

**PROCEDURE - STATE ENVIRONMENTAL
PROTECTION ACT**

9280P

1.0 Authority

1.1 The District adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAS 197-11-904. The SEPA Rules, Chapter 197-11 WAS, must be used in conjunction with these procedures.

2.0 General Requirements

2.1 Purpose and Adoption by Reference

2.11 This section contains the basic requirements that apply to the SEPA process. The District adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:

- WAC 197-11-040: Definitions (Incorporating WAC 197-11-700 through 197-11-799
- 050: Lead Agency
- 055: Timing of the SEPA Process
- 060: Content of Environmental Review
- 070: Limitations of Actions During SEPA Process
- 080: Incomplete or Unavailable Information
- 090: Supporting Documents

2.2 Additional Definitions

2.21 In addition to the definitions referenced above, when used in these procedures, the following terms shall have the following meanings, unless the context indicates otherwise:

211 District. "District" means the North Thurston School District No. 3, Thurston County, Washington.

212 SEPA Rules. "SEPA Rules" means chapter 197-11 WAC adopted by the Department of Ecology.

213 DOE. "DOE" means the Department of Ecology.

2.3 Designation of Responsible Official

2.31 If the District is the lead agency for a proposal, the responsible official shall be the Superintendent or his/her designee.

- 2.32 If the District is the lead agency for a proposal, the responsible official shall make the threshold determination, supervisor scoping and preparation of any required environmental impact statement (EIS), and perform any functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA Rules that were adopted by those sections of the SEPA Rules that were adopted by reference in Section 2.1 of these procedures.
- 2.33 The District shall retain all documents required by the SEPA Rules and make them available in accordance with Chapter 42.17 RCW.

3.0 Categorical Exemptions and Threshold Determinations

3.1 Purpose and Adoption by Reference

- 3.11 This section contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS). This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The District adopts the following sections by reference:

- WAC 197-11-300: Purpose of This Part
- 305: Categorical Exemptions
- 310: Threshold Determination Required
- 315: Environmental Checklist
- 330: Threshold Determination Process
- 335: Additional Information
- 340: Determination of Non-Significance (DNS)
- 350: Mitigated DNS
- 360: Determination of Significance (DS)/Initiation of Scoping
- 390: Effect of Threshold Determination

4.0 Environmental Impact Statement (EIS)

4.1 Purpose and Adoption by Reference

- 4.11 This section contains the rules for preparing environmental impact statement. The District adopts the following sections by reference:

- WAC 197-11-400: Purpose of EIS
- 402: General Requirements
- 405: EIS Types
- 406: EIS Timing
- 408: Scoping

- 410: Expanding Scoping
- 420: EIS Preparation
- 425: Style and Size
- 430: Format
- 435: Cover Letter or Memo
- 440: EIS Contents
- 442: Contents of EIS on Non-Project Proposals
- 443: EIS Contents When Prior Non-Project EIS
- 444: Elements of the Environment
- 448: Relationship of EIS to Other Considerations
- 450: Cost-Benefit Analysis
- 455: Issuance of DEIS
- 460: Issuance of FEIS

4.2 Preparation of EIS -- Additional Considerations

- 4.21 Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Superintendent, his designee, or a consultant selected by the District. The District will not issue an EIS until the responsible official is satisfied that it complies with these procedures and Chapter 197-11 WAC.

5.0 Commenting

5.1 Purpose and Adoption by Reference

- 5.11 This section contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearings. The District adopts the following sections by reference:

WAC 197-11-500: Purpose of this Part

- 502: Inviting Comment
- 504: Availability and Cost of Environmental Documents
- 508: SEPA Register
- 535: Public Hearings and Meetings
- 545: Effect of No Comment
- 550: Specificity of Comments
- 560: FEIS Response to Comments
- 570: Consultant Agency Costs to Assist Lead Agency

5.2 Public Notice

- 5.22 A determination of appropriate public notice may vary depending upon whether the notice concerns as EIS, a DS or DNS and the

responsible official shall designate one or more of the following methods of publication as appropriate in the particular case:

- 5.221 Posting the property for site-specific proposals;
- 5.222 Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located;
- 5.223 notifying public or private groups which have expressed interest in a certain proposal and the type of proposal being considered;
- 5.224 Notifying the news media;
- 5.225 Placing notices in appropriate region, neighborhood, ethnic or trade journals; and/or
- 5.226 Publishing notice in agency newsletters and/or sending letters to agency mailing lists.

5.3 Designation of Official to Perform Consulted Agency Responsibilities for the District.

The Superintendent or his/her designee shall be responsible for preparation or written comments for the District in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a DEIS.

6.0 Using Environmental documents

6.1 Purpose and Adoption by Reference

- 6.11 This section contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the District's own environmental compliance. The District adopts the following sections by reference:

- WAC 197-11-600: When to Use Existing Environmental Documents
 - 610: Use of NEPA Documents
 - 620: Supplemental Environmental Impact Statement--
Procedures
 - 625: Addenda--Procedures
 - 630: Adoption--Procedures
 - 635: Incorporation by Reference--Procedures
 - 640: Combining Documents

7.0 SEPA and Agency Decisions

7.1 Purpose and Adoption by Reference

7.11 This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to the courts. The District adopts the following sections by reference:

WAC 197-11-650: Purpose of this Part
-655: Implementation
-660: Substantive Authority in Mitigation
-680(4)&(5): Appeals

7.2 Notice of Action

7.21 The District may publish notice of action taken by the District under these procedures pursuant to RCW 43.21C.080. The form of any such notice shall be substantially in the form provided in WAC 197-11-990.

7.3 Appeals

7.31 These procedures do not provide for an appeal to the District or to its Board from action taken pursuant to these procedures.

8.0 Definitions

8.1 Purpose and Adoption by Reference

8.11 This section contains uniform usage and definitions of terms under SEPA. The District adopts the following sections by reference:

WAC 197-11-700: Definitions
-702: Act
-704: Action
-706: Addendum
-708: Adoption
-710: Affected Tribe
-712: Affecting
-714: Agency
-716: Applicant
-718: Built Environment
-720: Categorical Exemption
-722: Consolidated Appeal

- 724: Consultant Agency
- 726: Cost-Benefit Analysis
- 728: County/City
- 730: Decision-Maker
- 732: Department
- 734: Determination of Non-Significance (DNS)
- 736: Determination of Significance (DS)
- 738: EIS
- 740: Environment
- 742: Environmental Checklist
- 744: Environmental document
- 746: Environmental Review
- 748: Environmentally Sensitive Area
- 750: Expanded Scoping
- 752: Impacts
- 754: Incorporation by Reference
- 756: Lands Covered by Water
- 758: Lead Agency
- 760: License
- 762: Local Agency
- 764: Major Action
- 766: Mitigated DNS
- 768 Mitigation
- 770: Natural Environment
- 772: NEPA
- 774: Non-Project
- 776: Phased Review
- 778: Preparation
- 780: Private Project
- 782 Probable
- 784: Proposal
- 786: Reasonable Alternative
- 788: Responsible Official
- 790: SEPA
- 792: Scope
- 793: Scoping
- 794: Significant
- 796: State Agency
- 797: Threshold Determination
- 799: Underlying Governmental Action

9.0 Categorical Exemptions

9.1 Adoption by Reference

The District adopts by reference the following rules for categorical exemptions:

- WAC 197-11-800: Categorical Exemptions (including school closures)
- 880: Emergencies
- 890: Petitioning DOE to change Exemptions

10.0 Agency Compliance

- 10.1 This section contains rules for agency compliance with SEPA, including rules for selecting the lead agency in applying these rules to current agency activities. The District adopts the following sections by reference:

- WAC 197-11-900: Purpose of this Part
- 902: Agency SEPA Action
- 916: Application to Ongoing Actions
- 920: Agencies with Environmental Expertise
- 922: Lead Agency Rules
- 924: Determining the Lead Agency
- 926: Lead Agency for Governmental Proposals
- 928: Lead Agency for Private Projects with one Agency with Jurisdiction
- 932: Lead Agency from Private Projects Requiring Licenses for More than One Agency, When One of the Agencies is County/City
- 934: Lead Agency for Private Projects Requiring Licenses from a Local Agency, Not a County/City, in One or More State Agencies
- 936: Lead Agency for Private Projects Requiring Licenses from More than One State Agency
- 938: Lead Agencies for Specific Proposals
- 942: Agreements on Lead Agency Status
- 944: Agreements on Division of Lead Agency Duties
- 946: DOE Resolution of Lead Agency Disputes
- 948: Assumption of Lead Agency Status

10.2 Effective Date

- 10.21 The effective date of these procedures is October 1, 1984.

10.3 Lead Agency Determination and Responsibilities

- 10.31 The District, upon receiving or initiating a proposal any portion of which involves a major action, shall determine the lead agency for that proposal pursuant to the criteria set forth in section WAC 197-11-

922 through -948. This determination shall be made for each proposal involving a major action unless the lead agency has been previously determined, or the District is aware that another agency is in the process of determining the lead agency.

- 10.32 In those instances in which the District is the lead agency, the responsible official of the District shall supervise compliance with the threshold determination, and if an EIS is necessary, shall supervise preparation of the draft and final EIS.
- 10.33 In the event that the District receives a lead agency determination made by another agency which appears inconsistent with the criteria of WAC 197-11-922 through -944 it may object to the determination. Any such objection must be made to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination, or the District must petition DOE for a lead agency determination pursuant to WAC 197-11-946 within the fifteen (15) day time period. Any such petition on behalf of the District shall be initiated by the responsible official or his/her designee.

11.0 Forms

11.1 Adoption by Reference

- 11.11 The District adopts and attaches hereto the following forms and sections by reference:

WAC 197-11-960: Environmental Checklist
-965: Adoption Notice
-970: Determination of Non-Significance (DNS)
-980: Determination of Significance and Scoping
Notice (DNS)
-985: Notice of Assumption of Lead Agency Status
-990: Notice of Action

Implemented:

May 5, 1986

North Thurston School District