



October 1, 2012

Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Attn: Fran Sant, [fran.sant@ecy.wa.gov](mailto:fran.sant@ecy.wa.gov)

Re: Preliminary Draft Proposed changes to WAC 197-11

Dear Ms. Sant:

Thank you for the opportunity to comment on the preliminary draft proposed changes to WAC 197-11. At this time, our utilities are concerned about the proposal and respectfully request your consideration of the changes outlined in this letter.

As you know, the Legislature passed Senate Bill 6406 and directed the Department of Ecology to update its categorical exemptions to the State Environmental Policy Act in light of the increased environmental protections in place under chapters 36.70A and 90.58 RCW, and other laws. Specifically, related to the utility sector, the Department is directed to “increase the existing maximum threshold levels for the following project types: the installation of an electric facility, lines, equipment or appurtenances, other than substations.” As a result, the Department has convened an advisory group to review the proposed changes and discuss the issue with the utility sector. We appreciate this outreach.

We, however, have concerns with the proposal. As you know, the text of the proposal is, as follows:

**Proposed Rule Amendments**

**WAC 197-11-800(23) (excerpt of amended section)**

(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. . . . (c) All electric facilities, lines, equipment or appurtenances, not including substations, **installed within existing improved rights-of-way and developed utility corridors**, with an associated voltage of ~~55,000~~ **115,000** volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (~~more than 55,000 volts~~ **up to 115,000 volts**) **installed within existing improved rights-of-way and developed utility corridors**; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

It is our view that the proposal actually has the effect of contracting and limiting the current categorical exemption because, with this proposed language, new constraints have been placed

on the installation of facilities with a voltage of 55,000 or less where there were not limitations before. We respectfully request that the proposed modifications applying to 55,000 volts or less be removed and the categorical exemption applying to 55,000 volts or less be retained as currently included in the rules.

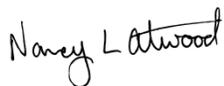
Moreover, we strongly encourage that the language be expanded to allow the development of facilities up to 115,000 volts without the limitations of the facility “being installed within existing improved rights-of-way and developed utility corridors.” We understand that many counties have not yet designated utility corridors as required under the Growth Management Act (Chapter 36.70A), and where corridors have been designated, they have yet to be “developed”. Additionally, many utilities across the state are upgrading aging electric lines to 115,000 to increase electric reliability and meet current and future demand for power for Washington customers. There is very little discernable difference between the 55,000 volt and 115,000 volt systems. The poles are typically the same height, the wires are approximately the same size, and the insulators between the poles and the wires are only slightly larger.

The legislative intent behind passage of Senate Bill 6406 directing the Department of Ecology to expand its categorical exemptions was to allow utilities to keep their basic infrastructure up-to-date without unnecessarily adding to the workload of local governments, especially as other environmental laws serve as a review for lines that cross through waterways and other protected areas. Therefore, we respectfully urge the Department to consider the following language:

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of ~~55,000~~ **115,000** volts or less; and the overbuilding of existing distribution ~~lines (55,000 volts or less)~~ with **and** transmission lines (~~more than 55,000~~ **up to and including 115,000** volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

Thank you for considering this request. Please feel free to contact our company representatives with any questions you might have.

Sincerely,



Nancy Atwood  
Sr. State Government Relations Representative  
Puget Sound Energy

Collins Sprague

Collins Sprague  
Government Relations Director  
Avista Corp.



Dave Warren  
Energy Services Director  
Washington PUD Association



Scott Bolton  
Government Affairs Vice President  
PacifiCorp