

STATE ENVIRONMENTAL PROTECTION ACT (SEPA)

A. GENERAL REQUIREMENTS

1. Purpose and Adoption by Reference

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

- WAC 197-11-040: Definitions
- 050: Lead Agency
- 055: Timing of the SEPA Process
- 060: Content of Environmental Review
- 070: Limitations on Actions During SEPA Process
- 080: Incomplete or Unavailable Information
- 090: Supporting Documents
- 100: Information Required of Applicants

2. Additional Definitions

In addition to the definitions contained in WAC 197-11-700 through WAC 197-11-799, when used in these procedures the following terms shall have the following meanings, unless the context indicates otherwise:

District. "District" means Mead School District No. 354, Spokane County, Washington.

SEPA Rules. "SEPA Rules" means Chapter 197-11 WAC.

3. Designation of Responsible Official

- a. For all proposals for which the District is the lead agency, the responsible official shall be the Superintendent of the District or his or her designee.
- b. For all proposals for which the District is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by these procedures.
- c. The District shall retain documents required by these procedures and make them available in accordance with applicable law and applicable District document retention policies.

4. Lead Agency Determination and Responsibilities

- a. When the District receives an application for or initiates a proposal that involves a nonexempt action, it shall determine the lead agency for that proposal under applicable law, unless the lead agency has been previously determined or the responsible official is aware that another agency is in the process of determining the lead agency.
- b. When the District is not the lead agency for a proposal, it shall use and consider, as appropriate, the environmental documents of the lead agency in making decisions on the proposal. The District shall not prepare or require preparation of environmental documents in addition to that prepared by the lead agency, unless the District is otherwise authorized or required to do so under applicable law.
- c. If the District receives a lead agency determination made by another agency that appears inconsistent with the criteria established by applicable law for making such determinations, the District may, if it otherwise has jurisdiction over the proposal, take such action as authorized by the SEPA Rules (which may include, but is not necessarily limited to, petitioning the Department pursuant to WAC 197-11-946).
- d. The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal as authorized by applicable law.
- e. When making a lead agency determination for a private project, the District shall require sufficient information from the applicant to identify which other agencies, if any, have jurisdiction over the proposal.

5. Time Limits and Other Considerations Applicable to SEPA Rules

- a. Unless otherwise authorized, the District shall conduct its environmental review and shall issue its threshold determination within 90 days of receipt of a completed application.
- b. For nonexempt proposals, the DNS, FEIS (and/or such other environmental documentation as the responsible official deems appropriate) shall accompany the District's staff recommendation to any appropriate advisory or regulatory body.
- c. If the District's only action on a proposal is a decision on a license that requires detailed project plans and specifications, upon written request by the applicant, the District shall conduct environmental review prior to the applicant's submission of such detailed plans and specifications.

B. CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

1. Purpose and Adoption by Reference

- a. This section contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. 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

- b. The District shall deem an application for a proposal complete for the purposes of making a threshold determination when:
 1. An environmental checklist has been properly completed, signed and submitted;
 2. The application form, if required, has been properly completed, signed and submitted; and
 3. Necessary supporting documentation has been submitted.

C. ENVIRONMENTAL IMPACT STATEMENT (EIS)

1. Purpose and Adoption by Reference

This section contains the rules for preparing environmental impact statements. 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: Expanded 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

2. Preparation of EIS--Additional Considerations

- a. Environmental documents may be prepared by the District, by outside consultants selected by the District, or by such other person as the District may so direct consistent with the SEPA Rules. If the District shall direct a person to prepare any one or more environmental documents, the District shall notify such person in writing, and shall provide such person with a copy of these procedures.
- b. The District may require an applicant to provide information the District does not possess, including specific investigations. However, the applicant may not be required to supply information that is not required under these procedures or that is being requested from another agency. (This limitation does not apply to information the District may request under other authority).

D. COMMENTING

1. Purpose and Adoption by Reference

This section contains rules for consulting, commenting and responding on environmental documents prepared or adopted 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 Comments
- 550: Specificity of Comments
- 560: FEIS Response to Comments
- 570: Consulted Agency Costs to Assist Lead Agency

2. Public Notice

- a. Except as may otherwise be provided by these procedures, whenever the District issues a DNS pursuant to WAC 197-11-340(2), a DS pursuant to WAC 197-11-360(3), a DEIS pursuant to WAC 197-11-455(5), a SEIS pursuant to WAC 197-

11-620, or must otherwise provide notice in accordance with WAC 197-11-510, the District shall give public notice as follows:

- posting the property for site-specific proposals; and
 - publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located;
- b. In addition to the methods for giving public notice stated above, whenever notice is required to be given by these procedures the responsible official may designate any one or more of the following methods of providing such notice if the responsible official determines that such methods are required or otherwise appropriate in a particular case:
- notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - notifying the news media;
 - placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or
 - publishing notice in agency newsletters and/or sending letters to agency mailing lists.
- c. Whenever possible, the District shall integrate the notice procedures required by these procedures with existing notice procedures otherwise required by applicable law
3. Designation of Official to Perform Consulted Agency Responsibilities for the District
The Responsible Official or his or her designee shall be responsible for the timely preparation of written comments for the District in response to a consultation request.

E. USING ENVIRONMENTAL DOCUMENTS

1. Purpose and Adoption by Reference

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or the 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

F. SEPA AND AGENCY DECISIONS

1. Purpose and Adoption by Reference

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 part 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 and Mitigation
-680 (4)(5):	Appeals

2. Appeals

The District hereby

- eliminates, pursuant to WAC 197-11-680(2), appeals to its legislative body of any decision by a none-elected official conditioning or denying a proposal under authority of SEPA; and
- elects, pursuant to WAC 197-11-680(3), not to provide for administrative appeals of determinations relating to SEPA.

3. Notice of Action

The District may publish notice of action taken by the District pursuant to these policies and procedures pursuant to RCW 43.21C.080. The form of any such notice shall be substantially in the form provided by the SEPA Rules.

4. Policies for Exercise of Substantive SEPA Authority

The District's SEPA policies are found in Policy 8330.

G. DEFINITIONS

1. Purpose and Adoption by Reference

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:	Consulted 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 DS
-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

H. CATEGORICAL EXEMPTIONS

1. Adoption by Reference

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

- | | |
|-----------------|---|
| WAC 197-11-800: | Categorical Exemptions (including real property purchases, issuance of bonds and school closures) |
| -880: | Emergencies |
| -890: | Petitioning DOE to Change Exemptions |

I. AGENCY COMPLIANCE

1. Purpose and Adoption by Reference

This section contains rules for agency compliance with SEPA. The District adopts the following sections by reference:

- WAC 197-11-900: Purpose of This Part
- 902: Agency SEPA Policies
 - 916: Application to Ongoing Actions
 - 920: Agencies with Environmental Expertise
 - 922: Lead Agency Rules
 - 924: Determining 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 License 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

2. Effective Date: The effective date of these procedures is July 1, 1994.

3. Severability

If any provision of these policies and procedures or their application to any person or circumstance is held invalid, the remainder of these policies and procedures, or the application of such invalid provision to other persons or circumstances, shall not be affected.

J. FORMS

1. Adoption by Reference

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 (DS)
 - 985: Notice of Assumption of Lead Agency Status
 - 990: Notice of Action

Adopted: November 26, 2007