TO: **Department of Ecology**
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DATE: October 3, 2013

Subject: WSDOT's comments on Ecology's discussion draft materials circulated on 9-10-2013

I am providing these comments in response to Ecology's request for input from the stakeholder advisory group. I've solicited input from others within my agency (primarily staff who review local agency SEPA actions across the state, and those who comply with SEPA on WSDOT's proposed actions). I really appreciate Ecology's work to bring preliminary drafts together and solicit input. Please contact me if you have any questions.

As part of the SEPA Rule Advisory Committee, WSDOT has been tracking the all of the discussions. The issues that we are most keenly interested in are changes in notice through SEPA, increased exemption thresholds, updates that clarify terms, improve and streamline the implementation of SEPA.

Comments Regarding Flexible Thresholds

Flexible thresholds is an important part of this round of rulemaking. The Washington State Department of Transportation (WSDOT) is very interested in working with local agencies so that impacts to state transportation facilities as well as impacts on the local network are assessed (see WSDOT's letter dated December 10, 2012). WSDOT encourages local agencies to consider traffic impacts on the state system as part of local development review processes and when deciding whether or not an action is exempt.

Through this round of rulemaking we advise Ecology to create consistent notice and define adequate documentation. Regarding flexible thresholds:

- WSDOT requests an increase from 21 to 60 days to review proposals to increase thresholds (21 days is not adequate).
- WSDOT requests Ecology provide for consistent notice of local actions to increase thresholds (currently published in various forms, not all are posted on the SEPA Register).
- WSDOT suggests "number of trips generated" as an alternative to "number of parking stalls" (see WSDOT's stakeholder input 10/9/12).

WSDOT appreciates the draft rule language that spells out how findings demonstrate protection of cultural resources (draft WAC 197-11-800 (1)(c)(iv)). Either in this rule update or in jointly developed guidance, WSDOT asks that proposals to adopt higher thresholds include adequate documentation of how the potential impacts on the state system are (or will be) considered. As we've discussed previously, WSDOT doesn't have set traffic numbers that trigger a detailed review, instead, we rely on the estimated number of trips, LOS and/or accident history of the section of impacted highway. We offer two resources as a starting point:

1. Use the latest edition of the Institute of Transportation Engineers' (ITE) publication, "Trip Generation" to assess a project's traffic impacts. There is a section of this manual that deals with estimating trip generation for generalized land uses (useful at the planning level). The ITE Trip Generation Manual is a common resource available for

purchase:
http://www.ite.org/emodules/scriptcontent/Orders/ProductDetail.cfm?pc=IR-016G.

2. Consider WSDOT's thresholds for determining probable significant adverse impacts. WSDOT uses vehicular trip thresholds, level of service thresholds, channelization thresholds, and safety thresholds when reviewing land use proposals. See Chapter 4 of the Development Services Manual
http://www.wsdot.wa.gov/Publications/Manuals/M3007.htm

Comments Regarding Rezone

WSDOT has some concerns regarding the draft proposal to make property rezones exempt from SEPA for those actions that were covered by a "comprehensive plan." We do see a streamlining benefit to the subarea plan language (provided the subarea plan proposal adequately considered state resources); however, we question whether comprehensive plan-level review is likely to have anticipated a rezone and to have adequately considered its impacts. Simply put, the comp plan review is at such a broad scope (or "low resolution") that in most cases it won't be adequate to assess the future impacts of a rezone. We offer the following text to address this concern.

WSDOT recommends the "comprehensive plan" be removed, and the following edits to the current draft text be considered:

(1) **Minor new construction - Flexible thresholds.**
(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone for which the potential impacts were not previously analyzed in environmental review conducted for a ~~comprehensive plan~~ or sub-area plan or any non-exempt license governing…

(6) ~~**Minor l**~~ **Land use decisions.** The following land use decisions shall be exempt:
(c) Rezones where the potential impacts were previously analyzed in environmental review conducted for sub-area plan, or project-specific rezones in which the resultant project is also exempt under sections (1)and(2) Minor new construction. ~~where the potential impacts were previously analyzed in environmental review conducted for a comprehensive plan or sub-area plan.~~

Comments Regarding Streamlining SEPA

WSDOT supports Ecology's efforts in this rulemaking to modernize SEPA (Like efforts to reduce unnecessary paperwork, improve electronic filing and record-keeping). WSDOT also supports the language added to clarify maintenance of transportation facilities in WAC 197-11-800 (3).

At the August 15 meeting, we shared two additional suggestions that would streamline the delivery of minor transportation improvements: First, clarify the application of the emergency exemptions (we think the emergency clarification may fit better in statute than in rule). Second, reduce the duplication

between SEPA and NEPA for projects that are categorically exempt. We roughed out the following for use of National Environmental Policy Act (NEPA) compliance documents:

> Consider adding an exemption in 800: after (19) Procedural, add (20) **National Environmental Policy Act (NEPA)** Any project with federal and state actions that qualify for a NEPA categorical exclusion according to the federal agency's environmental procedures shall be exempt.

Lastly, our WSDOT SEPA folks are looking at the proposed new process step for draft and final DNS – modeled after ODNS by locals. *Comments are pending.*

Checklist – Recommend changes to Question 14

WSDOT submits the following draft changes for Ecology's consideration:

14. **Transportation**

a. Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

c. How many parking spaces would the completed project or proposal have? How many would the project or proposal eliminate?

d. Will the proposal require any new roads, ~~or~~ streets, pedestrian or bicycle facilities, or state transportation facilities, or improvements to existing roads, ~~or~~ streets, pedestrian or bicycle facilities, or state transportation facilities not including driveways? If so, generally describe (indicate whether public or private).

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

f. Use the ITE Trip Generation Manual, or locally available data to estimate how many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks.

g. Proposed measures to reduce or control transportation impacts, if any:

Rationale for changes to Question 14: A meaningful analysis of traffic impacts to state transportation facilities can be done at the planning level (this is even more crucial if agencies are not intending to analyze and mitigate impacts at the project level). We think including the phrases "or affected geographic area" and "or proposal" in the text reinforces the applicability of these questions to nonproject proposals which may help compensate for some lost opportunities to comment on newly exempt actions at the project level. This does not change one's ability to answer the general, supplemental questions for non-project actions in Part D of the checklist when an agency is intending to address traffic impacts at the project level. And, it helps an agency ensure traffic impacts are understood if an agency does not intend to further define traffic impacts beyond the planning level review.

Additional suggestions

- Where appropriate, review the draft rule proposals so the language provides streamlining for all SEPA lead agencies (not only local lead agencies).
- Consider implementation issues from the perspective of project proponents (example: is the information available to answer the checklist?). Clearly worded rule will help reduce the amount of new guidance needed to implement it.
- With input from the advisory committee, develop a path for the work on improving notice "by other means". Related to the these sections of 6406:

> *(ii) Ensure that state agencies and other interested parties can receive notice about projects of interest through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW;*
>
> *and (iii) Ensure that federally recognized tribes receive notice about projects that impact tribal interests through notice under chapter 43.21C RCW and means other than chapter 43.21C RCW.*