

## SCHOOL FACILITIES

### State Environmental Protection Act

#### 1.0 Authority

1.1 The District adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904. The SEPA Rules, Chapter 197-11 WAC, must be used in conjunction with these procedures.

#### 2.0 General Requirements

##### 2.1 Purpose and Adoption By Reference

2.11 This section contains the basic requirements that apply to the SEPA process. The District adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:

WAC 197-11-040: Definitions (Incorporating WAC 197-157-11-700 through 197-11-799).

- 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.

##### 2.2 Additional Definitions

2.21 In addition to the definitions referenced above, when used in these procedures, the following terms shall have the following meanings, unless the context indicates otherwise:

2.21 District. "District" means the Snohomish School District No. 201, Snohomish County, Washington.

2.22 SEPA Rules. "SEPA Rules" means chapter 197-11 WAC adopted by the Department of Ecology.

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

2.24 Board. "Board" means the Board of Directors of the District.

##### 2.3 Designation of Responsible Official

2.31 If the District is the lead-agency for a proposal, the responsible official shall be the District's superintendent or his/her designee.

2.32 If the District is the lead agency for a proposal, the responsible official shall make the threshold determination, supervise scope and preparation of any required environmental impact statement (EIS), and perform any functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA Rules that were adopted by reference in section 2.1 of these Procedures.

2.33 The District shall retain all documents required by the SEPA Rules and make them available in accordance with Chapter 42.17 RCW.

### 3.0 Categorical Exemptions and Threshold Determinations

#### 3.1 Purpose and Adoption by Reference

3.11 This section contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS). This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The District adopts the following sections by reference:

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 Scope.
- 390: Effect of threshold Determination.

### 4.0 Environmental Impact Statement (EIS)

#### 4.1 Purpose and Adoption by Reference

4.11 This section contains the rules for preparing environmental impact statements. The District adopts the following sections by reference:

WAC 197-11-400: Purpose of EIS.

- 402: General Requirements.
- 405: EIS Types.
- 406: EIS Timing.
- 408: Scope.
- 410: Expanded Scope.
- 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 EIS—Additional Considerations

4.21 Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the superintendent, his 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 procedures and Chapter 197-11 WAC.

#### 5.0 Commenting

##### 5.1 Purpose and Adoption by Reference

5.11 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 the following sections by reference:

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: Consultant Agency Costs to Assist Lead Agency.

##### 5.2 Public Notice

5.22 A determination of appropriate public notice may vary depending upon whether the notice concerns an EIS, a DS or DNS and the responsible official shall designate one or more of the following methods of publication as appropriate in the particular case:

5.221 Posting the property for site-specific proposals;

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

5.223 Notifying public or private groups which have expressed interest in a certain proposal and the type of proposal being considered;

5.224 Notifying the news media;



- 5.225 Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
- 5.226 Publishing notice in agency newsletters and/or sending letters to agency mailing lists.
- 5.3 Designation of Official to Perform Consulted Agency Responsibilities for the District. The superintendent or his/her designee shall be responsible for preparation of written comments for the District in response to a consultation request prior to a threshold determination, participation in scope, or reviewing a DEIS.
- 6.0 Using Environmental Documents
  - 6.1 Purpose and Adoption by Reference
    - 6.11 This section contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the District's own environmental compliance. The District adopts the following sections by reference:
      - 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.
  - 7.0 SEPA and Agency Decisions
    - 7.1 Purpose and Adoption by Reference
      - 7.11 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 the following sections by reference:
        - WAC 197-11-650: Purpose Of This Part.
          - 655: Implementation.
          - 660: Substantive Authority in Mitigation,
          - 680 Appeals.
    - 7.2 Notice of Action
      - 7.21 The District may publish notice of action taken by the District under these procedures pursuant to RCW 43.21C.080. The form of any such notice shall be substantially in the form provided in WAC 197-11-990.
    - 7.3 Appeals

7.31 Administrative Appeals.

7.311 Appeal to the Board. Agency appeals are provided for SEPA procedural determinations, except that an agency appeal is not provided for a determination of significance. SEPA determinations shall be appealed to the Board by mailing or delivering a letter to the Superintendent. The letter must include the information in paragraph 7.313 below.

7.312 Deadline for Appeal. The letter of appeal shall be delivered or mailed to the Superintendent within fourteen (14) days of the date the challenged environmental document or determination is issued.

7.313 Form of Appeal. For an appeal to be accepted, the letter must specify: (a) the determination being appealed; (b) the errors complained of; (c) the corrective action being sought; (d) the reasons why the determination should be changed; and (e) whether further oral or written comment or a hearing is requested. Supporting documents may be submitted with the letter of appeal.

7.314 Hearing Examiner. The Board may appoint the Superintendent or a hearing examiner to act as the presiding officer. The presiding officer shall review the appeal and, if requested by the appellant, hold a hearing on the appeal. The presiding officer shall prepare written findings and submit a written recommendation on the appeal to the Board. The presiding officer for an appeal may set deadlines for the submission of any additional information or comments.

7.315 Time to Decision. The board shall have thirty (30) days after receiving the presiding officer's recommendation to make a written decision based upon the record established before the presiding officer.

7.316 Hearing. A hearing shall be provided if requested by the appellant. The hearing shall provide reasonable opportunity for the parties to present oral or written testimony and argument, consistent with these rules. The presiding officer may establish procedures for the hearing, and may set the time period allowed for each party to the appeal, including the staff, to present its case. A hearing may not be scheduled for at least five (5) days from the District's receipt of an appeal unless the parties agree otherwise.

7.317 Final Action. The District shall not take final action on a proposal while a proper appeal to the Board on a procedural determination is pending.

7.318 Other Requisites. WAC 197-11-680(3) is adopted by reference with respect to other requirements of agency appeal proceedings.

7.32 Judicial Review

7.321 Parties must exhaust administrative appeals before seeking judicial review of SEPA compliance. RCW 43.21C.075 and WAC 197-11-680.

7.33 Notice of Appeals

7.331 The notice requirements for environmental documents shall serve as adequate notice for agency appeals.

## 8.0 Definitions

### 8.1 Purpose and Adoption by Reference

8.11 This section contains uniform usage and definitions of terms under SEPA. The District's adopts the following sections by reference:

#### 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 Scope.
- 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.

## 9.0 Categorical Exemptions

### 9.1 Adoption By Reference

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

## 10.0 Agency Compliance

### 10.1 Purpose and Adoption by Reference

This section contains rules for agency compliance with SEPA, including rules for selecting the lead agency in applying these rules to current agency in applying these rules to current agency activities. The District adopts the following sections by reference:

WAC 197-11-900: Purpose of this part

- 902: Agency SEPA Policy
- 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 from Private Projects Requiring Licenses from a Local Agency, Not a County/City, in One or More State Agencies.
- 938: Lead Agencies fore Specific Proposals.
- 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

10.21 The effective date of these procedures is October 1, 1984

## 10.3 Lead Agency Determination and responsibilities

10.31 The District, upon receiving or initiating a proposal any portion of which involves a major action, shall determine the lead agency for that proposal pursuant to the criteria set forth in section WAC 197-11-922 through -948. This determination shall be made for each proposal involving a major action, unless the lead agency has been previously determined, or the District is aware that another agency is in the process of determining the lead agency.

10.32 In those instances in which the District is the lead agency, the responsible official of the District shall supervise compliance with the threshold determination, and if an EIS is necessary, shall supervise preparation of the draft and final EIS.

10.33 In the event that the District receives a lead agency determination made by another agency which appears inconsistent with the criteria with the criteria of WAC 197-11-922 through -944 it may object to the determination. Any such objection must be made to the agency originally making the determination and resolved within fifteen (15) days of the receipt of the determination, or the District must petition DOE for a lead agency determination pursuant to WAC 197-11-946 within the fifteen (15) day time period. Any such petition on behalf of the District shall be initiated by the responsible official or his/her designee.

## 11.0 Forms

### 11.1 Adoption by Reference

11.11 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 Non-Significance (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  
                                 WAC 197-11              State Environmental Policy Act Rules

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