STATE ENVIRONMENTAL POLICY ACT COMPLIANCE

The district accepts its responsibility, as described by the Washington state legislature in the State Environmental Policy Act, specifically Chapter 43.21C.

Adoption by Reference
In order to fulfill its responsibilities under the State Environmental Policy Act, the district adopts by reference the following sections or subsections of chapter 197-11 of the Washington Administrative Code.

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
-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 nonsignificance (DNS)
-350: Mitigated DNS
-360: Determination of significance (DS)/initiation of scoping
-390: Effect of threshold determination
-400: Purpose of EIS
-402: General requirements
-405: EIS types
-406: EIS timing
-408: Scoping
-410: Expanded scoping (Optional)
-420: EIS preparation
-425: Style and size
-430: Format
-435: Cover letter or memo
-440: EIS contents
-442: Contents of EIS on nonproject proposals
-443: EIS contents when prior nonproject EIS
-444: Elements of the environment
-448: Relationship to EIS to other considerations
-450: Cost-benefit analysis
-455: Issuance of DEIS
-460: Issuance of FEIS
-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 comment
-550: Specificity of comments
-560: FEIS response to comments
-570: Consulted agency costs to assist lead agency
-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
-650: Purpose of this part
-655: Implementation
-660: Substantive authority and mitigation
-680: Appeals
-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 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
-800: Categorical exemptions
-880: Emergencies
-890: Petitioning DOE to change exemptions
-900: Purpose of this part
-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

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:

A. District: District means the Newport School District No.56-415, Pend Oreille County, state of Washington.

B. SEPA Rules: SEPA Rules means Chapter 197-11 WAC adopted by the Council on Environ- mental Policy.

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:

C. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

D. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

E. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

F. Preserve important historic, cultural, and natural aspects of our national heritage;

G. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

H. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

I. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

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.

Critical 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 The Growth Management Act, Chapter 36.70A RCW.

Actions which shall be located wholly or partially within a critical area are to be treated no differently than other actions under these guidelines. 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.

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 city or county under WAC 197-11-800 (1). To determine whether or not a proposal is exempt, the district shall 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 which are not, the proposal is not exempt and the district must complete a threshold determination.

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 shall irrevocably commit the district to approve or authorize a nonexempt action;

C. The district may withhold approval of an exempt action which 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 of exempt actions which would lead to substantial financial expenditures by a private applicant which would serve no purpose if later approval of a nonexempt action is not secured.

Lead Agency Determination and Responsibilities
The district is lead agency for the proposals it initiates and is responsible for compliance with SEPA regulations.

Environmental Checklist
Except as provided in WAC 197-11-315 the school 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 exempted in WAC 197-11-800 and 880. This checklist shall be the basis for 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.

Preparation of EIS
The draft and final EIS shall be prepared either by the responsible official or his/her designee or a consultant retained by the school 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.

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

Designation of Official to Perform Consulted Agency Responsibilities for the District
The superintendent or his 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 predraft consultation or reviewing a draft EIS.

The official designated in paragraph 1 shall be responsible for compliance by the district with WAC 197-11-400 through -460 wherever the district is a consulted agency, and he/she is authorized to develop operating procedures which shall ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the district.

Designation of Responsible Official
For those proposals for which the district is the lead agency, the responsible official shall be the superintendent or his/her 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".

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 42.56 RCW.

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 43.2lC.080.

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.

Effective Date

These guidelines shall become effective on May 16,1983. .

Legal References:
RCW 43.21C State Environmental Policy
WAC 197-11 State Environmental Policy Act (SEPA) Rules

Management Resources:
Policy News, December 1998 SEPA policy requires periodic review and understanding

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