

**SEPA Advisory Committee Meeting Notes - \*FINAL\***  
**February 14, 2013**

**Welcome and Introductions**

Neil Aaland, Facilitator welcomed the committee and observers. Introductions were made around the room and on the phone. Neil made several announcements:

- The CR-101 for the phase 2 rulemaking was filed Monday morning; it is live on the SEPA 2013 rulemaking website as of today's meeting
- There are three main components to the CR-101
  - The phase 2 rulemaking as discussed in the statute
  - Potential repeal of the SEPA model ordinance; Ecology is contemplating having that exist NOT as rule, but as a guidance document
  - Repeal of a vaguely related old WAC that is no longer in force; WAC 197-06 (relates to Council on Environmental Policy that sunsetted in the 1970s) – titled "Public records".

Neil then reviewed the agenda for the meeting. It included two presentations and then transitioning to discussions.

**Review and discuss topics for Phase 2 rulemaking (all)**

*Presentation on cultural/historic legal issues and resources*

Several advisory committee members representing cultural/historic preservation (Rossi, Thompson, Moore) provided an overview of the various laws and ordinances. They discussed the importance and practicality of pre-project review at the local government level. DAHP (Washington State Department of Archaeology and Historic Preservation) demonstrated the Washington Information System for Architectural and Archaeological Records Data (WISAARD) database, which is available on-line and provides information on known sites and studies.

Handouts from the presenters included: a sample decision tree for SEPA Officials; a list of the 37 local jurisdictions that have data-sharing agreements with DAHP; a list of Certified Local Governments (CLGs); a summary of a municipal historic preservation ordinance (City of Spokane); an example of an archaeological review process (Clark County); an example of the Historic and Archaeological Preservation element of a Comprehensive Plan (San Juan County); proposed revisions to the Environmental Checklist; and proposed revisions to the Categorical Exemptions at WAC 197-11-800. The sample decision tree outlined a potential process for pre-project review that could be used at the local government level. Ecology has posted the handouts at their SEPA 2013 rulemaking website.

Discussion by the committee included:

- There are some concerns about requiring a pre-process before determining if something is exempt
  - A specific form could be required
  - The rules can't require an additional process for anything already categorically exempt
- Business community concerned about their cost of additional work to assess cultural and historic resources
- With the current requirements of state law, very few items newly exempt won't have a notice issued of a permit application
- Local Project Review Act (RCW 36.70B) says if deemed exempt no notice is required

- Homework assignment: review the materials/proposal submitted by the presenters for the next meeting and be prepared to discuss

#### *Presentation on Issues with GMA/SEPA integration*

Harry Reinert, on behalf of counties, made this presentation. He provided a PowerPoint presentation and walked the committee through the Local project Review Act (RCW 36.70B) permit process. He then reviewed a proposal to address the notice concerns posed by new categorical exemptions; elements of this proposal include:

- Application must include information required by the SEPA checklist related to the elements of the environment
- Notice of decision must include a determination of whether the project will have significant adverse environmental impacts consistent with requirements of 36.70B and 43.21C, i.e., the threshold determination
- Appeal of permit decision includes appeal of environmental decision under 43.21C
- Notice of application information in standardized format sent electronically to state clearinghouse (e.g. the SEPA register)

Discussion by the committee included:

- Could local governments establish a listserv for specific geographic areas?
  - King County looked into that and it is presently not a cost effective option, they hope to go there in the future
- The notice of application information would have to be in a centralized repository
- This wouldn't work for a DS, but it's a good idea
  - Need some kind of "off-ramp" for a DS
- Would this be a replacement for the checklist
  - King County uses a detailed application now
- Some work is needed on this system to make it work for state agencies
- Seems similar to the optional DNS process
- This can work for citizens – provides a comment period before a decision is made
- The development community may be able to support this
- State agencies would like an offline conversation to explore this
- Great idea and needs some kind of structure , try and identify as many of the variables

*The following agenda items did not have presentations associated with them; the committee started in with discussions on each*

#### *Public notice*

The counties discussed their idea for addressing public notice

- There would be a requirement in the rule for public notice
  - Would require one standardized form, a central repository
- Some members were interested in this idea
- When are Notice of Applications not required?
  - Clay offered to bring information back on that
- It was suggested that a homework assignment is to come back at March meeting with ideas on public notice

#### *Categorical exemptions (further updating, exceptions to exemptions, other topics)*

- Lots of useful ideas on the agricultural stakeholders' homework paper; perhaps at the next meeting the agriculture stakeholders could lead a discussion on them
  - Interest in also having natural resources as part of that discussion
  - Allen Rozema and Pamela Krueger will put together a presentation
- Gerald handed out an example of exemptions from the California Environmental Quality Act (CEQA)
- Clay White said the minor land use decisions section is problematic
  - Variances, short plats (except on lands covered by water) are only ones exempted
  - It should not be the type of decision but rather the underlying action
  - Why not tie subdivisions to the same number as in the multifamily exemption
- The issue seems to be the trigger; we're continuing to have this structural discussion
- Mixed feelings on the part of committee members; some expressed concern but others thought it was worth considering

*Environmental checklist: Discussion on this topic was postponed until the March meeting*

### **Wrap-up and Action Items**

- Committee members have the following homework assignments:
  - Review the information/proposal from today's presentation on cultural/historic resources; come prepared at March meeting to discuss your thoughts on the proposal
  - Public notice: Come to the March meeting prepared to discuss your ideas on public notice
  - Ecology/Neil: will work with counties and cities to add more specificity to the process ideas posed by Harry Reinert's presentation on SEPA and the Local Project Review Act (RCW 36.70B)
  - Clay White: will pull together information on when the Notice of Applications are NOT required for projects
  - Allen Rozema and Pamela Krueger will do a presentation next meeting regarding Agriculture and Natural Resource Issues (will include discussion of notification issues and checklist issues)
  - Consider Brenden McFarland's question from the end of the meeting: Should Ecology consider taking on review and revision of the state agency exemptions? (the ones not specifically mentioned in WAC 197-11-800)?

Meeting adjourned at approximately 1:00 pm.