

**SEPA Advisory Committee Meeting Notes
January 10, 2013**

Facilitator: Neil Aaland

Welcome and Introductions

Neil Aaland, Facilitator welcomed the committee and observers. Introductions were made around the room and on the phone. Neil reviewed the agenda for the meeting.

Review/Discuss: Phase 1 rule as filed

Brenden McFarland gave a summary of the final rule as filed with the code reviser. Advisory Committee members provided the following questions or comments:

- Regarding the new authority to modify the environmental checklist and delete questions in part B, must the entire part B be deleted or can specific questions be deleted?
 - Specific questions may be chosen for deletion
- What is the intent of the fill language in 800 (1)(b)(v)?
 - This is for fill not associated with an otherwise exempt project
 - Suggested that this be flagged for further review; consider using the word “necessary” instead of “associated”
- Is the local ordinance adoption of flexible thresholds subject to the 60-day review requirements for GMA actions?
 - The 60 day review requirement depends on how a jurisdiction adopts the local ordinance; if a GMA jurisdiction incorporates the SEPA ordinance into a unified code, it is likely subject to the 60 day review – but important to note this has not been tested in court
- Who reviews the ordinance?
 - It’s subject to local process with notice; Ecology does not review and approve ordinances
- Several questions and comments regarding the table of threshold levels:
 - Consider different ways to measure landfill; e.g. surface area not quantity
 - How does this affect special districts?
 - They have to use the threshold levels for the jurisdiction within which the project is occurring
 - It’s still not clear that an agency can remain with their previous lower levels
 - Concern was expressed about non-GMA jurisdictions being able to go as high as 20 d.u. (which is the current maximum)
 - In Phase 2, want to consider going higher; Ecology needs to be able to determine appropriate levels, come up with some process
- Electrical utilities
 - Utilities wanted to go higher, they’ve said they can live with this
 - Topic for phase 2 might be entire utility section
 - Question raised about deletion of word “improved” from “improved rights of way” in previous draft; not sure

Review proposed schedule and issues for 2013

Annie Szvetcz summarized Ecology’s thinking on how to organize the Phase 2 deliberations. Following a break, committee discussion/comments was:

- Annie and Neil both stressed the August deadline for filing a proposed rule; need that much lead time to make the December 31 deadline
- DNR had suggested 4 topics previously, Ecology will go back and review
- No subcommittees will be formed; if in-between work is needed, special conference calls will be scheduled and all members welcome to participate
- Committee does not want to divide up the five major topic areas (Cultural/Historic preservation, Public Notice, GMA/SEPA integration, Categorical Exemptions and Environmental Checklist) and schedule for individual meetings
 - All five topics will show on each agenda starting with next meeting, and iterative process will be used
 - This will allow topics dependent on other topics to be reviewed together, and a winnowing down of subject will occur
 - We'll consider having a "consent calendar" on each agenda, listing items that have been previously agreed to and unless someone objects those will not be further discussed
- Discussion about specific topics
 - Should focus first on topics specified by the legislation
 - Consider revising the non-project review form
 - Cultural resources impacts are not specified in legislation
 - But Committee agreed this is of high interest
 - Exemptions just passed don't equal "no net loss"

Wrap-up and Action Items

- Two presentations will occur at next meeting
 - Cultural/historic resources members will present on the regulatory framework that exists today
 - City and county members will present on the linkage (and lack thereof) between RCW 36.70B (Local Project Review Act) and SEPA
- Committee members have the following homework assignments, due to Fran Sant by 1/31/13:
 - Specific exemptions you believe need to be reviewed, and your rationale for doing so;
 - List of obstacles in way of SEPA/GMA integration; and
 - Issues you may have with specific questions in the environmental checklist.

Meeting adjourned at approximately noon.