

January 2013 SEPA Rulemaking
Draft List of Topics 2013 Rulemaking
1/7/13

Note: The end of July 2013 is the target date for the completion of main phase of Advisory Group input on the next phase of rule amendments. The draft rule (CR 102) will need to be filed in August.

A. Priorities –based on 2012 legislation and advisory group feedback

1. Improve public notice process
2. Further update categorical exemptions, and at a minimum:
 - a. “Create exemptions” for minor code amendments (*legislative requirement for rulemaking in addition to the new statutory exemptions related to this*)
 - b. Review and update exceptions to exemptions
 - c. Update exemptions for other project types (*besides those in 2012 rulemaking*)
3. Improve SEPA’s role when considering cultural impacts in general, and in light of increased exemptions
4. Consider GMA/SEPA integration to further the goals of RCW 43.21C.240 (*legislation mentions this but nothing specific has been identified yet*)
5. Consider changes to questions on the Environmental Checklist
 - a. Consider revising checklist to “ensure” consideration of impacts to agricultural lands of significance and related resources (*per SB 6082*)
 - b. Consider changes to cultural resource questions
 - c. Consider removing checklist from administrative rule so it can be updated regularly

B. Other issues –based on Phase 1 comments, Advisory Group feedback, and Ecology’s experience with technical assistance, and other minor housekeeping needs

1. Use of existing documents and NEPA/SEPA integration
 - a. When and how can SEPA reviews be revised?
 - b. When and how existing SEPA or NEPA documents should be adopted
2. Non-project proposals –update and improve this SEPA process, finish work on a separate checklist or other tool?
3. Review the use of “nonexempt license” “nonexempt proposal” and “nonexempt permit” in the rule and propose clarification.
4. Remove list of “agencies with expertise” from rule and put in guidance.
5. Review and update SEPA Model Ordinance and consider removing this from rule and including it in SEPA Handbook or other guidance.
6. Review lead agency designations and consider updates and clarifications
 - a. Update size of small cities and counties option to defer to state agency to be lead
 - b. Clarify that any local agency with jurisdiction (including special districts) is designated the SEPA lead before a state agency (this is implied but not stated in rule).
 - c. Update subsection related to “special proposals” in 197-11-938