

## State Environmental Policy Act

The Department of Ecology proposes to adopt amendments to **Chapter 197-11 WAC**, State Environmental Policy Act (SEPA). Ecology proposes to repeal **Chapter 173-806 WAC** in response to changes being made in WAC 197-11 and will make the SEPA model ordinance available as guidance rather than rule. Ecology also proposes to repeal the **Chapter 197-06 WAC**. This is an out of date rule that refers to the Council on Environmental Quality that no longer exists.

The rule proposal will be published in the Washington State Register on January 2, 2014.

The purpose of this rule proposal is to adopt amendments to **Chapter 197-11 WAC**, State Environmental Policy Act (SEPA). The rule changes include, but are not limited to the following:

- Expanded use of National Environmental Policy Act (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 maintenance exemption for smaller 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.
- Updated Washington State Department of Transportation (WSDOT) maintenance exemptions.
- Environmental checklist updates.
- Other minor updates, clarifications and technical corrections.

### MORE INFORMATION

#### Public hearing schedule

Date: January 29, 2014  
Hearing #1 starts at 1:30 pm  
Hearing #2 starts at 6:30 pm

Location: Dept. of Ecology  
300 Desmond Drive  
Lacey, WA 98503

Ecology will have a brief presentation followed by a question and answer session followed by the formal hearing.

To call-in and participate and/or provide comments by phone: 1-800-704-9804, Pin number: 8386377#

#### Contact information:

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

#### Special accommodations:

If you need this document in a format for the visually impaired, call the Shorelands 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.

The following documents are now available for review and comment:

- Proposed rule language.
- Determination of Nonsignificance (DNS) and staff report under the State Environmental Policy Act.
- Preliminary Cost-Benefit and Least Burdensome Alternative Analyses.
- To download these documents visit:  
<http://www.ecy.wa.gov/programs/sea/sepa/rulemaking2013.html>

### **Submit your comments**

Comment period ends February 5<sup>th</sup>, 2014.

You can give us your official comments in the following ways:

1. Testify in-person or call-in and provide comments by phone 1-800-704-9804, pin number 8386377#
2. Submit written comments at the public hearings.
3. Email your comments to: [separulemaking@ecy.wa.gov](mailto:separulemaking@ecy.wa.gov)

4. Mail comments to:  
Department of Ecology  
Fran Sant  
PO Box 47703  
Olympia, WA 98504-7600

5. FAX: 360-407-6904

### **Ecology's response to your comments**

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

### **Expected adoption date**

Ecology expects to adopt this rule no earlier than March 12, 2014.

