

## SEPA Advisory Committee Meeting Notes October 2, 2012

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 and future meeting dates. This will be the last meeting before the draft rule is filed as a CR-102. This is because of Ecology's internal requirements to meet Washington State Administrative Procedures Act requirements.

### Reaction to proposed threshold levels

Each subcommittee member/alternate team had up to ten minutes to present their reaction to the proposed threshold levels sent out in advance. Only clarifying questions were allowed during this part of the meeting; substantive discussion would occur after these presentations.

*Note: this summary only attempts to capture the general flavor of comments and not the full substance; see the SEPA rule-making website for written materials provided by each team.*

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

#### *Cultural/historic preservation:*

- Need to address the front end
- The threshold numbers don't matter, the issue is location
- Idea of "findings" has potential but too vague
- Below ground findings:
  - Prior negative survey on file
  - No ground disturbance proposed
  - Only "sterile fill"
- Above ground: data sharing agreement should be in place

#### *Business:*

- Doesn't go far enough in implementing the legislation
- Proposal requires more process than exists today
- Present maximum levels should become default
- Local governments can take action to reduce
- Increased level above existing levels are not automatic

#### *Counties*

- Keep it simple for phase 1
- Leave existing language as much as possible
- Need more robust discussion on tier 2
- Need to address the notice issue
- Need to put off changing the criteria for adopting higher thresholds
- It's not worth taking the time to raise thresholds only a small amount
- Notice and criteria should be part of work program next year
- Like the checklist provisions
- Concerned about the electric utility provisions

### *Agriculture*

- Generally like the direction but some concerns
- Comfortable with the counties' original proposal
- Like the new tier 2 process
- Like the intent of the SEPA register for newly exempt but not sure what that is conveying to the public
- Support increasing the number in urban areas, reducing it in unincorporated areas

### *Cities*

- Proposal is a good starting point
- Disappointed in how conservative it is; more process but not significantly greater thresholds
- Proposed notice provisions don't address the problems that need to be solved
- New notice requirements should be deleted; expectations for this are unclear
- Acknowledge the issues for cultural/historic preservation, need to work on that

### *State agencies*

- Like the new notice ideas but concerned about notice with no ability to influence
- Checklist provisions good; need to add references to NEPA documents
- No state consensus on utilities; some concerns

### *Environmental*

- It's not correct that regulations are in place that deal with ALL impacts
- They support proposal b and its threshold levels, does what we're required to do
- Proposal A is a more complicated proposal, needs more work
- A new default level is controversial, new tiers need more work
- Eliminating notice is shutting people out
  - SEPA register idea doesn't address their concerns

*Utilities:* Nancy Atwood, Puget Sound Energy, was present and was asked to discuss their response to the utility section proposal

- 55Kv distribution was the normal level in the past
- Now the standard is 115Kv
- Ecology's proposal does not help them
  - First section degrades current exemption
  - Second section doesn't improve the exemption

The committee took a break around 11:00 am.

### **Substantive discussion**

The committee began discussing the proposal. Comments included:

- Are there examples of findings for cultural/historic preservation?
- If a local government is not going to the existing maximums, why is that the default?
- Several points were made about the maximum levels
- Seems like we spent two years to get five additional residential units exempted

- It's legitimate to look at different levels in GMA and non-GMA jurisdictions, given the additional work done by GMA jurisdictions
- Agriculture supports but the numbers should be flip-flopped; higher numbers inside UGAs due to presence of needed infrastructure

The committee asked for a break to caucus with members. During the break, several groups got together and jointly discussed the proposals. Following the break, it was announced that the following groups agree on a new proposal, (identified as proposal c):

- Environmental
- City
- County
- Business
- Agriculture

The proposal includes these points:

- Proposal B but increase the numbers
- Clearer articulation of the standard of law for adopting ordinances

The committee agreed with this proposal.

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

- Ecology will write up new proposal C in rule format and provide two quick review and comment periods for the committee. The cut-off period for internal submission of the rule language is October 16.
- The next meeting will be on November 13<sup>th</sup>. This meeting will provide an opportunity to review and discuss the proposal actually submitted by Ecology. NOTE: changes to the filed rule cannot be entertained at this meeting; any proposed changes from committee members will need to be formally submitted as part of the rule hearing/adoption process.