

## **SEPA (State Environmental Policy Act) Rules, Chapter 197-11 WAC**

The Department of Ecology is adopting amendments to Chapter 197-11 WAC, SEPA (State Environmental Policy Act) Rules and repealing Chapters 173-806 WAC Model Ordinance and Chapter 197-06 WAC Public Records.

### **What is Chapter 197-11 WAC?**

SEPA provides a way to indentify possible environmental impacts that may result from governmental decisions. SEPA applies to decisions made by every state and local agency within Washington State.

### **Summary of the rule changes adopted on April 9, 2014.**

**Chapter 197-11 WAC** was amended as directed by Chapter 1, Laws of 2012 1st Special Session (2ESSB 6406, Section 301). These amendments include:

- Expanded use of NEPA documentation by lead agencies.
- Update of definition for “lands covered by water”.
- For adoption of increased flexible thresholds for minor new construction, more specific requirements regarding cultural resources and an increase in notice to 60 days.
- Expanded minor new construction exemptions for installation or removal of tanks and solar energy projects.
- New exemption for small maintenance dredging projects.
- Update of exemption for land use decisions to provide that most land use decisions will be exempt for otherwise exempt projects, with some limited exceptions.
- New exemption for formation of special districts.
- New exemption for text amendments of ordinances or codes that do not change environmental standards.
- Update of utility exemption for water pipe size to align with industry standards.
- Allow Department of Natural Resource (DNR) Rock sales on state owned land.
- Clarified and expanded Washington State Department of Transportation (WSDOT) maintenance exemptions.
- Environmental checklist updates.
- Other minor updates, clarifications and technical corrections.

#### **MORE INFORMATION**

For more information on SEPA see:

<http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>

For more information on SEPA rule making see:

<http://www.ecy.wa.gov/programs/sea/sepa/rulemaking2013.html>

For more information on the SEPA and to receive regular rule-making updates join the SEPA listserv:

<http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-SEPA-UPDATES>

**Effective: May 10, 2014**

#### **Contact information:**

Fran Sant  
360-407-6004  
[separulemaking@ecy.wa.gov](mailto:separulemaking@ecy.wa.gov)

#### **Special accommodations:**

If you need this document in format for the visually impaired, call the Shoreland and Environmental Assistance Program at 360-407-6600.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341

**Summary of repeals:**

Ecology is repealing **Chapter 173-806 WAC** in response to changes being made in Chapter 197-11 WAC and will make the model ordinance available as guidance rather than rule.

Ecology is repealing **Chapter 197-06 WAC**. This rule is being repealed because (1) a number of the provisions are specific to the Council on Environmental Policy that was established in the 1970's and no longer exists; (2) The sections of the rule related to public records have been superseded by Chapter 173-03 WAC.

**Response to Comments**

Ecology's response to comments received during the public comment period is now available. Download a copy at <https://fortress.wa.gov/ecy/publications/SummaryPages/1406012.html>.

**Whom does this rule affect?**

This rule affects and applies to decisions by every state and local agency within Washington State, including state agencies, counties, cities, ports and special districts (such as a school or water district).

**More information**

State Environmental Policy Act website:

<http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>

To get updates on Ecology's rule-making activities, sign-up for the WACTrack e-mail list at [www.ecy.wa.gov/maillist.html](http://www.ecy.wa.gov/maillist.html).

**Appeal procedures**

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or [bari.schreiner@ecy.wa.gov](mailto:bari.schreiner@ecy.wa.gov).

