

ARTICLE 2: STATE ENVIRONMENTAL POLICY ACT

SECTION 2.01 AUTHORITY Adopted 05/10/01 (943)

The Agency adopts this regulation under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This regulation contains this Agency's SEPA procedures and policies. The SEPA rules must be used in conjunction with this regulation. The SEPA rules mean chapter 197-11 of the Washington Administrative Code (WAC).

SECTION 2.02 ADOPTION BY REFERENCE Adopted 05/10/01 (943)

Revised 03/26/09 (1149), 09/26/13 (1283), 09/25/14 (1308)

For purposes of this regulation, the Agency adopts by reference the following sections of chapter 197-11 WAC, in effect as of May 10, 2014:

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.

197-11-430 Format.
 197-11-435 Cover letter or memo.
 197-11-440 EIS contents.
 197-11-442 Contents of EIS on nonproject proposals.
 197-11-443 EIS contents when prior nonproject EIS.
 197-11-444 Elements of the environment.
 197-11-448 Relationship of EIS to other considerations.
 197-11-450 Cost-benefit analysis.
 197-11-455 Issuance of DEIS.
 197-11-460 Issuance of FEIS.
 197-11-500 Purpose of this part.
 197-11-502 Inviting comment.
 197-11-504 Availability and cost of environmental documents.
 197-11-508 SEPA register.
 197-11-510 Public notice.
 197-11-535 Public hearings and meetings.
 197-11-545 Effect of no comment.
 197-11-550 Specificity of comments.
 197-11-560 FEIS response to comments.
 197-11-570 Consulted agency costs to assist lead agency.
 197-11-600 When to use existing environmental documents.
 197-11-610 Use of NEPA documents.
 197-11-620 Supplemental environmental impact statement – Procedures.
 197-11-625 Addenda – Procedures.
 197-11-630 Adoption – Procedures.
 197-11-635 Incorporation by reference – Procedures.
 197-11-640 Combining documents.
 197-11-650 Purpose of this part.
 197-11-655 Implementation.
 197-11-660 Substantive authority and mitigation.
 197-11-680 Appeals.
 197-11-700 Definitions.
 197-11-702 Act.
 197-11-704 Action.
 197-11-706 Addendum.
 197-11-708 Adoption.
 197-11-710 Affected tribe.
 197-11-712 Affecting.
 197-11-714 Agency.
 197-11-716 Applicant.
 197-11-718 Built environment.
 197-11-720 Categorical exemption.
 197-11-722 Consolidated appeal.
 197-11-724 Consulted agency.
 197-11-726 Cost-benefit analysis.
 197-11-728 County/city.
 197-11-730 Decision maker.

197-11-732 Department.
 197-11-734 Determination of nonsignificance (DNS).
 197-11-736 Determination of significance (DS).
 197-11-738 EIS.
 197-11-740 Environment.
 197-11-744 Environmental document.
 197-11-746 Environmental review.
 197-11-750 Expanded scoping.
 197-11-752 Impacts.
 197-11-754 Incorporation by reference.
 197-11-756 Lands covered by water.
 197-11-758 Lead agency.
 197-11-760 License.
 197-11-762 Local agency.
 197-11-764 Major action.
 197-11-766 Mitigated DNS.
 197-11-768 Mitigation.
 197-11-770 Natural environment.
 197-11-772 NEPA.
 197-11-774 Nonproject.
 197-11-776 Phased review.
 197-11-778 Preparation.
 197-11-780 Private project.
 197-11-782 Probable.
 197-11-784 Proposal.
 197-11-786 Reasonable alternative.
 197-11-788 Responsible official.
 197-11-790 SEPA.
 197-11-792 Scope.
 197-11-793 Scoping.
 197-11-794 Significant.
 197-11-796 State agency.
 197-11-797 Threshold determination.
 197-11-799 Underlying governmental action.
 197-11-800 Categorical exemptions.
 197-11-880 Emergencies.
 197-11-890 Petitioning DOE to change exemptions.
 197-11-900 Purpose of this part.
 197-11-902 Agency SEPA policies.
 197-11-916 Application to ongoing actions.
 197-11-920 Agencies with environmental expertise.
 197-11-922 Lead agency rules.
 197-11-924 Determining the lead agency.
 197-11-926 Lead agency for governmental proposals.
 197-11-928 Lead agency for public and private proposals.
 197-11-930 Lead agency for private projects with one agency with jurisdiction.

- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

SECTION 2.03 DESIGNATION OF RESPONSIBLE OFFICIAL

Adopted 05/10/01 (943)

- (a) For proposals for which the Agency is the lead agency, the responsible official shall be the Control Officer or Agency employee designated by the Control Officer.
- (b) For all proposals for which the Agency is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules adopted by reference in Section 2.02 of this regulation.
- (c) The Agency shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW.

SECTION 2.04 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES

Adopted 05/10/01 (943)

- (a) When the Agency receives an application for or initiates a proposal that involves a nonexempt action, the Agency shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the Agency is aware that another agency is in the process of determining the lead agency. When the Agency is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

- (b) When the Agency is not the lead agency for a proposal, the Agency shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The Agency shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the Agency may conduct supplemental environmental review under WAC 197-11-600.
- (c) If the Agency receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the Agency must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the Agency may be initiated by the Control Officer.
- (d) The Agency may make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.
- (e) When the Agency makes a lead agency determination for a private project, the Agency shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

SECTION 2.05 USE OF EXEMPTIONS Adopted 05/10/01 (943)

- (a) When the Agency receives an application for a permit or, in the case of governmental proposals, the Agency initiates the proposal, the Agency shall determine whether the permit and/or the proposal is exempt. The Agency's determination that a permit or proposal is exempt shall be final and not subject to administrative review. If a permit or proposal is exempt, none of the procedural requirements of this regulation apply to the proposal. The Agency shall not require completion of an environmental checklist for an exempt permit or proposal.
- (b) In determining whether or not a proposal is exempt, the Agency shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the Agency shall determine the lead agency, even if the license application that triggers the Agency's consideration is exempt.
- (c) If a proposal includes both exempt and nonexempt actions, the Agency may authorize exempt actions prior to compliance with the procedural requirements of this regulation, except that:
 - (1) The Agency shall not give authorization for:
 - (A) Any nonexempt action;
 - (B) Any action that would have an adverse environmental impact; or

- (C) Any action that would limit the choice of alternatives.
- (2) The Agency may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
- (3) The Agency may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

SECTION 2.06 ENVIRONMENTAL CHECKLIST Adopted 05/10/01 (943)

Revised 03/26/09 (1149)

- (a) A completed environmental checklist (or a copy) shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this regulation; except, a checklist is not needed if the Agency and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The environmental checklist shall be in the form provided in WAC 197-11-960, except that Section B.2.a. Air, of the checklist shall state: "What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke, greenhouse gases) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known." As used throughout this regulation, environmental checklist means the environmental checklist required by this section.
- (b) The Agency shall use the environmental checklist to determine the lead agency and, if the Agency is the lead agency, for determining the responsible official and for making the threshold determination.
- (c) For private proposals, the Agency will require the applicant to complete the environmental checklist, providing assistance as necessary. For Agency proposals, the Agency shall complete the environmental checklist. The Agency may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
 - (1) The Agency has technical information on a question or questions that is unavailable to the private applicant; or
 - (2) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

SECTION 2.07 MITIGATED DNS Adopted 05/10/01 (943)

- (a) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

- (b) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. "Early notice" means the Agency's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal. The request must:
 - (1) Follow submission of a complete permit application and environmental checklist for a nonexempt proposal for which the Agency is lead agency; and
 - (2) Precede the Agency's actual threshold determination for the proposal.
- (c) The responsible official shall respond to the request for early notice within 30 working days. The response shall:
 - (1) Be written;
 - (2) State whether the Agency currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the Agency to consider a DS; and
 - (3) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- (d) As much as possible, the Agency should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- (e) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the Agency shall base its threshold determination on the changed or clarified proposal and shall make the determination within 15 days of receiving the changed or clarified proposal:
 - (1) If the Agency indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the Agency shall issue and circulate a DNS under WAC 197-11-340(2).
 - (2) If the Agency indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the Agency shall make the threshold determination, issuing a DNS or DS as appropriate.
 - (3) The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific.
 - (4) Mitigation measures that justify issuance of a mitigated DNS may be incorporated in the DNS by reference to Agency staff reports, studies, or other documents
- (f) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the Agency.

- (g) If the Agency's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the Agency should evaluate the threshold determination to ensure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).
- (h) The Agency's written response under Section 2.07(c) of this regulation shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the Agency to consider the clarifications or changes in its threshold determination.

SECTION 2.08 PREPARATION OF EIS – ADDITIONAL CONSIDERATIONS

Adopted 05/10/01 (943)

- (a) Preparing a draft and final EIS (DEIS and FEIS) and draft and final supplemental EIS (SEIS) is the responsibility of the responsible official. Before the Agency issues an EIS, the responsible official shall be satisfied that it complies with this regulation and chapter 197-11 WAC.
- (b) The DEIS and FEIS or draft and final SEIS shall be prepared by Agency staff or by a consultant selected by the Agency. The Agency retains sole authority to select persons or firms to author, co-author, provide special services, or otherwise participate in preparing required environmental documents. If the responsible official requires an EIS for a proposal and determines that someone other than the Agency will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the Agency's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
- (c) The Agency may require an applicant to provide information the Agency does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this regulation or that is being requested from another agency. (This does not apply to information the Agency may request under another regulation or statute.)

SECTION 2.09 ADDITIONAL ELEMENTS TO BE COVERED IN AN EIS

Adopted 05/10/01 (943)

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determination or perform any other function or purpose under this regulation:

- (a) Economy
- (b) Social policy analysis
- (c) Cost-benefit analysis

SECTION 2.10 PUBLIC NOTICE Adopted 05/10/01 (943)

- (a) Whenever the Agency issues a DNS under WAC 197-11-340(b) or a DS under WAC 197-11-360(c), the Agency shall give public notice as follows:
 - (1) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
 - (2) If no public notice is required for the permit or approval, the Agency shall give notice of the DNS or DS by:
 - (A) Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered, and
 - (B) Posting notice on the Agency website.
 - (3) Whenever the Agency issues a DS under WAC 197-11-360(3), the Agency shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

- (b) Whenever the Agency issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
 - (1) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and at least one of the following methods:
 - (2) Posting the property, for site-specific proposals;
 - (3) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
 - (4) Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered;
 - (5) Notifying the news media;
 - (6) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals;
 - (7) Publishing notice in Agency newsletters and/or sending notice to Agency mailing lists (general lists or specific lists for proposals or subject areas); and/or
 - (8) Posting notice on the Agency website.

- (c) Whenever possible, the Agency shall integrate the public notice required under this section with existing notice procedures for the Agency's nonexempt permit(s) or approval(s) required for the proposal.

- (d) The Agency may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

SECTION 2.11 DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE AGENCY

Adopted 05/10/01 (943)

- (a) The Control Officer shall be responsible for preparing written comments for the Agency in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
- (b) The Control Officer shall be responsible for the Agency's compliance with WAC 197-11-550 whenever the Agency is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from the Agency.

SECTION 2.12 SEPA SUBSTANTIVE AUTHORITY Adopted 05/10/01 (943)

- (a) The policies and goals set forth in this section supplement those in the existing authority of the Agency.
- (b) Any governmental action on public or private proposals that are not exempt may be conditioned or denied under SEPA to mitigate the environmental impact, subject to the following limitations:
 - (1) Mitigation measures or denials shall be based on policies, plans, rules, or regulations designated in this article as a basis for the exercise of substantive authority and in effect when the DNS or DEIS is issued. The responsible official shall cite the Agency's SEPA policy that is the basis of any condition or denial under this regulation (for proposals of applicants).
 - (2) Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the responsible official. Such document may be the permit itself, or may be combined with other Agency documents, or may reference relevant portions of environmental documents.
 - (3) Mitigation measures shall be reasonable and capable of being accomplished.
 - (4) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.
 - (5) The Agency shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.
 - (6) To deny a proposal under SEPA, the Agency must find that:
 - (A) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental EIS prepared pursuant to this regulation; and
 - (B) Reasonable mitigation measures are insufficient to mitigate the identified impact.

- (c) The Agency designates and adopts by reference the following policies, plans, rules, and regulations as the potential bases for the Agency's exercise of substantive authority under SEPA, pursuant to this section:
- (1) The Agency shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - (A) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - (B) Ensure for all people of Washington, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - (C) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - (D) Preserve important historic, cultural, and natural aspects of our national heritage;
 - (E) Maintain, wherever possible, an environment that supports diversity and variety of individual choice;
 - (F) Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
 - (G) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
 - (2) The Agency 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.
 - (3) The Agency adopts by reference the policies in the following laws and Agency resolutions, regulations, and plans:
 - (A) Federal and state Clean Air Acts, and regulations adopted thereunder.
 - (B) Agency Regulations I, II, and III.
 - (C) Resolutions adopted by the Agency Board of Directors.
 - (D) Maintenance plans.
 - (E) Washington State Implementation Plan.
 - (F) Final Report of the Agency PM_{2.5} Stakeholder Group, dated October 15, 1999.
 - (4) The Agency establishes the following additional policies:
 - (A) Air quality
 - (i) Policy Background
 - (a) Air pollution can be damaging to human health, plants and animals, visibility, aesthetics, and the overall quality of life.

- (b) The Agency is responsible for monitoring air quality in the Puget Sound area, setting standards, and regulating development to achieve regional air quality standards.
- (c) Federal, state, and regional regulations and programs cannot always anticipate or adequately mitigate adverse air quality impacts.

(ii) Policies

- (a) To minimize or prevent adverse air quality impacts.
- (b) To secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area, and facilitate the enjoyment of the natural attractions of the Puget Sound area.
- (c) To eliminate emissions of ozone-depleting chlorofluorocarbons, in the interests of national and global environmental protection; and to consider energy efficiency and conservation to reduce greenhouse gases.
- (d) To reduce woodstove emissions by educating the public about the effects of woodstove emissions, other heating alternatives, and the desirability of achieving better emission performance and heating efficiency from woodstoves pursuant to standards adopted by the Department of Ecology; and to encourage replacing uncertified woodstoves with cleaner sources of heat.
- (e) To reduce outdoor burning to the greatest extent practical.
- (f) To develop and adopt strategies for effectively reducing or eliminating impacts from toxic air contaminants.
- (g) To control volatile organic compound (VOC) emissions in order to maintain the National Ambient Air Quality Standard for ozone.
- (h) If the responsible official makes a written finding that the applicable federal, state, and/or regional regulations did not anticipate or are inadequate to address the particular impact(s) of a project, the responsible official may condition or deny the proposal to mitigate its adverse impacts.

(B) Land Use

(i) Policy background

- (a) Adverse land use impacts may result when a proposed project or land use policy includes uses that may be

consistent with applicable zoning requirements but inconsistent with air quality regulations.

- (b) Adverse cumulative land use impacts may result when particular uses permitted under the zoning code occur in an area to such an extent that they expose sensitive populations to air quality related health and environmental adverse impacts.

(ii) Policies

- (a) To ensure that proposed uses in projects are reasonably compatible with surrounding uses and are consistent with applicable air quality regulations.
- (b) To reduce regional air pollution emissions associated with land uses by promoting clean alternative forms of domestic use fuels, including natural gas, in new single and multifamily housing developments within urban growth areas. In addition, to discourage wood as a source of heat for residential development in low-lying areas susceptible to pollution accumulations.
- (c) To encourage municipal curbside solid and yard waste collection services at reasonable costs.

(C) Transportation

(i) Policy Background

- (a) Excessive traffic can adversely affect regional air quality.
- (b) Substantial traffic volumes associated with major projects may adversely impact air quality in surrounding areas.

(ii) Policies

- (a) To minimize or prevent adverse traffic impacts that would undermine the air quality of a neighborhood or surrounding areas.
- (b) To promote transportation demand and systems management actions designed to reduce vehicle emissions by reducing the use of single occupancy vehicles, reducing traffic congestion, and increasing public transportation services.
- (c) To encourage integrating land use and transportation planning.
- (d) To emphasize the importance of air quality conformity determinations required for proposed transportation plans, programs, and projects.
- (e) To pursue and support alternative and clean fuels projects and programs.

- (f) To promote and support land use plans and projects designed to reduce vehicle emissions by reducing the use of single occupant vehicles, number of vehicle miles traveled, and traffic congestion; and supporting the use of public transportation.
 - (g) In determining the necessary air quality impact mitigation, the responsible official will examine the mitigation proposed by the local jurisdiction.
- (D) Cumulative Effects
- (i) The analysis of cumulative effects shall include a reasonable assessment of:
 - (a) The capacity of natural systems, such as air, water, light, and land, to absorb the direct and reasonably anticipated indirect impacts of the proposal, and
 - (b) The demand upon facilities, services, and natural systems of present, simultaneous, and known future development in the area of the project or action.
 - (ii) An action or project may be conditioned or denied to lessen or eliminate its cumulative effects on the environment:
 - (a) When considered together with prior, simultaneous, or induced future development; or
 - (b) When, taking into account known future development under established zoning or other regulations, it is determined that a project will use more than its share of present and planned facilities, services, and natural systems.

SECTION 2.13 NOTICE/STATUTE OF LIMITATIONS Adopted 05/10/01 (943)

- (a) The Agency, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.
- (b) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant, or proponent pursuant to RCW 43.21C.080.

SECTION 2.14 FEES Adopted 05/10/01 (943)

In addition to the fees set forth in Article 6, the following fees apply:

- (a) Threshold Determination

The Agency may contract directly with a consultant for preparation of an environmental checklist or other information needed for the Agency to make a threshold determination, and may bill such costs and expenses directly to the applicant. The Agency may require the applicant to post bond or otherwise ensure payment of such costs and expenses. In addition, the Agency may

charge and collect a reasonable fee from any applicant to cover the costs incurred by the Agency in preparing an environmental checklist or other information needed for the Agency to make a threshold determination.

(b) Environmental Impact Statement

- (1) When the Agency is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the Agency, the Agency may charge and collect a reasonable fee from any applicant to cover costs incurred by the Agency in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
 - (2) The responsible official may determine that the Agency will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the Agency and may bill such costs and expenses directly to the applicant. The Agency may require the applicant to post bond or otherwise ensure payment of such costs.
 - (3) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under Section 2.14(a) or (b) of this regulation that remain after incurred costs are paid.
- (c) The Agency may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this regulation relating to the applicant's proposal.
- (d) The Agency shall not collect a fee for performing its duties as a consulted agency, except as provided in WAC 197-11-570.
- (e) The Agency may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by chapter 42.17 RCW.