

Fran:

On behalf of the environmental stakeholders, I am writing to provide input on the three topics below that were assigned as our “homework” that is due today.

- Categorical Exemptions (specific exemptions you believe need to be reviewed, and your rationale for doing so)

The environmental stakeholders’ goals are to ensure that SEPA continues to protect the natural and built environment, require meaningful participation in government decisions by a fully-informed public, and require that government officials are fully informed on the impacts of their decisions. Those goals inform our position on categorical exemptions.

As you know, the types of actions that are characterized as categorical exemptions in the rules must, as a matter of law, be limited to those types that are not major actions significantly affecting the quality of the environment. See RCW 43.21C.110. The problem with the categorical exemption process is that we cannot say that a project of a certain type or of a certain size will never have significant adverse environmental impacts. Small does not necessarily mean low impact. Big doesn’t necessarily mean high impact. Every project is proposed in a unique location with unique surroundings, and with unique circumstances and each needs to be reviewed on a case-by-case basis.

For example, a two lot subdivision can have significant traffic impacts if the only access road is a long, underdeveloped, windy road that is already heavily used. A new 10,000 square foot 24 hour grocery store in the middle of an urban neighborhood may have significant noise impacts because the developer decided to locate its loading dock right next to the windows of residences where people are sleeping. A 20,000 square foot office building may not have significant impacts in downtown Seattle, but it would have significant adverse impacts in Yelm or Index.

That is the whole idea behind SEPA - each project should receive a case-by-case review. If there are no significant impacts, then it will receive a DNS. Citizens can participate if they disagree with that conclusion.

Because of this, we do not support the idea of increasing the categorical exemptions. In our opinion, for the reasons above, they are already too high.

- List of obstacles in way of SEPA/GMA integration

We believe that the rules already do a fine job of SEPA/GMA integration and they do not need to be changed or amended in any way. Specifically, I am referring to WAC 197-11-210 through -235 and WAC 197-11-158.

There are two different concepts at play with the idea of SEPA/GMA integration. First, there is the integrated document process combined with comprehensive planning and review on a non-project scale. WAC 197-11-210 through -235. Second, there is the threshold determination process for specific projects. WAC 197-11-158.

With respect to the first concept, the rules set forth a very detailed process for SEPA/GMA integration at the comprehensive planning level. We believe that lack of funding, lack of technical knowledge, and lack of willingness or perhaps a lack of understanding of the benefits of SEPA and GMA integration are the obstacles to SEPA/GMA integration. The last two barriers could be addressed by Ecology as part of its periodic SEPA training.

With respect to the second concept, the only obstacle appears to be a lack of understanding or use of WAC 197-11-158. That WAC sets forth a process for identifying and relying on existing code provisions that adequately address and perhaps mitigation impacts for specific projects in the SEPA review. This rule integrates SEPA and the GMA – it doesn't need to be amended – it just needs to be used.

- Issue you may have with specific questions in the environmental checklist.

We do not have any issues with specific questions in the environmental checklist.