding the provisions  
2 | of WAC 197-10-170, shall not be considered exempt:

3 |       (a) The approval of any application for a commercial  
4 | registered feed lot pursuant to RCW 16.58.040, Chapters 16-28  
5 | and 16-30, WAC.

6 |       (b) The issuance or amendment of any program policy or  
7 | regulation respecting restricted use pesticides pursuant to  
8 | Chapter 15.58, RCW, that would have the effect of approving the  
9 | use of a new pesticide.

10 |       (c) The approval of any application for registration  
11 | of a pesticide that has not previously been registered  
12 | pursuant to RCW 15.58.050.

13 |       (d) The removal of any pesticide from the list of  
14 | restricted use pesticides established in WAC 16-222-145  
15 | so as to permit sale of such pesticides to home and garden  
16 | users.

17 |       (e) The removal of any pesticide from the list of  
18 | highly toxic and restricted use pesticides established  
19 | pursuant to WAC 16-222-160 so as to authorize sale of such  
20 | pesticides to persons not holding an annual user permit.

21 |       (f) The removal of any pesticide from the list of  
22 | highly toxic pesticide formulations established in WAC  
23 | 16-222-180 so as to permit the sale of such pesticides  
24 | by persons not possessing a pesticide dealer's license.

25 |       (g) The approval of any additional permissible  
26 | use of the pesticide DDT other than those uses  
27 | established in WAC 16-223-220 on or before May 1, 1974.

(OLD -130(2) (o)REVISED)

1           WAC 197-10-177 ENVIRONMENTALLY SENSITIVE AREAS.

2   Each county/city may at its option designate areas within  
3   its jurisdiction which are environmentally sensitive  
4   areas. Environmentally sensitive areas should be those  
5   within which minor new construction could have a  
6   significant adverse environmental impact, including,  
7   but not limited to, areas with unstable soils,  
8   steep slopes, unusual or unique flora or fauna, or which  
9   lie within flood plains. The location and extent of all  
10  environmentally sensitive areas shall be clearly indicated  
11  on a map which shall be adopted by reference as part of the  
12  SEPA guidelines of the county/city. The categorical exemp-  
13  tions of WAC 197-10-170(2)(a) through (2)(f), (2)(i)  
14  through (2)(p), and (11)(a) shall not apply within any  
15  environmentally sensitive area adopted and mapped by a  
16  county/city. Lands covered by water need not be mapped.

17                           (OLD -150 REVISED)

18           WAC 197-10-180 EXEMPTION FOR EMERGENCY ACTIONS.

19  Actions which must be undertaken immediately, or within a  
20  time too short to allow full compliance with this chapter,  
21  to avoid an imminent threat to public health or safety,  
22  to prevent an imminent danger to public or private proper-  
23  ty, or to prevent an imminent threat of serious environ-  
24  mental degradation, shall be exempt from the requirements  
25  of this chapter. Agencies may in their guidelines  
26  specify emergency actions which satisfy the general require-  
27  ments of this section.

(OLD -200 REVISED)

1        WAC 197-10-200 LEAD AGENCY--RESPONSIBILITIES. The lead  
2 agency shall be the only agency responsible for complying  
3 with the threshold determination procedures of WAC 197-10-  
4 300 through 390; and the lead agency shall be responsible  
5 for the supervision, or actual preparation of, draft EISs  
6 pursuant to WAC 197-10-400 through -495, including the circula-  
7 tion of such statements, notice of their availability and  
8 the conduct of any public hearings required by this chapter.  
9 The lead agency shall also prepare or supervise preparation  
10 of any required final EIS pursuant to WAC 197-10-550 through  
11 -600.

(OLD -290, -300 REVISED)

12        WAC 197-10-203 DETERMINATION OF LEAD AGENCY--PROCEDURES.

13        (1) The first agency receiving or initiating a proposal  
14 for a major action, or for any part of a proposal when the  
15 total proposal is for a major action, shall determine the  
16 lead agency for that proposal. To ensure that the lead agency  
17 is determined early, agencies shall determine the lead agency  
18 for all proposals for a major action they receive unless  
19 the lead agency has been previously determined, or the agency  
20 receiving the proposal is aware that another agency is in  
21 the process of determining the lead agency. The lead agency  
22 shall be determined by using the criteria in WAC 197-10-205  
23 through -245.

24        (2) If the acting agency determines that another agency  
25 is the lead agency, it shall mail to such lead agency a copy  
26 of the application it received, together with its determination  
27

1 Procedures Act of 1973.

2 (OLD -210 REVISED)

3 WAC 197-10-205 LEAD AGENCY--DESIGNATION--GOVERNMENTAL  
4 PROPOSALS. The lead agency for all proposals initiated by  
5 an agency, whether of a project or non-project nature, shall  
6 be the agency making the proposal. In the event that two  
7 or more agencies share in the implementation of a proposal,  
8 the agencies shall by agreement determine which agency will  
9 assume the status of lead agency. For the purposes of this  
10 section, a proposal by an agency does not include proposals  
11 to license private activity.

12 (OLD -245 REVISED)

13 WAC 197-10-210 LEAD AGENCY--DESIGNATION--PROPOSALS  
14 INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY. When  
15 the total proposal will involve both public and private construc-  
16 tion activity, it shall be characterized as either a private or  
17 public project for the purposes of lead agency designation,  
18 depending upon whether the primary sponsor or initiator of the  
19 project is an agency or from the private sector. Any project in  
20 which agency and private interests are too intertwined to make  
21 this characterization shall be considered a public project.  
22 The lead agency for all public projects shall be determined  
23 pursuant to WAC 197-10-205.

24 (OLD -220 REVISED)

25 WAC 197-10-215 LEAD AGENCY--DESIGNATION--PRIVATE  
26 PROJECTS FOR WHICH THERE IS ONLY ONE AGENCY WITH JURISDICTION.  
27 For proposed private projects for which there is only one

1            WAC 197-10-225    LEAD AGENCY--DESIGNATION--PRIVATE  
2 PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.

3    (1) For private projects which require licenses from more  
4 than one state agency, but require no license from a county/  
5 city, the lead agency shall be one of the state agencies  
6 requiring a license, based upon the following order of priority:

- 7            (a) Department of Ecology
- 8            (b) Department of Social and Health Services
- 9            (c) Department of Natural Resources
- 10           (d) Department of Fisheries
- 11           (e) Department of Game
- 12           (f) Utilities and Transportation Commission
- 13           (g) Department of Motor Vehicles
- 14           (h) Department of Labor and Industries

15           (2) For private projects requiring a license from  
16 more than one state agency, but not a county/city, and when  
17 none of the state agencies requiring a license is on the above  
18 list, the lead agency shall be the state agency requiring a  
19 license which has the largest biennial appropriation.

20           (3) When, due to the provisions of subparagraph (1)  
21 of this section, an agency would be the lead agency solely because  
22 of its involvement in a program jointly administered with another  
23 agency, the other agency shall be designated the lead agency for  
24 proposals for which it is primarily responsible under agreements  
25 previously made between the two agencies for joint operation of  
26 the program.

1           (5) For all private projects requiring a license or  
2 lease to use or affect state lands, the lead agency shall be  
3 the state agency managing the lands in question; PROVIDED, That  
4 this subsection shall not apply to the sale or lease of state-  
5 owned tidelands or beds of navigable waters, when such sale or  
6 lease is incidental to a larger project for which one or more  
7 licenses from other state or local agencies are required.

8           (6) For all proposals which are being processed  
9 under the Environmental Coordination Procedures Act of 1973  
10 (ECPA), Chapter 90.62, RCW, the lead agency shall be determined  
11 pursuant to Department of Ecology Regulations; except that when  
12 county/city licenses are applied for prior to filing the ECPA  
13 application, a lead agency shall be determined pursuant to the  
14 standards of these guidelines prior to granting such licenses.

15           (7) For private projects which require the issuance  
16 of a National Pollutant Discharge Elimination System (NPDES)  
17 permit under §402 of the Federal Water Pollution Control Act  
18 (33 U. S. C. 1151), the lead agency shall be the Department of  
19 Ecology.

20           (8) For proposals to construct a pipeline greater  
21 than six inches in diameter and 50 miles in length, used for  
22 the transportation of crude petroleum or petroleum fuels or oil  
23 or derivatives thereof, or for the transportation of synthetic  
24 or natural gas under pressure, the lead agency shall be the  
25 Department of Ecology.

26           (9) For proposals that will result in an impoundment  
27 of water with a water surface in excess of 40 acres, the lead



NEW SECTION

1           WAC 197-10-235 LOCAL AGENCY TRANSFER OF LEAD AGENCY  
2 STATUS TO A STATE AGENCY. For any proposal where a local  
3 agency would be the lead agency pursuant to the designation  
4 criteria of WAC 197-10-205 through -230, and when one or more  
5 state agencies are agencies with jurisdiction over the proposal,  
6 the local agency may at its option transfer the lead agency  
7 duties to that state agency with jurisdiction appearing first  
8 on the priority listing in WAC 197-10-225. In such event, the  
9 state agency so determined shall be the lead agency and the  
10 agency making the transfer shall be an agency with jurisdiction.  
11 Transfer is accomplished by the local agency transmitting a  
12 notice of the transfer together with any relevant information it  
13 may have on the proposal to the appropriate state agency with  
14 jurisdiction. The local agency making the transfer shall also  
15 give notice of the transfer to any private applicant and other  
16 agencies with jurisdiction involved in the proposal.

(OLD -260 REVISED)

18           WAC 197-10-240 AGREEMENTS AS TO LEAD AGENCY STATUS.  
19 Nothing herein shall prohibit an agency from assuming the role  
20 of lead agency as a result of an agreement among all agencies  
21 with jurisdiction.

(OLD -270)

23           WAC 197-10-245 AGREEMENTS BETWEEN AGENCIES AS TO  
24 DIVISION OF LEAD AGENCY DUTIES. Two or more agencies may by  
25 agreement share or divide the responsibilities of lead agency  
26 through any arrangement agreed upon. In such event, however,  
27 the agencies involved shall designate one of them as the

1                    WAC 197-10-260 DISPUTE AS TO LEAD AGENCY DETERMINATION

2        --RESOLUTION BY CEP.

3                    (1) In the event that the agencies with jurisdiction  
4 are unable to determine which agency is the lead agency under  
5 these guidelines, any agency with jurisdiction may petition CEP  
6 for such determination. Such petition shall clearly describe  
7 the proposal in question, and include a list of all licenses  
8 and approvals required for the proposal. Any such petition  
9 shall be filed with CEP within fifteen days after receipt by  
10 the petitioning agency of the determination objected to.

11 Copies of the petition shall be mailed to any private applicant  
12 involved together with all other agencies with jurisdiction  
13 over the proposal. The applicant and agencies with jurisdic-  
14 tion may file with CEP a written response to the petition  
15 within ten days of the date of the initial filing.

16                    (2) Within fifteen days of receipt of a petition,  
17 CEP shall make a written determination of the lead agency,  
18 which shall be mailed to the applicant and all agencies with  
19 jurisdiction. CEP shall make its determination in accordance  
20 with these guidelines, or in the event the guidelines do not  
21 control, the lead agency shall be the agency whose action,  
22 license or licenses will have the greatest effect on the  
23 environment.

(OLD -310 - REVISED)

1           WAC 197-10-300 THRESHOLD DETERMINATION REQUIREMENT.

2           (1) Except as provided in subsection (2) hereof a  
3 threshold determination shall be made for every proposal for a  
4 major action. The responsible official designated by the lead  
5 agency shall be responsible for making the threshold determina-  
6 tion. No agency other than the lead agency (except when lead  
7 agency duties are shared pursuant to WAC 197-10-245) shall  
8 make a threshold determination of environmental significance.

9           (2) For any proposal for which both the responsible  
10 official and the private applicant (if any) agree that an EIS  
11 is required, the threshold determination may be omitted. In  
12 such case the lead agency shall list the proposal in its "EIS  
13 in Preparation Register" and initiate preparation of the draft EIS.  
14 An environmental checklist need not be completed for such a  
15 proposal unless pre-draft consultation will be utilized, in  
16 which case a completed environmental checklist shall be sent  
17 to the consulted agencies. [See WAC 197-10-410.]

18                           NEW SECTION

19           WAC 197-10-305 RECOMMENDED TIMING FOR THRESHOLD  
20 DETERMINATION. In most cases the time required to complete a  
21 threshold determination should not exceed 15 days. The initial  
22 review of a completed environmental checklist can usually be  
23 completed in a matter of hours. If further information is  
24 required to make the threshold determination, the time required  
25 will vary depending upon the nature of the proposal and the  
26 information required.

27

(OLD -330, -340 COMBINED)

1           WAC 197-10-320 THRESHOLD DETERMINATION PROCEDURES--  
2 INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST.

3           (1) The lead agency shall conduct an initial review  
4 of the environmental checklist for the proposal together with  
5 any supporting documentation. This initial review shall be  
6 made without requiring further information from the applicant.  
7 In making this initial review, the lead agency shall indepen-  
8 dently evaluate each item on the checklist and indicate thereon  
9 the results of this evaluation.

10           (2) After completing the initial review of the  
11 environmental checklist, the lead agency shall apply the criteria  
12 of WAC 197-10-060 and WAC 197-10-360 to the checklist as evalu-  
13 ated by the lead agency. This process will lead to one of  
14 three determinations:

15           (a) The proposal will not have a significant adverse  
16 impact upon the quality of the environment; in which case, the  
17 lead agency shall initiate the negative threshold determination  
18 procedures of WAC 197-10-340; or

19           (b) The proposal will have a significant adverse  
20 impact upon the quality of the environment; in which case the  
21 lead agency shall initiate the impact statement preparation  
22 procedure of WAC 197-10-350 and WAC 197-10-400 through -690;  
23 or

24           (c) There is not sufficient information available to  
25 the lead agency to enable it to reasonably make a determination  
26 of the environmental significance of the proposal; in which case  
27 the lead agency shall implement one or more of the information

1 information on a proposal, the lead agency obtains the informa-  
2 tion reasonably sufficient to assess the adverse environmental  
3 impacts of the proposal, it shall immediately make the threshold  
4 determination utilizing the criteria of WAC 197-10-360 and WAC-  
5 197-10-365. In the event that the further investigations  
6 authorized by this section do not provide information reasonably  
7 sufficient to assess the adverse environmental impacts of  
8 the proposal, an environmental impact statement shall be  
9 prepared.

10 (OLD -360 REVISED)

11 WAC 197-10-340 THRESHOLD DETERMINATION PROCEDURES--

12 NEGATIVE THRESHOLD DETERMINATIONS. (1) In the event that  
13 the lead agency determines a proposal will not have a significant  
14 adverse effect on the quality of the environment, it shall  
15 prepare a proposed declaration of non-significance substantially  
16 in the form provided in WAC 197-10-355. This form shall be  
17 attached to the environmental checklist as evaluated by the  
18 lead agency and transmitted to any other agencies with jurisdic-  
19 tion and the SEPA Public Information Center of the lead  
20 agency. A notation of the proposal shall also be entered  
21 in the "Proposed Declarations of Non-Significance Register"  
22 maintained at the lead agency's SEPA Public Information Center.

23 (2) Any person or agency may submit written comments  
24 on the proposed declaration of non-significance to the lead  
25 agency within 15 days from the date of its listing in the  
26 Register.

27 (3) The lead agency shall take no further action on

1 | the "EIS in Preparation Register" maintained at the SEPA  
2 | Public Information Center of the lead agency, and then begin  
3 | the impact statement preparation procedures of WAC 197-10-  
4 | 400 through -640.

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(OLD -380 REVISED)

1        WAC 197-10-360 THRESHOLD DETERMINATION CRITERIA--

2        APPLICATION OF ENVIRONMENTAL CHECKLIST. (1) The lead agency  
3        shall apply the questions in the environmental checklist  
4        to the total proposal, including its secondary effects  
5        [See WAC 197-10-060] to determine whether the proposal will  
6        result in a significant adverse impact upon the  
7        quality of the environment. The threshold decision shall be  
8        based solely upon this process. The questions contained in  
9        the environmental checklist are exclusive, and factors not  
10       listed therein shall not be considered in the threshold  
11       determination.

12       (2) The questions in the environmental checklist are  
13       not weighted. It is probable there will be affirmative answers  
14       to several of these questions while the proposal would still not  
15       necessarily have a significant adverse impact; however, a single  
16       affirmative answer could indicate a significant adverse impact,  
17       depending upon the nature of the impact and nature and location of  
18       the proposal. The nature of the existing environment is an  
19       important factor. The same project may have a significant  
20       adverse impact in one location, but not in another. The  
21       absolute quantitative effects of the proposal are also impor-  
22       tant, and may result in a significant adverse impact regard-  
23       less of the nature of the existing environment. The lead  
24       agency shall also be alert to the possibility that several  
25       marginal impacts when taken together will result in a sig-  
26       nificant adverse environmental impact. For some proposals,  
27       it may be impossible to forecast the environmental impacts

1         WAC 197-10-365 ENVIRONMENTAL CHECKLIST. (1) The form  
2 in subsection (2) hereof is the environmental checklist.  
3 Agencies may at their option revise the format of this form;  
4 however, the language of the questions shall not be changed.  
5 The questions appearing in the environmental checklist are  
6 exclusive, and considerations which do not appear in the  
7 checklist nor in WAC 197-10-360 shall not be used in making  
8 a threshold determination.

9             (2) ENVIRONMENTAL CHECKLIST.

10                                 (Introduction)

11 The State Environmental Policy Act of 1971, Chapter 43.21C, RCW,  
12 requires all state and local governmental agencies to consider  
13 environmental values both for their own actions and when licens-  
14 ing private proposals. The Act also requires that an Environ-  
15 mental Impact Statement be prepared for all major actions  
16 significantly affecting the quality of the environment. The  
17 purpose of this checklist is to help the agencies involved  
18 determine whether your proposal is such a major action.

19 Please answer the questions following as completely as you can  
20 with the information presently available to you. Where explana-  
21 tions of your answers are required, or where you believe an  
22 explanation would be helpful to government decision-makers,  
23 enclose your explanation in the space provided or use additional  
24 pages if necessary. You should include references to any reports  
25 or studies of which you are aware and which are relevant to the  
26 answers you provide. Complete answers to these questions now will  
27 help all of the agencies involved with your proposal to undertake  
the required environmental review without unnecessary delay.

The questions following apply to your total proposal, not just  
the license for which you are currently applying. Your answers  
should include the impacts which will be caused by your proposal  
when it is completed, even though completion may not occur until  
some time in the future. This will allow all of the agencies  
which will be involved to complete their environmental review  
now, without duplicating paperwork in the future.

[This is a standard form being used by all state and local  
agencies in Washington State for various types of proposals.  
Many of the questions may not apply to your proposal. If a  
question does not apply, just answer it "no" and go on to the  
next question.]



1 II. ENVIRONMENTAL IMPACTS

2 (Explanations of all "yes" and "maybe" answers are required.)

3 (1) Earth. Will the proposal result in: Yes Maybe No

4 (a) Unstable earth conditions or in  
5 any changes in geologic sub-  
structures? \_\_\_\_\_

6 (b) Disruptions, displacements  
7 or overcovering of the soils? \_\_\_\_\_

8 (c) Change in topography or ground  
9 surface relief features? \_\_\_\_\_

10 (d) The destruction, covering, or  
11 modification of any unique  
12 geologic or physical features? \_\_\_\_\_

13 (e) Any increase in wind or water  
14 erosion of soils, either on  
15 or off the site? \_\_\_\_\_

16 (f) Changes in deposition or  
17 erosion of beach sands, or  
18 in changes in siltation,  
19 deposition, or erosion which  
20 may modify the channel of a  
21 river or stream or the bed of  
22 the ocean or any bay, inlet  
23 or lake? \_\_\_\_\_

24 Explanation:

25 (2) Air. Will the proposal result in:

26 (a) Air emissions or deterioration  
27 of ambient air quality? \_\_\_\_\_

(b) The creation of objectionable  
odors? \_\_\_\_\_

(c) Alteration of air movement,  
moisture or temperature, or  
in any change in climate,  
either locally or regionally? \_\_\_\_\_

Explanation:

		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1	(4) <u>Flora</u> . Will the proposal result in:			
2	(a) Change in the diversity of species,			
3	or numbers of any species			
4	of flora (including trees,			
	shrubs, grass, crops, micro-			
	flora and aquatic plants)?	---	---	---
5	(b) Reduction of the numbers of			
6	any unique, rare or endangered			
	species of flora?	---	---	---
7	(c) Introduction of new species of			
8	flora into an area, or in a			
	barrier to the normal replen-			
	ishment of existing species?	---	---	---
9	Explanation:			
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11				
12	(5) <u>Fauna</u> . Will the proposal result in:			
13	(a) Changes in the diversity of			
14	species, or numbers of any			
15	species of fauna (birds, land			
16	animals including reptiles,			
	fish and shellfish, benthic			
	organisms, insects, or micro-			
	fauna)?	---	---	---
17	(b) Reduction of the numbers of			
18	any unique, rare or endangered			
	species of fauna?	---	---	---
19	(c) Introduction of new species of			
20	fauna into an area, or result			
21	in a barrier to the migration			
	or movement of fauna?	---	---	---
22	(d) Deterioration to existing			
	wildlife habitat?	---	---	---
23	Explanation:			
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Yes    Maybe    No

1        (11) Population. Will the  
2            proposal alter the location,  
3            distribution, density, or growth  
          rate of the human population of  
          an area?

4 Explanation:

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6        (12) Housing. Will the proposal affect  
7            existing housing availability, or  
8            create a demand for additional  
          housing?

9 Explanation:

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11        (13) Transportation/Circulation.  
12            Will the proposal result in:

13            (a) Generation of additional  
          vehicular movement?

\_\_\_\_\_

14            (b) Effects on existing parking  
15            facilities, or demand for new  
          parking?

\_\_\_\_\_

16            (c) Impact upon existing trans-  
17            portation systems?

\_\_\_\_\_

18            (d) Alterations to present  
19            patterns of circulation or  
          movement of people and/or  
          goods?

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20            (e) Alterations to waterborne  
21            or air traffic?

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22 Explanation:

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Yes    Maybe    No

1 | Explanation:

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4        (17) Human Health. Will the proposal  
5            result in the creation of any health  
6            hazard or potential health hazard  
          (excluding mental health)?

6 | Explanation:

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9        (18) Aesthetics. Will the proposal result  
10           in the obstruction of any scenic vista  
11           or view open to the public, or will  
12           the proposal result in the creation  
          of an aesthetically offensive site  
          open to public view?

12 | Explanation:

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15        (19) Recreation. Will the proposal result  
16           in an impact upon the quality or  
17           quantity of existing recreational  
          opportunities?

17 | Explanation:

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20        (20) Archeological/Historical. Will the  
21           proposal result in an alteration of  
22           a significant archeological or  
          historical site?

22 | Explanation:

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1 procured by misrepresentation or lack of full disclosure  
2 by the proponent of the proposal.

3 (3) Whenever a negative threshold determination  
4 is withdrawn pursuant to this section, the lead agency shall  
5 immediately reevaluate the proposal and make a new threshold  
6 determination pursuant to WAC 197-10-300 through -360.

7 (4) Whenever a final declaration of non-significance has  
8 been withdrawn for one of the reasons in subparagraph (2)  
9 hereof, and the lead agency upon reevaluation determines that  
10 the proposal will have significant adverse environmental  
11 impacts, agencies with jurisdiction shall initiate procedures  
12 to suspend or revoke any non-exempt licenses issued for the  
13 proposal until compliance with the procedures of these  
14 guidelines.

15 (NEW SECTION)

16 WAC 197-10-380 INTRA-AGENCY APPEALS OF THRESHOLD  
17 DETERMINATIONS. Agencies may at their option provide in  
18 their guidelines for internal review or appeals of threshold  
19 determinations, including appeals initiated by members of the  
20 public. The time required to complete any such review or  
21 appeal mechanism may be considered an addition to that  
22 recommended by WAC 197-10-305.

23 (OLD -400 REVISED)

24 WAC 197-10-390 EFFECT OF THRESHOLD DETERMINATION  
25 BY THE LEAD AGENCY. A threshold determination by the lead  
26 agency, whether negative or affirmative, is binding upon all  
27 agencies, and no other agency shall repeat the threshold



1 (3) Agencies so consulted will have 45 days from  
2 receipt of the packet to respond in writing to the lead agency.  
3 The required contents of the consulted agency response are  
4 governed by WAC 197-10-500 through -545.

5 (4) The lead agency shall incorporate the relevant  
6 information received from other agencies during the pre-draft  
7 consultation stage into the draft EIS, by either summarizing  
8 the major findings which are contained in each of the consulted  
9 agency's responses or utilizing all of the data received.

10 In the event the lead agency disagrees with any conclusion  
11 expressed in the information received from the consulted agency,  
12 the conclusion shall be set forth together with the position  
13 of the lead agency. The information required by this sub-  
14 section may be placed wherever in the draft EIS the lead agency  
15 deems most appropriate. There is no requirement that either  
16 the draft or final EIS include responses to pre-draft consulta-  
17 tion in a separate "response" section.

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1 any private party preparing an EIS access to all public  
2 records of the lead agency which are relevant to the subject  
3 matter of the EIS, pursuant to RCW 42.17 [Public Disclosure  
4 and Public Records Law - Initiative 276, 1973].

5 (4) Every agency shall specifically provide in its  
6 own guidelines those situations in which a private applicant  
7 may be required or authorized to participate in the prepara-  
8 tion of an EIS. Such agency guidelines may not require  
9 more information of a private applicant than allowed by this  
10 chapter, but may authorize a lesser degree of participation by  
11 a private applicant than allowed herein; PROVIDED, That nothing  
12 herein shall be construed to prohibit an agency from charging  
13 any fee of an applicant which the agency is otherwise authorized  
14 to charge. [See WAC 197-10-860.]

15 (5) No private applicant shall be required to parti-  
16 cipate in the preparation of an EIS except when consistent with  
17 the guidelines of the lead agency. A private applicant may,  
18 however, volunteer to provide any information or effort desired,  
19 so long as the contents and organization of the resulting EIS  
20 are supervised and approved by the responsible official as  
21 required by this section.

22 (6) The provisions of this section apply to both  
23 the draft and final EIS.  
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1        WAC 197-10-440    CONTENTS OF A DRAFT EIS.

2        (1)    The following subsections set forth the required  
3        contents of a draft EIS: PROVIDED, That where an agency is  
4        preparing a draft EIS in order to satisfy the requirements  
5        of NEPA, as well as SEPA, and the regulations of the appli-  
6        cable federal agency **require** items in addition to that set  
7        forth below, then the contents of the draft EIS may be  
8        expanded as necessary to meet the requirements of that  
9        federal agency.

10        (2)    Table of Contents.

11        (3)    Title Page.    The following information shall  
12        be succinctly set forth at the beginning of the draft EIS:

13        (a)    Action sponsor, and a brief (one or two  
14        sentence) description of the nature of the proposal and its  
15        location (street address, or nearest cross-roads or cross-streets).

16        (b)    Lead agency, responsible official, and the  
17        name and address of a contact person to whom comments, infor-  
18        mation and questions may be sent.

19        (c)    Authors and principal contributors to the  
20        draft EIS, and the nature or subject area of their contribu-  
21        tion.

22        (d)    List of all licenses which the proposal  
23        is known to require.

24        (e)    Location of EIS background data.

25        (f)    Cost to the public for a copy of the document  
26        pursuant to RCW 42.17 [Public Disclosure and Public Records  
27        Act, Initiative 276].

1 (c) The alternatives considered, together with any  
2 variation in impacts which may result from each alternative.

3 (d) Measures which may be effectuated by the appli-  
4 cant, lead agency, or other agency with jurisdiction to mitigate  
5 or eliminate adverse impacts which may result from the proposal.

6 (e) Any remaining adverse impacts which cannot or will not be  
7 mitigated.

8 (6) Description of the Proposal. The draft EIS  
9 shall include a description of the total proposal, including,  
10 but not limited to, the following:

11 (a) The name of the proposal and sponsors.

12 (b) The location of the project, or area affected  
13 by a non-project action, including an address,  
14 if any, and a legal description: PROVIDED, That  
15 where the legal description is by metes and bounds or  
16 excessively long, a map shall be included which enables a  
17 lay person to precisely understand the location of the  
18 proposal.

19 (c) Reference to the file numbers of any other  
20 agencies involved, if known, so that they will be able to  
21 identify the proposal's location with precision.

22 (d) If the proposal involves phased construction  
23 over a period of time, the timing of each construction phase  
24 should be identified; and if it is anticipated that later  
25 phases of the proposal will require future environmental  
26 analyses, these should be identified.

27 (e) A description of the major physical and engineer-

1 be placed upon those species which may be significantly affected.

2 (iv) This subsection shall be brief, non-technical,  
3 easily understandable by lay persons, and provide the necessary  
4 background for understanding the proposal's impacts.

5 (b) Specific reference shall be made to those in-  
6 ventories and data studies which provided the informational  
7 source for part or all of the contents of this subsection.

8 (8) The Environmental Impact of the Proposed Action.  
9 The following items shall be included in this subsection:

10 (a) The impacts resulting from the proposal within any ele-  
11 ment of the environment listed in WAC 197-10-443 which may be  
12 significant shall be discussed in detail.

13 (i) Environmental impacts which are potential,  
14 but not certain to occur, shall be discussed within reason.

15 (ii) Elements of the environment which will not be  
16 affected shall be marked "N/A" (not applicable) as set forth  
17 in WAC 197-10-443(1).

18 (b) Direct and secondary impacts of the total  
19 proposal, as set forth in WAC 197-10-060, including cumulative  
20 and growth-inducing impacts shall be examined and discussed.

21 (c) The possibility that effects upon different  
22 elements of the environment will interrelate to form signifi-  
23 cant impacts shall be considered.

24 (d) Beneficial as well as adverse impacts are to  
25 be discussed.

26 (9) The Relationship Between Local Short-Term Uses  
27 of Man's Environment and Maintenance and Enhancement of Long-

1 | proposal on a permanent or long-term basis. Commitment of  
2 | natural resources also includes the lost opportunities  
3 | to make other uses of the resources in question.

4 | (b) This section may be integrated with sub-  
5 | section (g) above in order to more usefully present the infor-  
6 | mation required by both sections.

7 | (11) Adverse Environmental Impacts Which May Be  
8 | Mitigated. The following items shall be included in this  
9 | subsection:

10 | (a) A description of reasonable alterations to the  
11 | proposal which may result in avoiding, mitigating, or reducing  
12 | the risk of occurrence of any adverse impacts upon the environ-  
13 | ment associated therewith.

14 | (b) Energy conservation measures, including both  
15 | the available alternatives and those to be incorporated into the  
16 | design and operation of the proposal shall be discussed as  
17 | mitigative measures.

18 | (c) Each alternative discussed in (a) and (b) above  
19 | shall be evaluated in terms of its effect upon the environment,  
20 | its technical feasibility, and its economic practicality of  
21 | application.

22 | (12) Alternatives to the Proposal. This  
23 | subsection shall include the following items:

24 | (a) A description and objective evaluation of any  
25 | reasonable alternative action which could feasibly attain the  
26 | objective of the proposal.

27 | (i) Reasonable alternatives shall include any action

1 or avoided by modifications to the project.

2 (b) For any impact discussed in subsection (8)  
3 hereof which is determined to be non-adverse, the rationale for  
4 such determination shall be clearly stated.

5 (c) [Optional] A discussion of the relationship  
6 between the costs of the unavoidable adverse environmental  
7 impacts and the expected beneficial environmental impacts which  
8 will result from the implementation of the proposed action.

9 (14) Other Issues. A draft EIS may contain a section  
10 labeled "Other Issues" within which those other problems  
11 and issues not pertaining to any element listed in WAC 197-10-443,  
12 but which are relevant to the proposal, shall be identified.  
13 The section shall be limited to a brief identification of such  
14 problems or issues. At the option of the lead agency, this  
15 section may be incorporated in the summary required by sub-  
16 section (5) of this section.

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- 4 (2) PHYSICAL ENVIRONMENT
- 5 (a) Earth
- 6 (i) Geology
- 7 (ii) Soils
- 8 (iii) Topography
- 9 (iv) Unique Physical Features
- 10 (v) Erosion
- 11 (vi) Accretion/Avulsion
- 12 (b) Air
- 13 (i) Air Quality
- 14 (ii) Odor
- 15 (iii) Climate
- 16 (c) Water
- 17 (i) Surface Water Movement
- 18 (ii) Runoff/Absorption
- 19 (iii) Floods
- 20 (iv) Surface Water Quantity
- 21 (v) Surface Water Quality
- 22 (vi) Ground Water Movement
- 23 (vii) Ground Water Quantity
- 24 (viii) Ground Water Quality
- 25 (ix) Public Water Supplies
- 26 (d) Flora
- 27 (i) Numbers or Diversity of Species

- 1 (iv) Parks
- 2 (v) Maintenance
- 3 (vi) Other Governmental Services
- 4 (e) Energy
- 5 (i) Amount Required
- 6 (ii) Source/Availability
- 7 (f) Utilities
- 8 (i) Energy
- 9 (ii) Communications
- 10 (iii) Water
- 11 (iv) Sewer
- 12 (v) Storm Water
- 13 (vi) Solid Waste
- 14 (g) Human Health (including mental health in EIS)
- 15 (h) Aesthetics
- 16 (i) Recreation
- 17 (j) Archeological/Historical

18 (4) The following additional element shall be covered  
19 in all EISs, but shall not be considered part of the environment  
20 for other purposes:

21 Additional Population Characteristics:

22 Distribution by age, sex and ethnic characteristics.

23 (OLD -533 REVISED)

24 WAC 197-10-445 DRAFT EIS--LIMITATION. Compliance with  
25 WAC 197-10-440, -442 and -443 shall be all that is required  
26 for any draft EIS. No agency shall prescribe additional  
27 material for such an EIS, whether by ordinance or otherwise,

1 (c) Statement and location of availability to the  
2 public of the draft EIS for review, including office address  
3 and telephone number;

4 (d) Approximate cost of obtaining a copy of the  
5 draft EIS; and,

6 (e) Final date for receipt by the lead agency of  
7 comments.

8 (OLD -600, -700 REVISED)

9 WAC 197-10-455 CIRCULATION OF THE DRAFT EIS--

10 REVIEW PERIOD. (1) A consulted agency shall have a maximum  
11 of 30 days from the date of receipt of the draft EIS in which to  
12 review the draft and forward its comments and information with  
13 respect to the draft to the lead agency. If a consulted agency  
14 with jurisdiction requires additional time to develop and com-  
15 plete new data on the proposal, a 15 day extension may be  
16 granted by the lead agency. Extensions may not be granted for  
17 any other purpose.

18 (2) There shall be allowed a period of 30 days  
19 from the date of the publication required by WAC 197-10-450  
20 for the public to forward to the lead agency any comments  
21 upon or substantive information related to the proposal  
22 and the draft EIS.

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(OLD -590 REVISED)

1        WAC 197-10-465 AGENCIES POSSESSING ENVIRONMENTAL  
2 EXPERTISE. The following agencies shall be regarded as possess-  
3 ing special expertise relating to those categories of environ-  
4 mental impacts under which they are listed:

5        (1) Air Quality

6        Department of Ecology

7        Department of Natural Resources (only for burning  
8 in forest areas)

9        Department of Social and Health Services

10       Regional Air Pollution Control Authority or Agency

11       (2) Water Resources and Water Quality

12       Department of Game (waters in Eastern Washington)

13       Department of Ecology

14       Department of Natural Resources (state-owned tidelands  
15 or beds of navigable waters)

16       Department of Social and Health Services (public  
17 water supplies, sewer systems, shellfish habitats)

18       Department of Fisheries (waters in Western Washington)

19       Oceanographic Commission (marine waters)

20       (3) Fish and Wildlife

21       Department of Game

22       Department of Fisheries

23       Oceanographic Commission (marine waters)

24       (4) Solid Waste

25       Department of Ecology

26       Department of Fisheries (dredge spoils)

27       Department of Social and Health Services

1 Department of Commerce and Economic Development  
2 Department of Ecology  
3 Department of Natural Resources (tidelands or state-  
4 owned or managed lands)

5 Office of Community Development

6 (10) Transportation

7 Department of Ecology

8 Department of Highways

9 Utilities and Transportation Commission

10 Oceanographic Commission (water borne)

11 (11) Recreation

12 Department of Commerce and Economic Development

13 Department of Game

14 Department of Fisheries

15 Parks and Recreation Commission

16 Department of Natural Resources

17 (12) Archaeological/Historical

18 Parks and Recreation Commission

19 (OLD -560 REVISED)

20 WAC 197-10-470 COSTS TO THE PUBLIC FOR REPRODUCTION

21 OF ENVIRONMENTAL DOCUMENTS. The lead agency shall make  
22 available a copy of any environmental document, in the manner  
23 provided by Chapter 42.17, RCW, charging only those costs  
24 allowed therein and mailing costs: PROVIDED, That no charge  
25 shall be levied for circulation of documents to other  
26 agencies which is required by these guidelines.  
27

(OLD -730 REVISED)

1         WAC 197-10-485 PUBLIC HEARING ON THE ENVIRONMENTAL  
2 IMPACT OF THE PROPOSAL--NOTICE. (1) Notice of all public  
3 hearings to be held pursuant to WAC 197-10-480(2) shall be  
4 published in a newspaper of general circulation in the area  
5 where the project will be implemented. For non-project actions  
6 the notice shall be published in the general area where the  
7 lead agency has its central office, and, for non-project  
8 proposals with greater than local applicability, copies of  
9 the notice shall be transmitted to the Olympia bureaus of the  
10 Associated Press and United Press International. The notice  
11 shall be published no later than the day preceding the hearing.

12         (2) A notation of the hearing date and location shall  
13 be entered in the Draft EIS Available Register maintained at  
14 the lead agency's SEPA Public Information Center.

(OLD -720 REVISED)

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16         WAC 197-10-490 PUBLIC HEARING ON THE PROPOSAL--USE OF  
17 THE DRAFT EIS. Whenever a public hearing is held on the  
18 environmental impact of a proposal, it shall be open to  
19 discussion of the draft EIS and any written comments which  
20 have been received by the lead agency prior to the hearing.  
21 A copy of the draft EIS shall be made available for public  
22 inspection at the public hearing.

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(OLD -610 REVISED)

1        WAC 197-10-500    RESPONSIBILITIES OF CONSULTED

2    AGENCIES--LOCAL AGENCIES. Each local agency, as defined by  
3    WAC 197-10-040, when responding to a consultation request  
4    prior to a threshold determination, participating in pre-  
5    draft consultation, or when reviewing a draft EIS, shall  
6    provide to the lead agency that substantive data, information,  
7    test results and other material which it possesses relating  
8    to the local consulted agency's area of jurisdiction by  
9    law, to the services it will provide, or to the impacts  
10   upon it associated with the proposal. Field investigations  
11   are not required of local consulted agencies. Local agencies  
12   are not required to transmit information which has been  
13   previously transmitted to the lead agency, or which is  
14   already reflected in the draft EIS.

15        WAC 197-10-510    RESPONSIBILITY OF CONSULTED

16   AGENCIES--STATE AGENCIES WITH JURISDICTION. Each state  
17   agency with jurisdiction by law when responding to a  
18   consultation request prior to a threshold determination,  
19   participating in pre-draft consultation, or when  
20   reviewing a draft EIS, shall immediately begin  
21   the research and, if necessary, field investigations which  
22   it would normally conduct in conjunction with whatever  
23   license it requires for a proposal; or, in the event no  
24   license is involved, the agency with jurisdiction shall  
25   investigate the impacts of the activity it will  
26   undertake which gives it jurisdiction over a portion of  
27   the proposal. The end result of these investigations



(OLD -810 REVISED)

1 WAC 197-10-570 PREPARATION OF THE FINAL EIS--

2 CONTENTS. (1) The contents of a final EIS shall consist of  
3 all of the following:

4 (a) The contents of the draft EIS;

5 (b) The substantive information transmitted by  
6 consulted agencies;

7 (c) Agency written comments on the scope and  
8 content of the draft EIS received during the commenting  
9 period, and at least a summary of the public comments, in-  
10 cluding those made in writing or at any public hearing on  
11 the proposal; and

12 (d) The lead agency's response to (b) and (c)  
13 above. The lead agency shall be required to generally  
14 respond in the final EIS only to comments critical of the  
15 scope or content of the draft EIS received during the time  
16 period allowed under WAC 197-10-455.

17 (2) The lead agency may, at its option, redraft  
18 the contents of the draft EIS where it is determined necessary  
19 and appropriate in order to respond to items (b) and (c) above.

20 (OLD -815 REVISED)

21 WAC 197-10-580 SHORT FORM FINAL EIS--NO SUBSTANTIVE  
22 CHANGES TO DRAFT EIS OR PROPOSED ACTION. (1) If the lead  
23 agency does not receive any comments critical of the scope  
24 or content of the draft EIS, the lead agency may prepare  
25 a statement that no comments were received and circulate  
26 it as set forth in WAC 197-10-600.

27 (2) If, as a result of the comments received by the

(OLD -840 REVISED)

1        WAC 197-10-600 CIRCULATION OF THE FINAL EIS. The  
2 final EIS shall be circulated to: the Department of Ecology,  
3 Office of the Governor or the Governor's designee, the Ecological  
4 Commission, the lead agency's SEPA Public Information Center,  
5 agencies with jurisdiction, and federal agencies with jurisdiction  
6 which received the draft EIS. It shall be made available to  
7 the public in the same manner and cost as the draft EIS.

8    (NEW SECTION)

9        WAC 197-10-650 EFFECT OF AN ADEQUATE FINAL EIS  
10 PREPARED PURSUANT TO NEPA--DETERMINATION OF ADEQUACY.

11        (1) The requirements of this chapter relating to  
12 the preparation of an EIS shall not apply when an adequate  
13 final EIS has been prepared pursuant to the National Environ-  
14 mental Policy Act (NEPA) of 1969, in which event such EIS  
15 may be utilized in lieu of a final EIS separately prepared  
16 under the State Environmental Policy Act (SEPA).

17        (2) The question of the adequacy of a federal  
18 EIS shall be determined by the Department of Ecology and  
19 shall be binding upon the lead agency and other agencies  
20 with jurisdiction. Any determination of inadequacy shall  
21 set forth which environmental elements of WAC 197-10-443,  
22 when applied locally to the total proposal, are not adequate.

23    (NEW SECTION)

24        WAC 197-10-651 CRITERIA AND STANDARDS OF ADEQUACY.  
25 In making its determination of adequacy or inadequacy, the  
26 Department of Ecology shall apply its criteria and standards  
27 of adequacy to the EIS content required by these guidelines.

1 and

2 (b) A previous EIS shall not be used without an explana-  
3 tory supplement where any intervening change in conditions  
4 would make the previous EIS misleading when applied to  
5 the later proposal.

6 (2) In those situations in which a non-project EIS  
7 has been prepared, subsequent EISs on proposed individual  
8 project actions will be required only where such later  
9 actions have significant environmental impacts not adequately  
10 evaluated in the non-project EIS.

11 (OLD -830 REVISED)

12 WAC 197-10-670 EXTENT TO WHICH THE LEAD AGENCY MUST  
13 SUPPLEMENT A PRIOR EIS. In the event that the lead agency utilizes  
14 the procedures of WAC 197-10-660, it shall ensure that the  
15 evaluation of the environmental impact of the new proposal,  
16 which was contained in the final EIS on the prior proposal,  
17 was adequate under SEPA and these guidelines. To  
18 the extent to which the earlier EIS did not or could not  
19 adequately analyze the environmental impact of the new  
20 proposal, the lead agency shall prepare a draft supple-  
21 mental EIS, the content of which shall be limited to those  
22 aspects of the proposal which were not adequately analyzed  
23 in the earlier EIS.

24 (OLD -860 REVISED)

25 WAC 197-10-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING  
26 AGENCIES FOR THE PROPOSAL. (1) When an agency is consider-  
27 ing an action which is identified as part of a proposal



(NEW SECTION)

1        WAC 197-10-695 SUPPLEMENTS TO A PRIOR EIS. In  
2 any case where the lead agency is preparing a supplement to an  
3 earlier EIS to satisfy the EIS requirements for a later action,  
4 it shall prepare a draft supplemental EIS and comply with  
5 WAC 197-10-450 through -495. Copies of both the  
6 prior and supplemental EIS shall be maintained at the SEPA  
7 Public Information Center, and copies of the prior EIS  
8 (as well as the supplement) shall be transmitted to the  
9 consulted agencies which had not previously received it.

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(NEW SECTION)

1     WAC 197-10-700 NO ACTION FOR SEVEN DAYS AFTER  
2 PUBLICATION OF THE FINAL EIS. No agency shall take any major  
3 action on the proposal prior to seven days from the publication  
4 of the final EIS and its listing in the "EIS Available Register"  
5 maintained at the agency's SEPA Public Information Center.

6                             (OLD -900(1) REVISED)

7     WAC 197-10-710 EIS COMBINED WITH EXISTING PLANNING  
8 AND REVIEW PROCESSES. The EIS process shall be combined with  
9 the existing planning, review and project approval processes  
10 being used by each agency with jurisdiction by law over a  
11 proposal. When required to be prepared, the EIS, the declara-  
12 tion of non-significance, or the previously circulated  
13 EIS being utilized pursuant to WAC 197-10-660, shall accompany  
14 a proposal through the existing review processes.

15                             (OLD 900(2) REVISED)

16     WAC 197-10-720 SUBSTANTIVE EFFECT OF SEPA UPON  
17 AGENCY DECISION MAKING. (1) The enactment of SEPA has created  
18 agency powers, not otherwise statutorily available, to  
19 condition or deny proposals on the grounds stated in SEPA.  
20 Furthermore, the approval of a proposal, when its adverse  
21 environmental impacts are reasonably capable of mitigation  
22 or avoidance, constitutes an abuse of agency discretion.

23         (2) The substantive agency authority and duty to  
24 mitigate or prevent avoidable adverse impacts on the environ-  
25 ment apply to all agency activities, including activities  
26 characterized as ministerial in nature, and activities  
27 which are categorically exempted or excluded from the definition

(OLD -040, -100 COMBINED)

1        WAC 197-10-800 RESPONSIBILITIES OF AGENCIES TO ADOPT  
2 GUIDELINES. (1) All agencies are required by RCW 43.21C.120 to  
3 adopt guidelines of their own which are consistent with the  
4 guidelines of this chapter and which integrate the policies  
5 and procedures of SEPA into the various programs under their  
6 jurisdiction. State agencies shall adopt their guidelines  
7 within 120 days of the effective date of this chapter, and  
8 local agencies shall adopt their guidelines within 180 days  
9 of the effective date of this chapter.

10        (2) Adoption of guidelines by state agencies shall  
11 be by rule making under Chapter 34.04, RCW, and adoption shall  
12 be deemed to have taken place at the time the transmittal of  
13 rules adopted is filed with the Code Reviser. Colleges and  
14 community colleges shall utilize the procedures of  
15 Chapter 28B.19, RCW, for adoption.

16        (3) Local agencies shall adopt their guidelines  
17 by rule, ordinance or resolution, whichever is appropriate  
18 to ensure that the guidelines have the full force and  
19 effect of law.

20        (4) Agency guidelines shall implement the provisions  
21 of this chapter and be consistent therewith. Unless clearly  
22 designated as optional, all of the provisions of this chapter  
23 are mandatory and agency guidelines shall incorporate the  
24 criteria and procedures therein. Unless clearly designated  
25 otherwise, the provisions of this chapter are not exclusive  
26 and agencies may add additional procedures, and in some cases  
27 criteria, to those set forth in this chapter, the only limita-

1 an agency to be acting as a lead agency prior to actually  
2 receiving an application for a license to undertake a private  
3 project, designation of the first department within the agency  
4 to receive an application as the responsible official will not  
5 be sufficient.

6 (OLD -080 REVISED)

7 WAC 197-10-825 RESPONSIBILITY OF AGENCIES--PROCEDURES

8 WHEN CONSULTED AGENCY. Each agency shall develop internal pro-  
9 cedures for providing responses to consultation requests from  
10 other agencies pertaining to threshold investigations, pre-  
11 draft consultation, or draft EISs. Such procedures shall ensure  
12 that the agency will be able to comply with the requirements of  
13 WAC 197-10-500 through -540 when it is a consulted agency within  
14 the time limits allowed for consulted agency response. It is  
15 recommended that these procedures be integrated within existing  
16 procedures of investigating license applications when the con-  
17 sulted agency is also an acting agency.

18 (OLD -070 REVISED)

19 WAC 197-10-830 RESPONSIBILITY OF AGENCIES--SEPA PUBLIC

20 INFORMATION CENTER. (1) Each agency shall establish and desig-  
21 nate one location for its SEPA Public Information Center,  
22 located in any existing office of the agency, or within  
23 any readily accessible public building within the region.  
24 Efforts must be made to make its existence and location  
25 known to the public and employees of the agency.

26 (2) The following documents shall be maintained at  
27 each agency's SEPA Public Information Center:

1 no new proposals are placed on the register, in which event a  
2 copy of the register shall be mailed when a new proposal is  
3 added. Agencies may charge a periodic fee for the service of  
4 mailing the registers, which shall be reasonably related to the  
5 costs of reproduction and mailing.

6 (5) The documents required to be maintained at the  
7 information center shall be available for public inspection,  
8 and copies thereof shall be provided upon written request.  
9 Agencies may charge for copies in the manner provided by  
10 Chapter 42.17, RCW, and for the cost of mailing.

11 (NEW SECTION)

12 WAC 197-10-835 LOCAL REGIONAL SEPA PUBLIC INFORMATION

13 CENTERS. (1) Local agencies are encouraged to establish regional  
14 SEPA Public Information Centers on a county by county basis.  
15 A regional SEPA Public Information Center may be established by  
16 agreement among several local agencies or through the voluntary  
17 assumption of that status by any local agency. Approval by CEP is  
18 required to establish a regional SEPA Public Information Center.

19 (2) Any local agency may petition CEP to be designated as  
20 the regional SEPA Public Information Center for any county.  
21 CEP shall rule upon any such petition considering the willing-  
22 ness and ability of the petitioning agency to undertake the  
23 functions of a SEPA Public Information Center [WAC 197-10-830]  
24 on a regional basis, and any other factors CEP deems appropriate.  
25 If the petition is granted, the petitioning agency shall  
26 be designated the regional SEPA Public Information Center  
27 for the county in question. CEP shall immediately notify

1 assigned to a SEPA Public Information Center by WAC 197-10-830 on  
2 a countywide basis. One set of Registers shall be established  
3 covering all proposals within the County.

4 (7) Agencies are encouraged to share the costs of  
5 regional centers through intergovernmental agreements.

6 (8) For the purposes of this section only, a county  
7 includes all other jurisdictions within its boundaries.

8 (NEW SECTION)

9 WAC 197-10-860 FEES TO COVER THE COSTS OF SEPA  
10 COMPLIANCE. Except for the reproduction and mailing costs  
11 specifically allowed by this chapter, these guidelines neither  
12 authorize nor prohibit the imposition of fees to cover the  
13 costs of SEPA compliance.

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