

Ecology's perspective on SEPA rule changes

October 16, 2013

Lands Covered By Water

- Goal: Updated definition of Lands Covered by Water
 - Definition update will continued to emphasize lands below the Ordinary High Water Mark (OHWM,) but with updated wetland definition similar to GMA and will not include some artificially created wetlands
 - Not proposing changing the definition to include buffers

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- Goal: Lands Covered by Water added Exemptions
 - Still considering bridges over nonfish streams – appears there would be no work below OHWM. Would proposal be subject to SEPA for other reasons?
 - Intend to include language allowing subdivision of parcels with lands covered by water when protections are in place to prevent development of the wetland/water portion of the parcel.

Land use decisions

- Goal: Type of land use permit should not be used to determine whether an action is exempt
 - Specific outcomes that will be sought:
 - No definition of land use decision
 - Rules will not refer to land use decisions as the basis for exemptions, but will focus on the actual project being proposed
 - Subsequent short subdivision of lands will be exempt
 - Rezones analyzed as part of comprehensive or sub-area plan will be exempt
 - The new flexible thresholds for subdivisions (beyond short plats) proposed by counties will not be included

Cultural Resources

- Key points from committee discussions:
 - SEPA has provided an important “gap filler” role in protection of cultural and historic resources.
 - There is opportunity to improve SEPA rule language on this topic, but we must avoid creating significant new procedural burdens.
 - Several ideas identified for rule amendments.

Ecology's response on the cultural/historic ideas:

- Checklist: Support clarifying “historic and cultural preservation” questions along the lines previously discussed.
- Planning level findings in 197-11-800(1):
 - Key interests seem generally OK with extending comment time to 60 days.
 - Requirements for raising the optional thresholds can be clarified.
 - DAHP resources will be used as examples, rather than as a mandate.
 - Cities have expressed concerns regarding liability and appropriate role of state agencies in local land use decisions.
- Demolition: We support clarifying applicability to demolition. “Eligible for listing” is too vague to be included.