

Categorical Exemption Proposals

	PROPOSED CHANGE/ADD SHOWN AS AN AMENDMENT TO THE WAC (PROPOSED CHANGES TO EXISTING STATUTE HIGHLIGHTED IN YELLOW; PROPOSED ADDS HIGHLIGHTED IN GREEN)	RATIONALE OR DESCRIPTION OF THE BENEFIT OF THE CHANGE/ADD (IF POSSIBLE, PROVIDE AN EXAMPLE OF A PROJECT/PROGRAM THAT WOULD BE AIDED BY THE PROPOSAL)	OTHER JURISDICTIONS OR INTERESTS BENEFITTING FROM CHANGE/ADD	Requester PRIORITY (High, Medium, Low)
	Generally, the existing WAC 197-11-800 should be reorganized and entirely rewritten in Plain English. There are many areas in which the statute’s language is confusing, unclear, unspecific, or archaic.	A good example of the confusing and unclear language is found at WAC 197-11-800(1) (Minor New Construction), as evidenced by the Washington State Department of Ecology’s clarification seen at http://www.ecy.wa.gov/programs/sea/sepa/exemptions_minor_construction.html	Every SEPA lead agency.	HIGH
	<p>WAC 197-11-800(23) Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.</p> <p>(a) All communications lines, including cable TV, but not including communication towers or relay stations;</p> <p>(b) All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight twelve inches or less in diameter.</p>	<p>There is no significant difference in environmental impacts between installation of 8-inch pipeline and 12-inch pipeline. Similar, if not identical, excavations and support equipment are used for the installation of both sizes of pipeline. While the specific trench excavation is required to be several inches wider and deeper for a 12-inch pipeline compared to an 8-inch pipeline, this small increase is inconsequential in the overall real width of the impacted area which is determined by the operational width of the machinery and the adjacent cast spoil pile of soil excavated from and returned to the trench. Reclamation and repaving are identical for both size pipelines. Therefore, the final area disturbed does not change as a result of an increase in waterline from 8-inch to 12-inch.</p> <p>The existing 8-inch threshold is overly burdensome to the public (local government taxpayers and public utility ratepayers) and does not provide any realized additional environmental benefit for the additional cost.</p> <p>Pipelines larger than 8 inches are often required to meet fire-flow requirements. Restricting the exemption to 8 inches is an unnecessary and burdensome restriction on ensuring adequate fire protection for public safety.</p> <p>Increasing the categorical exemption for storm water, water and sewer lines from 8 inches or less to 12 inches or less will bring the SEPA exemptions more in line with SEPA exemptions for other utilities. For example, natural gas utilities are categorically exempt for ALL distribution mains and many of these natural gas systems have mains up to 16 inches in diameter. The installation of all communication lines including cable TV and underground electric utility</p>	Washington Water Utilities Council, Seattle City Light and other City departments, and other non-City lead agencies.	HIGH; However, SPU believes that simply increasing the threshold to 12 inches fails to accurately capture those pipeline projects known to have no significant environmental impacts. SPU believes Item Number 4 more realistically captures such projects and recommends adding this new exemption in addition to raising the pipe diameter threshold to 12 inches in this existing exemption.

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		<p>transmission lines are ALL categorically exempt, regardless of size. Often these communication and electric lines are constructed in a joint trench that may be 4 to 5 feet in width. The impacted footprint of these other utilities' underground operations is equal to or greater than the installation of a 12-inch pipeline. Categorical exemptions should be brought to a parity for all utilities by increasing the categorical exemption for storm water, water and sewer lines to twelve inches or less</p> <p>Water pipeline construction projects are now subject to new stormwater requirements based on either local government stormwater programs, clearing and grading ordinances, or the state's general stormwater permit program for municipal and construction stormwater. Water pipeline construction projects now include the various Best Management Practices necessary to comply with these stormwater requirements. Even if the construction of a 12 inch water pipeline was exempt from SEPA, the project would still be subject to compliance with applicable stormwater regulations.</p>		
	<p>WAC 197-11-800(2) Other minor new construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required. <u>.- This section is not intended to apply only to publicly owned transit agencies.</u></p>	<p>There is uncertainty regarding the State's intent of this section as it applies to use by agencies other than publicly owned transit agencies. In the City of Seattle, the City Attorney's Office has advised SPU that WAC 197-11-800(2)(c), specifically, should be used by publicly owned transit agencies only. While not a transit agency, SPU would benefit from the use of this exemption to cover the installation of permeable pavements, catch basins, culverts, and so forth. Explicit clarification that this exemption is not so-restricted would be beneficial for many SPU projects.</p>	<p>Seattle City Light and other City departments, and perhaps other non-City lead agencies.</p>	<p>HIGH</p>
	<p>ADD: Pipelines and Conduits in Rights-of-way. Any project less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline/conduit and associated appurtenances or the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, removal, demolition, or abandonment of an existing pipeline/conduit and associated appurtenances. For purposes of this section, "pipeline/conduit" includes subsurface facilities but does not include any surface (aboveground) facility related to the operation of the underground facility.</p>	<p>Existing pipelines and conduits located in streets/rights-of-way are located in environments that have already been disturbed and permanently modified. A high percentage of SPU projects are located within public streets and rights-of-way. In 2012 to date, for example, five projects with DNS threshold determinations would have been captured by such an exemption. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, for example, exempt from the California Environmental Quality Act (CEQA) (California Public Resources Code 21080.21); Massachusetts Environmental Policy Act (MEPA) [Code of Massachusetts Regulations 11.00(5)(b)]; and the New York Environmental</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>HIGH</p>

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		Quality Review Act (NYEQRA) (New York Codes and Regulations Title 6 Part 617.5).		
	<p>WAC 197-11-800(2)(f): Except for structures or facilities with recognized historical significance, the demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance, and demolition and removal of the following individual structures:</p> <p>(1) One single-family residence. In urban growth areas, up to three single-family residences may be demolished in a single proposed action under this exemption;</p> <p>(2) One duplex or similar multifamily residential structure. In urban growth areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished in a single proposed action;</p> <p>(3) One store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urban growth areas, the exemption also applies to the demolition of up to three such commercial buildings in a single proposed action on sites zoned for such use;</p> <p>(4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, pavement, and fences.</p>	<p>WAC 197-11-800(B)(6) addresses demolition of existing structures but the rationale in limiting demolition to structures that would be exempted by subsections A and B is not apparent. This change broadens the scope of the exemption and provides clarity on use of the exemption.</p> <p>SPU routinely demolishes structures (three of four projects per year) and this clarification would make the planning and implementation for such activity more predictable and efficient. Demolition activity is regulated by local land use codes and Puget Sound Air Quality Authority. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15301), for example.</p>	Seattle City Light and other City departments, and other non-City lead agencies.	HIGH
	<p>WAC 197-11-800(23)(e): All developments activities within the confines of any existing electric substation, reservoir, pump station, vault, pipe, or well: Provided, that additional appropriations of water are not exempted by this subsection, but that any changes in water flow volumes, rates, and destinations resulting from those activities are exempted.</p>	Clarifications.	Seattle City Light and other City departments, and other non-City lead agencies.	HIGH
	<p>ADD: Solar Energy Systems. Except as provided in subdivision (c), any installation of a solar energy system on the roof of an existing building, at an existing parking lot, or on a closed sanitary landfill.</p> <p>(a) For the purposes of this section, the following terms mean the following:</p>	Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (California Public Resources Code 21080.35), for example. SPU and other City departments (e.g. Seattle City Light) are increasingly exploring use of solar arrays as part of the City's effort to reduce its greenhouse gas emissions and	Seattle City Light and other City departments, and other non-City lead agencies.	MEDIUM

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	<p>(1) "Existing parking lot" means an area designated and used for parking of vehicles as of the time of the application for the solar energy system and for at least the previous two years;</p> <p>(2) "Closed sanitary landfill" means a former municipal solid waste landfill whose owner or operator has taken actions to cease disposal operations and to ensure that the landfill was closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period;</p> <p>(3) "Solar energy system" includes all associated equipment. Associated equipment consists of parts and materials that enable the generation and use of solar electricity or solar-heated water, including any monitoring and control, safety, conversion, and emergency responder equipment necessary to connect to the customer's electrical service or plumbing and any equipment, as well as any equipment necessary to connect the energy generated to the electrical grid, whether that connection is onsite or on an adjacent parcel of the building and separated only by an improved right-of-way. "Associated equipment" does not include a substation.</p> <p>(b) (1) Associated equipment shall be located on the same parcel of the building, except that associated equipment necessary to connect the energy generated to the electrical grid may be located immediately adjacent to the parcel of the building or immediately adjacent to the parcel of the building and separated only by an improved right-of-way;</p> <p>(2) Associated equipment shall not occupy more than 500 square feet of ground surface and the site of the associated equipment shall not affect species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).</p> <p>(c) This section does not apply if the associated equipment would otherwise require one of the following:</p> <p>(1) An individual federal permit pursuant to Section 401 or 404 of the federal Clean Water Act (33 U.S.C. Sec. 1341 or 1344);</p> <p>(2) An individual take permit for species protected under the federal</p>	<p>comply with Washington State's climate policy laws and executive orders. Capturing solar projects in these environments as SEPA-exempt would also have the effect of additionally incentivizing the installation of solar arrays.</p>		

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	<p>Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.); (3) A Washington State Hydraulic Project Approval.</p> <p>(d) This section does not apply if the installation of a solar energy system at an existing parking lot involves either of the following:</p> <p>(1) The removal of a tree required to be planted, maintained, or protected pursuant to local, state, or federal requirements, unless the tree dies and there is no requirement to replace the tree.</p> <p>(2) The removal of a native tree over 25 years old.</p> <p>(e) This section does not apply to any transmission or distribution facility or connection.</p>			
	<p>ADD: Existing Facilities [replacing portions of WAC 197-11-800 (3)]. The operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects that might fall within this exemption. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:</p> <p>(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;</p> <p>(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;</p> <p>(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety);</p> <p>(d) Restoration or rehabilitation of deteriorated or damaged structures,</p>	<p>WAC 197-11-800(3) references "repair, remodeling, maintenance, or other minor alteration" but the intent and scope needs to be more clearly stated. Also, the "lands covered by water" exception to the exemption unduly disqualifies many projects with nominal or no environmental effects, particularly in light of the mitigation and protection afforded aquatic resources by current federal, state, and local regulations. This Add specifically captures small additions to existing buildings, landscape installation and vegetation management, and minor modifications to dams. SPU routinely conducts many of these projects. For example, SPU has facilities located throughout its service areas that require landscape maintenance and vegetation management. SPU also owns and manages numerous buildings that require maintenance, upgrades, and alterations or various kinds. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15301), for example.</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>MEDIUM</p>

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	<p>facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;</p> <p>(e) Additions to existing structures provided the addition will not result in an increase of more than:</p> <p>(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or</p> <p>(2) 10,000 square feet if:</p> <p>(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the governing comprehensive plan and</p> <p>(B) The project is not located is an environmentally critical area.</p> <p>(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;</p> <p>(g) New copy on existing on and off-premise signs;</p> <p>(h) Installation of new landscaping including replacement of existing landscaping, and maintenance of existing landscaping and native vegetation;</p> <p>(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources regardless of a proposed action’s requirement to obtain a federal Clean Water Act permit or Washington State Hydraulic Approval, or Endangered Species Act permit or approval;</p> <p>(j) Minor repairs and alterations to existing dams and appurtenant structures under the jurisdiction and supervision of the Washington State Department of</p>			

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	Ecology.			
	<p>ADD: Replacement or Reconstruction. Replacement or reconstruction of existing structures and facilities where the new structure will be located on essentially the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:</p> <p>(a) Replacement of a structure with a new structure of substantially the same size, purpose, and capacity;</p> <p>(b) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;</p> <p>(c) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to condition existing prior to the undergrounding.</p>	<p>SPU owns numerous buildings and other structures, some of which occasionally require replacement with structures having the same purpose and capacity. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15302), for example.</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>MEDIUM</p>
	<p>ADD: New Construction or Conversion of Small Structures. Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:</p> <p>(a) Accessory (appurtenant) structures including garages, carports, patios, storage buildings, pavement, and fences;</p> <p>(b) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such new construction or conversion of small structures.</p>	<p>SPU routinely has a need to construct small structures such as fences and storage buildings. This Add would make the planning and implementation for such activity more predictable and efficient. Elsewhere, such projects have been determined to have no significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15303), for example.</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>MEDIUM</p>
	<p>ADD. Minor Alterations to Land. Minor public or private alterations in the condition of land, water, and/or vegetation that do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.</p>	<p>SPU routinely conducts minor alterations to land for purposes of maintaining its open drainage system, for example. Also, the “lands covered by water” exception to the exemption unduly disqualifies many projects with nominal or</p>	<p>Seattle City Light and other City departments, and</p>	<p>MEDIUM</p>

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	Examples include, but are not limited to: (a) Filling of earth into previously excavated land with material compatible with the natural features of the site; (b) Minor trenching and backfilling where the surface is restored; (c) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.	no environmental effects, particularly in light of the mitigation and protection afforded aquatic resources by current federal, state, and local regulations. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15304), for example.	other non-City lead agencies.	
	ADD: Small Hydroelectric Projects at Existing Facilities. Installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where: (a) The capacity of the generating facilities is 5 megawatts or less; (b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to: (1) Rate and volume of flow; (2) Temperature; (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life; and (4) Timing of release. (c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right-of-way and will not be located adjacent to a designated Wild or Scenic River; (d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment; (e) There will be no significant upstream or downstream passage of fish affected by the project;	SPU is contemplating the use of in-pipe power generation for its gravity-driven water transmission and distribution pipelines. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15328), for example.	Seattle City Light and other City departments, and other non-City lead agencies.	MEDIUM

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	<p>(f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure;</p> <p>(g) The project will not cause violations of applicable state or federal water quality standards;</p> <p>(h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and</p> <p>(i) This section does not apply if the project would otherwise require an individual take permit for species protected under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).</p>			
	<p>ADD: Historical Resource Restoration/Rehabilitation. Maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of designated historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer 1995).</p>	<p>SPU owns, uses, and maintains numerous designated structures and other historical resources. This Add would make the planning and implementation for such activity more predictable and efficient. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15331), for example.</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>MEDIUM</p>
	<p>ADD: Extension of utility distribution facilities. Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list of exemptions.</p>	<p>SPU installs numerous utility distribution facilities throughout its service areas, including water services and sewer connections of various sizes and lengths. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from NYEQRA (New York Codes and Regulations Title 6 Part 617.5), for example.</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>MEDIUM</p>
	<p>WAC 197-11-800 (26) (Watershed restoration projects). Actions pertaining to watershed restoration projects as defined in RCW 89.08.460(2) are exempt, provided, they implement a watershed restoration plan which has been reviewed under SEPA (RCW 89.08.460(1)). In addition, projects not exceeding five acres in size and designed to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife are exempt, provided that:</p> <p>(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.);</p>	<p>This exemption is highly restrictive and should be expanded to capture more restoration actions, particularly in light of the mitigation and protection afforded aquatic resources by current federal, state, and local regulations. Elsewhere, such projects have been determined to not to have a significant effect on the environment and are, therefore, exempt from CEQA (CEQA Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15331), for example.</p>		<p>MEDIUM</p>

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	<p>(b) There are no hazardous materials at or around the project site that may be disturbed or removed; and</p> <p>(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</p> <p>(d) Examples of small restoration projects may include, but are not limited to:</p> <p>(1) revegetation of disturbed areas with native plant species;</p> <p>(2) wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;</p> <p>(3) stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;</p> <p>(4) projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment;</p> <p>(5) stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and</p> <p>(6) culvert replacement conducted in accordance with published guidelines of the Washington Department of Fish and Wildlife or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.</p>			
	<p>WAC 197-11-800(2)(c): ...application of Washington state department of agriculture approved herbicides <u>registered for use in the State of Washington</u> by ...</p>	<p>Clarification.</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>LOW</p>
	<p>WAC 197-11-800(23)(f): ... <u>registered for use in the State of Washington approved by the Washington state department of agriculture</u>... in accordance with WAC <u>248-54-660</u>.</p>	<p>Clarification. Also, 248-60-66- was repealed by 83-19-002 (Order 266), filed 9/8/83.</p>	<p>Seattle City Light and other City departments, and other non-City lead agencies.</p>	<p>LOW</p>
	<p>WAC 197-11-800(24)(h): ... approved by the Washington state department of</p>	<p>Clarification.</p>	<p>Seattle City Light and</p>	<p>LOW</p>

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	agriculture registered for use in the State of Washington		other City departments, and other non-City lead agencies.	
	<p>WAC 197-11-800 Categorical Exemptions.</p> <p>(23) Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.</p> <p>(a) All communications lines, including cable TV, but not including communication towers or relay stations.</p> <p>(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight twelve inches or less in diameter.</p>	<ul style="list-style-type: none"> • There is no significant difference in environmental impacts between installation of 8-inch pipeline and 12-inch pipeline. Similar, if not identical, excavations and support equipment are used for the installation of both sizes of pipeline. While the specific trench excavation is required to be several inches wider and deeper for a 12-inch pipeline compared to an 8-inch pipeline, this small increase is inconsequential in the overall real width of the impacted area which is determined by the operational width of the machinery and the adjacent cast spoil pile of soil excavated from and returned to the trench. Reclamation and repaving are identical for both size pipelines. Therefore, the final area disturbed does not change as a result of an increase in waterline from 8-inch to 12-inch. • The existing 8-inch categorical exemption is overly burdensome to the public (local government taxpayers and public utility ratepayers) and does not provide any realized additional environmental benefit for the additional cost. • Typically, pipelines larger than 8 inches are now required to meet fire-flow requirements for in-structure fire sprinkler systems and fire hydrants, not to meet water supply demand. Recent proposed legislation and proposals to the State Building Code Council have promoted the use of indoor sprinkler systems for all new residential housing. In addition, many local governments have revised their fire protection policies and support the installation of adequate fire protection both within and outside of the UGA. Restricting the categorical exemption to 8-inches is an unnecessary and burdensome restriction on ensuring adequate fire protection for human health. • Increasing the categorical exemption for storm water, water and sewer lines from 8 inches or less to twelve inches or less will bring the SEPA 	Washington Water Utilities Council, Cities, Counties	

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		<p>exemptions more in line with SEPA exemptions for other utilities. For example, natural gas utilities are categorically exempt for ALL distribution mains and many of these natural gas systems have mains up to 16-inches in diameter. The installation of all communication lines including cable TV and underground electric utility transmission lines are ALL categorically exempt, regardless of size. Often these communication and electric lines are constructed in a joint trench that may be 4 to 5 feet in width. The impacted footprint of these other utilities' underground operations is equal to or greater than the installation of a 12-inch pipeline. Categorical exemptions should be brought to a parity for all utilities by increasing the categorical exemption for storm water, water and sewer lines to twelve inches or less</p> <ul style="list-style-type: none"> Water pipeline construction projects are now subject to new stormwater requirements based on either local government stormwater programs, clearing and grading ordinances, or the state's general stormwater permit program for municipal and construction stormwater. Water pipeline construction projects now include the various Best Management Practices (BMPs) necessary to comply with these stormwater requirements. Even if the construction of a 12" water pipeline was exempt from SEPA, the project would still be subject to compliance with applicable stormwater regulations. 		
	<p>197-11-800 (1) and (2): Preamble: ...except where a rezone or any license governing emissions to the air or discharges to water is required (not including NPDES construction stormwater general permits):</p>	<ul style="list-style-type: none"> This is proposed to be added to the preamble to each subsection to allow new construction activities to be exempt even if they trigger an NPDES construction stormwater general permit. Discharges to water are highly regulated and subject to NPDES construction stormwater general permit conditions, which require BMPs to be implemented to control stormwater onto and off of construction sites. Stormwater codes address flow control and treatment requirements for these projects already. A SEPA review doesn't add any protections to water quality and the NPDES construction stormwater general permit has a public notice requirement. This also prevents otherwise categorically exempt projects (separated in 	State and local public agencies, private development and construction interests	

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		terms of time and geography) from triggering a SEPA threshold determination through an NPDES construction stormwater general permit because they are grouped under one construction contract. (A construction stormwater general permit is currently triggered for “bundles” of projects under once construction contract if their combined ground disturbance is an acre or more, regardless of whether they are related or in proximity to each other.)		
	WAC 197-11-800(2) (b) The construction and/or installation of commercial on-premise signs, and public signs and signals that serve the public interest.	<ul style="list-style-type: none"> This is to allow an exemption for the installation of any signs that serve the public interest, such as directional signs to a hospital or other major public institutions. 	Major public or private institutions; public agencies	
	<p>197-11-800 (2)(c): The construction or installation of minor road and street improvements such as:</p> <p>(i) pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, and energy attenuators;</p> <p>(ii) transportation corridor landscaping, including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;</p> <p>(iii) temporary traffic controls and detours, correction of substandard curves and intersections, widening of a highway by less than a single lane width, and adding auxiliary lanes for localized purposes (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;</p> <p>(iv) channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and</p> <p>(v) reconstruction of existing roadbed (existing curb to curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths within existing public rights-of-way, but not including additional automobile lanes.</p>	<ul style="list-style-type: none"> This breaks down this long list of activities considered exempt under 197-11-800 (2)(c) to clarify what activities are subject to which exceptions to these exemptions. Proposed clarification for the group of activities under paragraph (iii) to show that these activities are exempt unless they significantly increase capacity or require new right of way Proposed clarification for the group of activities under (v) to include reconstruction of existing roadbed under maintenance (WAC 197-11-800 (3) – see below) and clarify that this group of activities is exempt as long as they take place within the existing public right of way. 	State and local public agencies (primarily DOTs)	
	<p>197-11-800 (3): Repair, remodeling and maintenance activities. The following</p>	<ul style="list-style-type: none"> This is to clarify that incidental filling and grading activities associated 	State and local public	

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	<p>activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, <u>public rights-of-ways</u>, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). <u>Grading, excavating, filling, and landscaping necessary for any activity under this section is considered exempt.</u> The following maintenance activities shall not be considered exempt under this subsection:</p> <p>(a) Dredging;</p> <p>(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or</p> <p>(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.</p>	<p>with maintenance activities are not subject to the cubic yard volume limit in WAC 197-11-800 (1)(a)(v).</p> <ul style="list-style-type: none"> • This adds consistency with WAC 197-11-800 (2)(d), which exempts filling and grading from new construction activities considered exempt under WAC 197-11-800 (1) and (2). • Filling, grading, and excavation activities not associated with maintenance activities or minor new construction activities, such as a new landfill, will still be subject to a SEPA threshold determination if large enough. • This would help SDOT projects such as landslide repairs, roadway reconstructions, and even bridge repairs with ancillary excavation activities that, depending on the interpretation of the existing code, may trigger a SEPA threshold decision. • The addition of “roadways” would compliment changes made to WAC 197-11-800 (2)(c) so that roadway repairs and reconstruction that don’t add new ped or bike facilities are covered here under maintenance. 	<p>agencies, private development and construction interests</p>	
	<p>197-11-800(24) Natural Resource Management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:</p> <p>(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.</p> <p>(b) Licenses or approvals to remove firewood.</p> <p>(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.</p> <p>(d) Issuance of leases for Christmas tree harvesting or brush picking.</p> <p>(e) Issuance of leases for school sites.</p>	<ul style="list-style-type: none"> • Lack of clarity in existing WAC is problematic for municipalities desiring to limit tree and vegetation removal by requiring permits prior to removal of trees and vegetation. Existing regulations could be interpreted to say that SEPA is required for every permit because there is no explicit exemption. Requiring SEPA for every permit would make such a system impossible to implement and prevent municipalities from being about to limit tree and vegetation removal. 2 acres is a draft threshold that is meant to be consistent with the only area standard in the forest class practices WAC [222-16-050(3)(r)(iii)]. Municipalities would be able to set lower thresholds in ECAs. An alternative might be to clarify forest practice WAC and explain how they interact. 	<p>Municipalities wishing to limit tree and vegetation removal through permit requirements.</p>	

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	<p>(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.</p> <p>(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.</p> <p>(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.</p> <p>(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.</p> <p>(j) <u>Issuance of permits to prune, remove, or plant trees and vegetation impacting less than 2 acres within urban growth areas and outside of forest lands defined in RCW 36.70A.</u></p> <p><u>(k) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.</u></p>			