SEPA GUIDELINES REGULATIONS

LONGVIEW SCHOOL DISTRICT NO. 122
REGULATIONS FOR COMPLIANCE WITH THE
STATE ENVIRONMENTAL POLICY ACT

PART ONE
PURPOSE, AUTHORITY, AND POLICY

Section 1 Authority. The Longview School District No. 122 adopts these regulations under the State Environmental Policy Act (SEPA), RCW 43.210.120 and the SEPA Rules, WAC 197-11-904.

Section 2 Purpose. This ordinance contains the District's SEPA procedures and policies. The SEPA Rules, Chapter 197-11, Washington Administrative Code (WAC) will be used in conjunction with this code.

Section 3 Policies. Pursuant to RCW 43.21C and WAC 97-11-030, it is the policy of Longview School District No. 122 to use all practicable means to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

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

2. Assure for all people of Cowlitz County safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

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

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

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

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

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

8. Recognize 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.

PART TWO
GENERAL REQUIREMENTS

Section 1 Purpose and Adoption by Reference. This part contains the basic requirements that apply to the SEPA process. The District adopts the following sections of the WAC by reference.

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on action during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

Section 2 Purpose and Adoption by Reference. This part contains uniform usage and definitions of terms under SEPA. The District adopts the following sections of the WAC as supplemented by this ordinance.

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.

197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decisionmaker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

Section 3 Additional Definitions. In addition to those definitions contained within WAC 197-11-700 through 799, when used in this ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

1. "District" means the Longview School District No. 122, Cowlitz County, Washington.

2. "SEPA Rules" means chapter 197-11 WAC adopted by the Department of Ecology.

3. "Ordinance" means the ordinance, resolution, or other procedure used by the District to adopt regulatory requirements.

4. "Early notice" means the District's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated Determination of Non-Significance procedures).

5. "EIS" - Environmental Impact Statement.

6. "DNS" - Determination of Non-Significance.

7. "DS" - Determination of Significance.

8. "WAC" - Washington Administrative Code.

Section 4 Designation of Responsible Official.

1. For those proposals for which the District is the lead agency, the responsible official shall be the Superintendent or his/her designee.

2. 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 those sections of the SEPA Rules adopted by reference in these regulations.

Section 5 SEPA Information. The District shall retain all documents required by the SEPA Rules (197-11 WAC) and make them available in accordance with Chapter 42.17 RCW, at the Department of Maintenance, Operations, Transportation, and Facilities, 2080 - 38th Avenue, Longview School District No. 122, Longview, Washington 98632.

Section 6 Lead Agency Determination and Responsibilities.

1. When the District initiates a proposal that involves a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940; unless the lead agency has been previously determined.

2. When the District is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements, and if an Environmental Impact Statement (EIS) is necessary, shall supervise preparation of the (EIS).

3. When the District is not the lead agency of a proposal, all departments of the District shall use and consider, as appropriate, either the Determination of Non-Significance (DNS) or the final EIS of the lead agency in making decisions on the proposal. No District department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the District may conduct supplemental environmental review under WAC 197-11-600.

4. If the District or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the District must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the District shall be initiated by the Superintendent or his/her designee.

5. The Superintendent is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11- 942 and 197-11-944.

Section 7 Coordination of Environmental Review with District Action.

1. For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the District's staff recommendation to any appropriate decision-making body.

PART THREE
CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

Section 1 Purpose and Adoption by Reference. This part contains the rules for deciding whether a proposal has a "probably significant, adverse environmental impact" requiring an EIS to be prepared. This part also contains rules for categorical exemptions and rules for evaluating the impacts of proposals not requiring an EIS as well as the application of exemptions. The District adopts the following sections of the WAC by reference, as supplemented in this part.

197-11-300 Purpose of this part.

197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.

Section 2 Use of Exemptions.

1. When the District initiates a proposal, the responsible official shall determine whether the proposal is exempt. This determination shall be based upon the categorical exemptions defined in the SEPA procedures of the city or county where the proposal is located and also whether the proposal is located in an environmentally sensitive area. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The District shall not require completion of an environmental checklist for an exempt proposal.

2. In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

3. If a proposal includes both exempt and nonexempt actions, the District may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

    a. The District shall not give authorization for:

        (1) Any nonexempt action;

        (2) Any action that would have an adverse environmental impact; or

        (3) Any action that would limit the choice of alternatives.

    b. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved.

c. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

Section 3 Environmental Checklist.

1. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be issued at the same time as or before the District applies for a permit, license, certificate, or other approval required by another agency. A checklist is not needed if the District acknowledges an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The District shall use the environmental checklist to determine the lead agency and, if the District is the lead agency, for making the threshold determination.

2. For District proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

PART FOUR
ENVIRONMENTAL IMPACT STATEMENTS (EIS)

Section 1 Purpose and Adoption by Reference. This part contains the rules for preparing environmental impact statements. The District adopts the following sections of the WAC by reference, as supplemented by this part:

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other consideration.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

Section 2 Preparation of EIS.

1. Preparation of draft and final EISs and Supplemental EISs is the responsibility of the responsible official. Before the District issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and Chapter 197-11-WAC.

2. The draft and final EIS or Supplemental EIS shall be prepared by District staff or by a consultant selected by the District.

PART FIVE
COMMENTING

Section 1 Purpose and Adoption by Reference. This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The District adopts the following sections of the WAC by reference, as supplemented in this part.

197-11-500	Purpose of this Part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA Register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

Section 2 Public Notice.

1. Whenever the District issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the District shall give public notice by at least one of the following:

   a. Posting the property, for site-specific proposals;
   b. Publishing notice in a newspaper of general circulation in the county, town, or general area where the proposal is located;
   c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
   d. Notifying the news media;
   e. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
   f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals or subject areas);

2. Whenever the District issues a DS under WAC 197-11-360(3), the District shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408.

3. Whenever the District issues a draft EIS under WAC 197-11-455(5) or a supplemental EIS under WAC 197-11-620, notice of the availability of those documents shall be given by at least one of the following methods:

    a. Posting of property, for site-specific proposals;
    b. Publishing notice in a newspaper of general circulation in the county, town, or general area where the proposal is located;
    c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
    d. Notifying the news media;
    e. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
    f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals or subject areas);

4. Whenever possible, the District shall integrate the public notice required under this section with existing notice procedures for the District's nonexempt permit(s) or approval(s) required for the proposal.

Section 3 Designation of Official to Perform Consulted Agency Responsibilities for the District.

1. The Superintendent or his/her designee shall be responsible for preparation of written comments for the District in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft EIS.

2. The Superintendent shall be responsible for the District's compliance with WAC 197-11-550 whenever the District is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the District.

PART SIX
USING EXISTING ENVIRONMENTAL DOCUMENTS

Section 1 Purpose and Adoption by Reference. This part contains rules for using and supplementing existing environmental documents prepared under SEPA or NEPA for the District's own environmental compliance. The District adopts the following section of the WAC by reference:

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement -- Procedures.
197-11-625	Addenda -- Procedures.
197-11-630	Adoption -- Procedures.
197-11-635	Incorporation by reference -- Procedures.
197-11-640	Combining documents.

PART SEVEN
AGENCY SEPA DECISIONS

Section 1 Purpose and Adoption by Reference. This part 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 agencies or the courts. The District adopts the following sections of the WAC by reference.

197-11-650	Purpose of this Part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.

Section 2 Substantive Authority.

1. The policies and goals set forth in this ordinance are supplementary to those in existing regulations, resolutions, and plans of the Longview School District No. 122.

2. The District may attach conditions to a proposal or action so long as:

   a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

   b. Such conditions are in writing; and

   c. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

   d. The District has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

   e. Such conditions are based on one or more policies in Part I, Section 3 above and cited in the decision document.

3. The District may deny a proposal on the basis of SEPA so long as:

   a. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this ordinance; and

   b. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

   c. The denial is based on one or more policies identified in Part I, Section 3 above and identified in writing in the decision document.

Section 3 Notice/Statute of Limitations.

1. The District may publish a notice of action pursuant to RCW 43.21C.080 for any action.

2. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the District Superintendent or his/her designee pursuant to RCW 43.21C.080.

PART EIGHT
AGENCY COMPLIANCE

Section 1 Purpose and Adoption by Reference. This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process and listing agencies with environmental expertise. The District adopts the following sections of the WAC by reference as supplemented by this part:

197-11-900	Purpose of this Part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.

The District also adopts the following forms and sections of the WAC by reference:

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

Section 2 Fees. The District shall require the following fees for its activities in accordance with the provisions of this ordinance:

1. The District shall not collect a fee for performing its duties as a consulted agency.

2. The District may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by Chapter 42.17 RCW.

PART NINE
VALIDITY

Section 1 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances, shall not be affected.

Legal References:	RCW	43.21C	State environmental policy
	WAC	197-11	State environmental policy act rules

Adopted: April 12, 2010