



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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DETERMINATION OF NONSIGNIFICANCE
STATE ENVIRONMENTAL POLICY ACT

The Department of Ecology proposes to amend the WAC 197-11(SEPA Rules). The proposed revision would:

1. Increase the flexible thresholds that local governments may adopt to exempt minor new construction projects from SEPA review. Proposed changes include:
 - a. Establish separate flexible exemption thresholds for local governments in counties fully planning under RCW 36.70A.040 and local governments in other counties.
 - b. Revise the process that local governments follow in adopting flexible SEPA exemption thresholds.
 - c. Revise and clarify language related to the “residential”, “parking lot” and “landfill and excavation” categories of minor new construction.
2. Increase the exemption threshold for SEPA review of electric facilities.
3. Add flexibility for all lead agencies by improving the efficiency of the environmental checklist. This includes allowing for electronic submittal of the environmental checklist, including electronic signature.

Proponent and SEPA Lead Agency: *Washington State Department of Ecology*

Location of proposal is *Statewide*

The Department of Ecology has determined that the proposed amendments will not result in probable significant adverse impacts on the environment for the following reasons:

1. Only the flexible maximum exemption levels for minor new construction proposals are affected by the proposal. These new maximum thresholds are available at the discretion of Cities and Counties to implement. Flexible local exemption levels must be based upon the extent to which their land use plans and local regulations adequately address adverse impacts to elements of the environment.
2. The proposed modification to the utility electrical line installation exemption reflects current utility practices for common projects. The higher level of exemption for 115kw lines excludes projects located in undeveloped corridors or new rights of way.
3. The draft language related to the environmental checklist provides optional tools for lead agencies. These added efficiencies will not reduce the ability of lead agencies to review sufficient information and issue a SEPA threshold determination as required by current rule requirements. Consequently, environmental outcomes of agency decisions will not be affected by a SEPA review process that follows any of these changes.

An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist in conjunction with all of the materials and discussions related to the SEPA Rulemaking Advisory Committee. This information can be found at:

<http://www.ecy.wa.gov/programs/sea/sepa/rulemaking/AdvisoryCommittee.html>

This DNS is issued with a comment period that runs concurrently with the comment period on the underlying proposal to amend the SEPA Rules (CR 102). Comments will be taken on this DNS, and on the underlying rule adoption proposal until December 11, 2012.

Please submit comments to: separulemaking@ecy.wa.gov

Staff contact for questions and concerns:

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Signature 

Date: 10/22/12

APPEAL: No administrative appeal of the decision to issue a DNS is provided under the Department of Ecology's SEPA procedures. Appeal of the decision on the underlying action (to adopt the revisions to WAC 197-11) is governed by the Administrative Procedures Act (RCW 34.05).