



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Rule Implementation Plan**

*Chapter 197-11 WAC*

*State Environmental Policy Act (SEPA) Rules*

*Repeal of chapters*

*Chapter 173-806 WAC Model Ordinance and*

*Chapter 197-06 WAC Public Records*

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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# Purpose

The Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

# Introduction

On April 9, 2014, Ecology adopted amendments to Chapter 197-11 WAC State Environmental Policy Act (SEPA) rules and repealed Chapter 176-806 WAC Model Ordinance and Chapter 197-06 WAC Public Records (AO # 13-01). The purpose of this rule implementation plan is to inform those who must comply with Chapter 197-11 WAC about how the Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

# Implementation and Enforcement

This rule amends and updates the existing SEPA rule. The State Environmental Policy Act (SEPA) is a statewide policy that applies to decisions made by state and local agencies within Washington State, including state agencies, counties, cities, ports and special districts. SEPA applies to all “lead agencies”. It is the responsibility of the “lead agency” to implement environmental review of a specific proposal. SEPA does not have an enforcement component. Ecology will conduct outreach and provide guidance to lead agencies on the rule changes and how to implement the flexible options of the rule. SEPA staff will also provide one-on one technical assistance for lead agencies as requested.

In addition, Ecology will make the model ordinance being repealed in Chapter 173-806 WAC available as guidance rather than in rule.

## **Informing and Educating Persons Affected by the Rule**

Ecology will issue a press release about the rule adoption and send email notices to the SEPA rule making Advisory Committee, the SEPA listserv and all individuals, organizations and companies that commented on the proposed rule.

The final rule language will be posted on the agency's rule web page and the SEPA program web pages. The codified rule incorporating these revisions will be made available on the agency web page when the revised rule is completed by the Office of the Code Reviser.

## **Promoting and Assisting Voluntary Compliance**

SEPA rules have been in place since the early 1970's. Lead agencies are already aware of their responsibility under SEPA. Ecology will conduct outreach and provide guidance on the changes to the SEPA rules. Ecology will also continue to provide technical SEPA assistance through our SEPA help desk and email. Ecology will also send messages out to over 500 plus listserv members about the recently adopted rule changes.

## **Evaluating the Rule**

The purpose of this rule is to update levels of flexibility for lead agencies to exempt minor new construction projects. Ecology will evaluate the success of the rule by analyzing if lead agencies choose to adopt the higher thresholds and if these agencies understand the steps they need to take in order to adopt higher thresholds for minor new construction.

## **Training and Informing Agency Staff**

The SEPA unit at Ecology will train and inform Ecology staff about the changes in the SEPA rules by providing training and updating the "Responsible Officials Guide". The SEPA unit will continue to provide technical assistance as needed to individual staff.

## **List of Supporting Documents that May Need to be Written or Revised**

1. Frequently Asked Questions about SEPA
2. SEPA Handbook
3. SEPA Environmental Checklist with Guidance

4. Environmental Checklist  
[WAC 197-11-960] [html](#) [doc](#) [pdf](#) [txt](#)
5. Ecology is SEPA Lead (Responsible Officials Guide –internal document)

## More Information

For more information on SEPA:

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

For more information on SEPA rule making:

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

For more information on the SEPA rule making Advisory Committee:

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

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