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**STATE ENVIRONMENTAL POLICY ACT COMPLIANCE**

**SECTION 1: POLICIES AND AUTHORITY**

The Board accepts its responsibilities, as set forth in the State Environmental Policy Act, Chapter 43.21 RCW.

**SECTION 2: ADOPTION BY REFERENCE**

The District adopts by reference the following sections or subsections of chapter 197-11 of the Washington Administrative Code.

**WAC 197-11**

**WAC 197-11**

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| -040: DEFINITIONS  | -500: PURPOSE OF THIS PART                                   |
| -050: LEAD AGENCY  | -502: INVITING COMMENT                                       |
| -055: TIMING OF THE SEPA PROCESS                               | -504: AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS       |
| -060: CONTENT OF ENVIRONMENTAL REVIEW                          | -508: SEPA REGISTER  |
| -070: LIMITATIONS ON ACTIONS DURING SEPA PROCESS               | -535: Public hearings and meetings                           |
| -080: INCOMPLETE OR UNAVAILABLE INFORMATION                    | -545: Effect of no comment                                   |
| -090: SUPPORTING DOCUMENTS                                     | -550: Specificity of comments                                |
| -100: INFORMATION REQUIRED OF APPLICANTS                       | -560: FEIS response to comments                              |
| -300: PURPOSE OF THIS PART                                     | -570: Consulted agency costs to assist lead agency           |
| -305: CATEGORICAL EXEMPTIONS                                   | -600: When to use existing environmental documents           |
| -310: THRESHOLD DETERMINATION RECORD                           | -610: Use of NEPA documents                                  |
| -315: ENVIRONMENTAL CHECKLIST                                  | -620: Supplemental environmental impact statement procedures |
| -330: THRESHOLD DETERMINATION PROCESS                          | -625: Addenda--procedures                                    |
| -335: ADDITIONAL INFORMATION                                   | -630: Addenda--procedures                                    |
| -340: DETERMINATION OF NONSIGNIFICANCE (DNS)                   | -635: Incorporation by reference--procedures                 |
| -350: MITIGATED DNS  | -640: Combining documents                                    |
| -360: DETERMINATION OF SIGNIFICANCE (DS)/INITIATION OF SCOPING | -650: Purpose of this part                                   |
| -390: EFFECT OF THRESHOLD DETERMINATION                        | -655: Implementation   |
| -400: PURPOSE OF EIS   | -660: Substantive authority and mitigation                   |
| -402: GENERAL REQUIREMENTS                                     | -680: Appeals  |
| -405: EIS TYPES  | -700: Definitions  |
| -406: EIS TIMING   | -702: Act  |
| -408: SCOPING  | -704: Action   |
| -410: EXPANDED SCOPING (OPTIONAL)                              | -706: Addendum   |
| -420: EIS PREPARATION  | -708: Adoption   |
| -425: STYLE AND SIZE   | -710: Affected tribe   |
| -430: FORMAT   | -712: Affecting  |
| -435: COVER LETTER OR MEMO                                     | -714: Agency   |
| -440: EIS CONTENT  | -716: Applicant  |
| -442: CONTENTS OF EIS ON NONPROJECT PROPOSALS                  | -718: Built environment                                      |
| -443: EIS CONTENTS WHEN PRIOR NONPROJECT EIS                   | -720: Categorical exemption                                  |
| -444: ELEMENTS OF THE ENVIRONMENT                              | -722: Consolidated appeal                                    |
| -448: RELATIONSHIP TO EIS TO OTHER CONSIDERATIONS              | -724: Consulted agency                                       |
| -450: COST-BENEFIT ANALYSIS                                    | -726: Cost-benefit analysis                                  |
| -455: ISSUANCE OF DEIS   | -728: County/city  |
| -460: ISSUANCE OF FEIS   | -730: Decision maker   |

**WAC 197-11**

-732: DEPARTMENT  
-734: DETERMINATION OF NONSIGNIFICANCE (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: NONPROJECT  
-776: PHASED REVIEW  
-778: PREPARATION  
-780: PRIVATE PROJECT  
-782: PROBABLE  
-784: PROPOSAL  
-786: REASONABLE ALTERNATIVE  
-788: REASONABLE OFFICIAL  
-790: SEPA  
-792: SCOPE  
-793: SCOPING  
-794: SIGNIFICANT  
-796: STATE AGENCY  
-797: THRESHOLD DETERMINATION  
-799: UNDERLYING GOVERNMENTAL ACTION

**WAC 197-11**

-800: CATEGORICAL EXEMPTIONS  
-880: EMERGENCIES  
-890: PETITIONING DOE TO CHANGE EXEMPTIONS  
-902: AGENCY SEPA POLICIES  
-912: PROCEDURES OF CONSULTED AGENCIES  
-916: APPLICATION TO ONGOING ACTIONS  
-918: LACK OF AGENCY PROCEDURES  
-920: AGENCIES WITH ENVIRONMENTAL EXPERTISE  
-922: LEAD AGENCY RULES  
-924: DETERMINING THE LEAD AGENCY  
-926: LEAD AGENCY FOR GOVERNMENTAL PROPOSALS  
-928: LEAD AGENCY FOR PUBLIC AND PRIVATE PROPOSALS  
-930: LEAD AGENCY FOR PRIVATE PROJECTS WITH ONE AGENCY WITH JURISDICTION  
-932: LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY  
-934: LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM A LOCAL AGENCY, NOT A COUNTY/CITY, AND 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  
-940: TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY  
-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  
-960: ENVIRONMENTAL CHECKLIST  
-965: ADOPTION NOTICE  
-970: DETERMINATION OF NONSIGNIFICANCE (DNS)  
-980: DETERMINATION OF SIGNIFICANCE AND SCOPING NOTICE (DS)  
-985: NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS  
-990: NOTICE OF ACTION

**SECTION 3: ADDITIONAL DEFINITIONS**

In addition to those definitions contained within WAC 197-11-700 to 197-11-799, the following terms shall have the following meanings, unless the context indicates otherwise:

- 1) **District.** District means the Olympia School District No. 111, Thurston County, State of Washington.

- 2) **SEPA Rules.** SEPA rules means WAC Chapter 197-11 developed by the Commission on Environmental Policy and adopted by the Department of Ecology.
- 3) **Superintendent.** Superintendent means the Superintendent of the District.

#### **SECTION 4: SUBSTANTIVE AUTHORITY**

The policies and goals set forth herein are supplementary to those in the existing authorization of the District. The District establishes the following criteria as the basis for exercising authority relative to environmental issues. The District shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

- A) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- B) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- C) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- D) Preserve important historic, cultural and natural aspects of our national heritage;
- E) Maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- F) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- G) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- H) The District recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

#### **SECTION 5: ENVIRONMENTALLY SENSITIVE AREAS**

In its actions, the District shall respect "critical areas" and their modified exemption criteria, which have been adopted and displayed by local governments pursuant to WAC 197-11-908 and the Growth Management Act, Chapter 36.70A RCW.

Actions which will be located wholly or partially within a critical area are to be treated no differently than other actions under these guidelines, except as stated above. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.

#### **SECTION 6: USE OF EXEMPTIONS**

In determining whether a proposal is exempt from SEPA, the District shall comply with the square footage and parking space threshold levels adopted by the county under WAC 197-11-800(1). To determine whether or not a proposal is exempt, the District will ascertain the total scope of the proposal and the governmental licenses required. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the proposal is not exempt and the District must complete a threshold determination.

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If a proposal includes both exempt and nonexempt actions, exempt actions may be authorized with respect to the proposal prior to compliance with the procedural requirements of these guidelines subject to the following limitations:

- A) No nonexempt action shall be authorized prior to compliance with procedural and substantive requirements;
- B) No action shall be authorized which will irrevocably commit the District to approve or authorize a nonexempt action;
- C) The District may withhold approval of an exempt action that would lead to modification of the physical environment, when such modifications would serve no purpose if later approval of a nonexempt action is not secured; and
- D) The District may withhold approval exempt actions that would lead to substantial financial expenditures by a private applicant that would serve no purpose if later approval of a nonexempt action is not secured.

**SECTION 7: LEAD AGENCY DETERMINATION AND RESPONSIBILITIES**

The District is lead agency for the proposals it initiates and is responsible for compliance with SEPA regulations.

**SECTION 8: ENVIRONMENTAL CHECKLIST**

Except as provided in WAC 197-11-315, the District must complete an environmental checklist (WAC 197-11-960) for any proposal that meets the definition of action (WAC 197-11-709) and is not categorically exempt pursuant to WAC 197-11-800 and 880. This checklist shall be the basis for making the threshold determination.

For all proposals for which the District is the lead agency, the responsible official of the District shall make the threshold determination pursuant to the criteria and procedures of WAC 197-11-300 through 360.

**SECTION 9: PREPARATION OF EIS**

The draft and final EIS shall be prepared either by the responsible official or designee or a consultant retained by the District.

In the event that an EIS is to be prepared by a consultant, the responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

No matter who participates in the preparation of an EIS, it must be approved by the responsible official prior to distribution.

**SECTION 10: PUBLIC NOTICE**

The District will establish a mailing list for those citizens who wish to be informed regarding documents the District issues that require public notice. If deemed appropriate by the responsible official, the District will place appropriate notice in the paper of general circulation that serves the area.

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**SECTION 11: DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE DISTRICT**

The Superintendent or designee shall be responsible for the preparation of the written comments for the District in response to a consultation request prior to a threshold determination, participation in pre-draft consultation or reviewing a draft EIS.

The Superintendent or designee shall be responsible for compliance by the District with WAC 197-11-400 through 460 wherever the District is a consulted agency, and is authorized to develop operating procedures that shall ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the District.

**SECTION 12: DESIGNATION OF RESPONSIBLE OFFICIAL**

For those proposals for which the District is the lead agency, the responsible official shall be the Superintendent or designee. The responsible official shall make the threshold determination, supervise preparation of any required EIS and perform any other functions assigned to the “lead agency.”

**SECTION 13: FEES**

No fee shall be collected by the District for performing its duties as a consulted agency.

The District may charge any person for copies of any document prepared pursuant to the requirements of this ordinance and for mailing thereof, in a manner provided by Chapter 42.17 RCW.

**SECTION 14: ADMINISTRATIVE APPEALS**

**A) Appeals**

- 1) **Appeal to Superintendent.** Agency appeals are provided for SEPA procedural determinations, except than an agency appeal is not provided for a determination of significance. SEPA determinations shall be appealed by mailing or delivering a letter to the Superintendent. The letter must include the information in paragraph 3 below.
- 2) **Deadline for Appeal.** The letter of appeal shall be delivered or mailed to the Superintendent within fourteen (14) days of the date the challenged environmental document or determination is issued.
- 3) **Form of Appeal.** For an appeal to be accepted, the letter must specify: (a) the determination being appealed, (b) the errors complained of, (c) the corrective action being sought, (d) the reasons why the determination should be changed, and (e) whether further oral or written comment or a hearing is requested. Supporting documents may be submitted with the letter of appeal.
- 4) **Hearing Examiner.** The Superintendent may serve as the presiding officer and may review the appeal directly, or the Superintendent may appoint a hearing examiner or another appointee to serve as the presiding officer.
- 5) **Time to Decision.** The presiding officer shall have thirty (30) days after securing sufficient information to make a decision in writing. The presiding officer for an appeal may set deadlines for the submission of any additional information or comments.

- 6) **Hearing.** A hearing shall be provided if requested by the appellant. The hearing shall provide reasonable opportunity for the parties to present oral or written testimony and argument, consistent with these rules. The presiding officer may establish procedures for the hearing, and may set the time period allowed for each party to the appeal, including the staff, to present its case. A hearing may not be scheduled for at least five (5) days from the District’s receipt of an appeal unless the parties agree otherwise.
- 7) **Final Action.** The District shall not take final action on a proposal while a proper appeal to the Superintendent on a procedural determination is pending.
- 8) **Other Requisites.** WAC 197-11-680(3) is adopted by reference with respect to other requirements of agency appeal proceedings.

**B) Judicial Review**

Parties must exhaust administrative appeals before seeking judicial review of SEPA compliance. RCW 43.21C.075 and WAC 197-11-680.

**C) Notice of Appeals**

The notice requirements for environmental documents shall serve as adequate notice for agency appeals.

**SECTION 15: PUBLICATION OF NOTICE**

The District may publish notice of action pursuant to RCW 43.21C.080 for any action to establish a time limit for judicial appeals.

The form of the notice shall be as prescribed by the Department of Ecology and/or substantially in the form and manner set forth in RCW 43.21C.080. The notice shall be published by the District secretary pursuant to RCW 43.21C.080.

**SECTION 16: SEVERABILITY**

If any provision of these regulations or its application to any person or circumstances is held invalid, the remainder of these regulations or the application of the provision to other persons or circumstances shall not be affected.



<i>PROCEDURE ESTABLISHED</i>	<i>July 29, 1997</i>
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