

STATE ENVIRONMENTAL POLICY ACT POLICIES AND PROCEDURES

Section 1.0 Policies and Authority.

- 1.1** The District adopts these policies and procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, Chapter 197-11 Washington Administrative Code ("WAC").
- 1.2** The District's SEPA policies and procedures were amended on November 10, 2004. As so amended, the District's SEPA policies and procedures are hereby restated in their entirety.
- 1.3** The SEPA Rules set forth in Chapter 197-11 WAC must be used in conjunction with these policies and procedures. These policies and procedures are intended to be and shall be construed in a manner which is consistent with the SEPA Rules set forth in Chapter 197-11 WAC. Any inconsistencies will be resolved in favor of the applicable SEPA Rules.

Section 2.0 General Requirements.

- 2.1 Purpose and Adoption by Reference.** This section contains the basic requirements that apply to the SEPA process. The District adopts by reference the following sections or subsections of Chapter 197-11 WAC:

- WAC 197-11-040: Definitions
 - 050: Lead Agency
 - 055: Timing of the SEPA Process
 - 060: Content of Environmental Review
 - 070: Limitations of Actions During SEPA Process
 - 080: Incomplete or Unavailable Information
 - 090: Supporting Documents
 - 100: Information Required of Applicants
 - 220: SEPA/GMA Definitions
 - 230: Timing of an Integrated GMA/SEPA Process

- 232: SEPA/GMA Integration Procedures for Preliminary Planning, Environmental Analysis, and Expanded Scoping
- 235: Documents
- 250: SEPA/Model Toxics Control Act Integration
- 253: SEPA Lead Agency for MTCA Actions
- 256: Preliminary Evaluation
- 259: Determination of Nonsignificance for MTCA Remedial Action
- 262: Determination of Significance for MTCA Remedial Action
- 265: Early Scoping for MTCA Remedial Actions
- 268: MTCA Interim Actions

2.2 Additional Definitions. In addition to the definitions referenced in Section 2.1.1 and Section 8.0, when used in these procedures, the following terms shall have the following meanings, unless the context indicates otherwise:

2.2.1 District. "District" means the Lake Stevens School District No. 4, Snohomish County, State of Washington.

2.2.2 DOE. "DOE" means the Department of Ecology.

2.2.3 SEPA Rules. "SEPA Rules" means Chapter 197-11 WAC as adopted and amended by the Department of Ecology.

2.2.4 Superintendent. "Superintendent" means the Superintendent of the District.

2.3 Designation of Responsible Official

2.3.1 If the District is the lead agency for a proposal, the responsible official shall be the Superintendent or the Superintendent's designee.

2.3.2 If the District is the lead agency for a proposal, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement ("EIS"), and perform any functions assigned to the "lead agency" or "responsible official" by these policies and procedures.

2.3.3 The District shall retain all documents required by these provisions and make them available in accordance with Chapter 42.17 RCW.

2.4 Lead Agency Determination and Responsibilities

2.4.1 As set forth in Section 9.0, the District has adopted SEPA Rules regarding lead agency determinations. The policies set forth in this subsection are intended to be and shall be construed in a manner which is consistent with such SEPA Rules.

2.4.2 When the District initiates a proposal, or receives an application for a proposal that involves an action not exempt under SEPA, it shall determine the lead agency for that proposal under applicable law, unless the lead agency has been previously determined or the responsible official is aware that another agency is in the process of determining the lead agency.

2.4.3 Pursuant to WAC 197-11-926, the District is the lead agency for the proposals it initiates unless otherwise agreed pursuant to Section 2.4.6.

2.4.4 When the District is not the lead agency for a proposal, it shall use and consider, as appropriate, the environmental documents of the lead agency in making decisions on the proposal. The District shall not prepare or require preparation of environmental documents in addition to that prepared by the lead agency, unless the District is otherwise authorized or required to do so under applicable law.

2.4.5 If the District receives a lead agency determination made by another agency that appears inconsistent with the criteria established by applicable law for making such determinations, the District may, if it otherwise has jurisdiction over the proposal, take such action as authorized by the SEPA Rules.

2.4.6 The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal as authorized by applicable law.

2.4.7 When the District is not the lead agency but is an agency with jurisdiction or expertise and is consulted by the lead agency to provide information during the SEPA process, the District shall direct the official designated per Section 2.6 to respond to and cooperate with the lead agency so that the lead agency may fulfill its responsibilities under SEPA.

2.5 Time Limits and Other Considerations Applicable to SEPA Rules

2.5.1 Except as may otherwise be required by applicable law, the time frame within which the District shall conduct environmental review shall be determined on a case-by-case basis, consistent with these policies and procedures and the best interests of the District.

2.5.2 For nonexempt proposals, the issued Determination of Nonsignificance ("DNS"), Mitigated DNS ("MDNS"), Final Environmental Impact Statement ("FEIS") and/or such other environmental documentation as the responsible official deems appropriate shall accompany any District's staff recommendation for action on the nonexempt proposal to the Board of Directors.

2.6 Designation of Official to Perform Consulted Agency Responsibilities for the District

2.6.1 The Superintendent or the Superintendent's designee shall be responsible for the preparation of written comments for the District in response to a consultation request prior to another agency's issuance of a threshold determination, participation in presubmittal conferences, or review of a draft EIS.

2.6.2 The Superintendent or the Superintendent's designee shall be responsible for the District's implementation of applicable SEPA Rules whenever the District is a consulted agency. The Superintendent or the Superintendent's designee is authorized to develop operating procedures that shall ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate offices of the District.

2.6.3 No fees shall be collected by the District for performing its duties as a consulted agency. The District may, however, charge any person for copies of any documents prepared pursuant to the requirements of this policy and for mailing thereof, in a manner provided by Chapter 42.17 RCW.

Section 3.0 Threshold Determinations

3.1 Purpose and Adoption by Reference. This section contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an EIS. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The District adopts by reference the following sections of Chapter 197-11 WAC:

- WAC 197-11-300: Purpose of This Part
- 305: Categorical Exemptions
- 310: Threshold Determination Required
- 315: Environmental Checklist
- 330: Threshold Determination Process
- 335: Additional Information
- 340: Determination of Non-Significance (DNS)

- 350: Mitigated DNS
- 360: Determination of Significance (DS)/Initiation of Scoping
- 390: Effect of Threshold Determination

3.2 Other Exemption Considerations. As set forth in Section 9.0 herein, the District has adopted certain categorical exemptions provided under SEPA. In determining whether a proposal is exempt from SEPA, the District also adopts and shall apply any flexible thresholds for categorical exemptions or critical areas modifications that may be adopted by the City or County in which the proposal is located in accordance with SEPA.

Section 4.0 Environmental Impact Statement (EIS).

4.1 Purpose and Adoption by Reference. This section contains the rules for preparing environmental impact statement. The District adopts by reference the following sections of Chapter 197-11 WAC:

- WAC 197-11-400: Purpose of EIS
 - 402: General Requirements
 - 405: EIS Types
 - 406: EIS Timing
 - 408: Scoping
 - 410: Expanding Scoping
 - 420: EIS Preparation
 - 425: Style and Size
 - 430: Format
 - 435: Cover Letter or Memo
 - 440: EIS Contents
 - 442: Contents of EIS on Non-Project Proposals
 - 443: EIS Contents When Prior Non-Project EIS
 - 444: Elements of the Environment
 - 448: Relationship of EIS to Other Considerations
 - 450: Cost-Benefit Analysis
 - 455: Issuance of DEIS
 - 460: Issuance of FEIS

4.2 Preparation of Environmental Documents -- Additional Considerations. Preparation of environmental documents is the responsibility of the Superintendent, the Superintendent's designee, or a consultant selected by the District. The District will not issue an EIS until the responsible official is satisfied that it complies with these policies and procedures and Chapter 197-11 WAC.

Section 5.0 Commenting.

5.1 Purpose and Adoption by Reference. This section contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearings. The District adopts by reference the following sections of Chapter 197-11 WAC:

- WAC 197-11-500: Purpose of this Part
- 502: Inviting Comment
- 504: Availability and Cost of Environmental Documents
- 508: SEPA Register
- 535: Public Hearings and Meetings
- 545: Effect of No Comment
- 550: Specificity of Comments
- 560: FEIS Response to Comments
- 570: Consulted Agency Costs to Assist Lead Agency

5.2 Public Notice

5.2.1 Except as otherwise provided by these policies and procedures, whenever the District issues an environmental document under SEPA which requires public notice, including a DNS pursuant to WAC 197-11-340(2), a DS pursuant to WAC 197-11-360(3), a DEIS pursuant to 197-11-455(5), or an SEIS pursuant to WAC 197-11-620, the District shall give public notice as follows:

5.2.1.1 Publishing notice in agency newsletters and/or sending letters to agency mailing lists (either general lists or lists for specific proposals or subject areas)posting the property for site-specific proposals; or

5.2.1.2 Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.

5.2.2 In addition to the methods for giving public notice identified in subsection 5.2.1 above, whenever notice is required to be given by these policies and procedures, the responsible official may designate any one or more of the following methods of providing such notice if the responsible official determines that such methods are required or otherwise appropriate in a particular case:

5.2.2.1 Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

5.2.2.2 Notifying the news media;

5.2.2.3 Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or

5.2.2.4 Posting the property for site-specific proposals.

5.2.3 Whenever possible, the District shall integrate the notice procedures required by these policies and procedures with existing notice procedures otherwise required by applicable law.

Section 6.0 Using Environmental Documents.

6.1 Purpose and Adoption by Reference. This section contains rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for the District's own environmental compliance. The District adopts by reference the following sections of Chapter 197-11 WAC:

- WAC 197-11-600: When to Use Existing Environmental Documents
 - 610: Use of NEPA Documents
 - 620: Supplemental Environmental Impact Statement-Procedures
 - 625: Addenda—Procedures
 - 630: Adoption—Procedures
 - 635: Incorporation by Reference—Procedures
 - 640: Combining Documents

Section 7.0 SEPA and Agency Decisions.

7.1 Purpose and Adoption by Reference. This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to the courts. The District adopts by reference the following sections of Chapter 197-11 WAC:

- WAC 197-11-650: Purpose of this Part
 - 655: Implementation
 - 660: Substantive Authority in Mitigation
 - 680(4), (5): Appeals

7.2 Notice of Action. The District may publish notice of action taken by the District under these policies and procedures, and pursuant to RCW 43.21C.080. The form of any such notice shall be substantially in the form provided by the SEPA Rules.

7.3 Appeals. The District hereby: (a) eliminates, pursuant to WAC 197-11-680(2), appeals to its legislative body of any decision by a nonelected official conditioning or denying a proposal under authority of SEPA; and (b) elects, pursuant to WAC 197-11-680(3), not to provide for administrative appeals of determinations relating to SEPA.

7.4 Substantive Authority.

7.4.1 The policies set forth in this section 7 are supplementary to those in existing authorizations of the District.

7.4.2 Any District action on a proposal that is not exempt may be conditioned or denied under SEPA to mitigate the environmental impacts, subject to the limitations of WAC 197-11-660 and such other applicable laws.

7.4.3 The District recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. The District formally designates and adopts the following policies to be considered by the District in connection with the District's exercise of substantive SEPA authority. The District shall consider, as appropriate and practical under the circumstances, the impacts of such action as to one or more of the following factors:

7.4.3.1 The potential to provide the best educational opportunities possible;

7.4.3.2 The potential to maximize educational benefits from available resources;

7.4.3.3 The potential to fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

7.4.3.4 The potential to foster a safe, healthful, productive, and aesthetically and culturally pleasing environment;

7.4.3.5 The potential to attain a range of beneficial uses of the environmental while avoiding degradation, risk to health or safety, or other undesirable and unintended consequences;

7.4.3.6 The potential to preserve important historic, cultural, and natural aspects of our heritage;

7.4.3.7 The potential to maintain, wherever practical, an environment which supports diversity and variety of individual choice;

7.4.3.8 The potential to achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;

7.4.3.9 The potential to enhance the quality of renewable resources by reasonable and practical means and to approach the maximum attainable recycling of depletable resources.

7.4.4 The District formally designates and adopts the following plans, policies, and resolutions as policies to be considered by the District, as appropriate and practical under the circumstances, in conjunction with those policies adopted in Section 7.4.3:

- Lake Stevens School District Six-Year Capital Facilities Plan
- City of Lake Stevens Comprehensive Plan, Land Use and Capital Facilities Elements
- City of Marysville Comprehensive Plan, Land Use and Capital Facilities Elements
- Snohomish County Comprehensive Plan, Land Use and Capital Facilities Elements
- Lake Stevens School District Policies and Procedures: 3110 Environmental Development Impact

7.4.5 Nothing in this section shall be construed in a manner which makes this section inconsistent with WAC 197-11-660, pursuant to WAC 197-11-906(2)(g).

Section 8.0 Definitions.

8.1 Purpose and Adoption by Reference. This section contains uniform usage and definitions of terms under SEPA. The District adopts by reference the following sections of Chapter 197-11 WAC:

- WAC 197-11-700: Definitions
 - 702: Act
 - 704: Action
 - 706: Addendum
 - 708: Adoption
 - 710: Affected Tribe
 - 712: Affecting
 - 714: Agency

-716: Applicant
-718: Built Environment
-720: Categorical Exemption
-722: Consolidated Appeal
-724: Consultant Agency
-726: Cost-Benefit Analysis
-728: County/City
-730: Decision-Maker
-732: Department
-734: Determination of Non-Significance (DNS)
-736: Determination of Significance (DS)
-738: EIS
-740: Environment
-742: Environmental Checklist
-744: Environmental Document
-746: Environmental Review
-748: Environmentally Sensitive Area
-750: Expanded Scoping
-752: Impacts
-754: Incorporation by Reference
-756: Lands Covered by Water
-758: Lead Agency
-760: License
-762: Local Agency
-764: Major Action
-766: Mitigated DNS
-768: Mitigation
-770: Natural Environment
-772: NEPA
-774: Non-Project
-776: Phased Review
-778: Preparation
-780: Private Project
-782: Probable
-784: Proposal
-786: Reasonable Alternative
-788: Responsible Official
-790: SEPA
-792: Scope
-793: Scoping
-794: Significant
-796: State Agency
-797: Threshold Determination
-799: Underlying Governmental Action

Section 9.0 Categorical Exemptions.

9.1 Adoption by Reference. This section contains rules for determining proposals categorically exempt from SEPA. The District adopts by reference the following rules for categorical exemptions:

- WAC 197-11-800: Categorical Exemptions (including school closures)
 - 880: Emergencies
 - 890: Petitioning DOE to Change Exemptions
 - 908: Critical areas

Section 10.0 Agency Compliance.

10.1 Purpose and Adoption by Reference. This section contains rules for agency compliance with SEPA. The District adopts by reference the following sections of Chapter 197-11 WAC:

- WAC 197-11-900: Purpose of this Part
 - 902: Agency SEPA Action
 - 916: Application to Ongoing Actions
 - 920: Agencies with Environmental Expertise
 - 922: Lead Agency Rules
 - 924: Determining the Lead Agency
 - 926: Lead Agency for Governmental Proposals
 - 928: Lead Agency for Public and Private Proposals
 - 930: Lead Agency for Private Projects with One Agency with Jurisdiction
 - 932: Lead Agency for Private Projects Requiring Licenses for More Than One Agency, When One of the Agencies is County/City
 - 934: Lead Agency for Private Projects Requiring Licenses from a Local Agency, Not a County/City, and One or More State Agencies
 - 936: Lead Agency for Private Projects Requiring Licenses from More Than One State Agency
 - 938: Lead Agencies for Specific Proposals
 - 940: Transfer of Lead Agency Status to a State Agency
 - 942: Agreements on Lead Agency Status
 - 944: Agreements on Division of Lead Agency Duties
 - 946: DOE Resolution of Lead Agency Disputes
 - 948: Assumption of Lead Agency Status

10.2 Effective Date. The effective date of these District policies and procedures, as amended, is November 10, 2004.

10.3 Severability. If any provision of these policies and procedures or their application to any person or circumstance is held invalid, the remainder

of these policies and procedures, or the application of such invalid provision to other persons or circumstances, shall not be affected.

Section 11.0 Forms.

11.1 Purpose and Adoption by Reference. This section contains forms for certain SEPA environmental documents. The District adopts and attaches hereto the following forms and sections by reference:

WAC 197-11-960: Environmental Checklist

-965: Adoption Notice

-970: Determination of Nonsignificance (DNS)

-980: Determination of Significance and Scoping Notice (DNS)

-985: Notice of Assumption of Lead Agency Status

-990: Notice of Action

Legal References:

RCW 43.21C State Environmental Policy Act

WAC 197-11 State Environmental Policy Act Rules