



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO#15-09

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-17-083; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

**Title of rule and other identifying information:** (Describe Subject)  
 The Department of Ecology (Ecology) proposes to amend to certain portions of State Environmental Policy Act (SEPA), Chapter 197-11 Washington Administrative Code (WAC). This rule provides uniform requirements for compliance with SEPA.

**Hearing location(s):**  
 Department of Ecology  
 300 Desmond Drive  
 Lacey, WA 98503

Ecology will accept testimony in-person and by phone.

**Submit written comments to:**  
 Department of Ecology, SEPA Unit  
 Attn: Fran Sant  
 PO BOX 47703  
 Olympia, WA 98504-7600

e-mail [separulemaking@ecy.wa.gov](mailto:separulemaking@ecy.wa.gov)  
 fax (360) 407-6904 by (date) **April 1, 2016**

**Call in Number to participate and provide comments by phone:** 1-800-704-9804 – Pin number: 8386377#

**Date:** March 23, 2016 **Time:** 1:30pm - Ecology will have a brief presentation, followed by a question and answer session followed by the formal hearing.

**Assistance for persons with disabilities:** Contact Shorelands and Environmental Assistance Program by: March 16, 2016 at 360) 407-6600

**Date of intended adoption:** June 1, 2016  
 (Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
 Ecology proposes to amend **Chapter 197-11 WAC**, State Environmental Policy Act (SEPA) Rules. The rule changes include:

- Creating a categorical exemption for the replacement of a City, Town or County owned structurally deficient bridge.
- Minor updates and clarifications on other transportation related categorical exemptions.
- Updates, clarifications and technical corrections.

**Reasons supporting proposal:**

- Chapter 197-11 WAC: amend as directed by Chapter 144, Laws of 2015 Regular Session (SHB 1851).
- Updated other transportation related exemptions to provide clarifications and provide additional examples of minor street improvement projects with the intent of eliminating confusion.
- Make technical clarifications, corrections, and reword to improve readability.

**Statutory authority for adoption:** State Environmental Policy Act, RCW 43.21C.110

**Statute being implemented:** Chapter 43.21C RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: February 17, 2016**  
**TIME: 9:50 AM**

**WSR 16-05-100**

**DATE** 2/16/16

**NAME** Polly Zehm

**SIGNATURE**

**TITLE**  
 Deputy Director, Department of Ecology

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** (person or organization) Department of Ecology

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Fran Sant	Department of Ecology - Lacey, WA	(360)407-6004
Implementation... Fran Sant	Department of Ecology - Lacey, WA	(360)407-6004
Enforcement..... N/A		( )

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The proposed amendments meet the criteria of exemption from analysis under RCW 19.85.030 which requires an agency to prepare a small business economic impact state (SBEIS) “if the proposed rule will impose more than minor cost on business or any industry”. The proposed amendments to Ecology’s SEPA rules do not impose any costs on business. Therefore, a SBEIS is not required for the proposed rule amendments.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name Fran Sant

Address: Department of Ecology

PO Box 47703

Olympia, WA 98504-7600

phone (360) 407-6004

fax (360)407-6904

e-mail [separulemaking@ecy.wa.gov](mailto:separulemaking@ecy.wa.gov)

No: Please explain: