

# Pierce Transit

## Environmental Policy and Procedures

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## I. AUTHORITY

The Pierce County Public Transportation Benefit Area Authority Corporation, hereinafter called Pierce Transit, pursuant to the State Environmental Policy Act ("ACT"), RCW 43.21C.120, and chapter 197-11 of the Washington Administrative Code ("CODE"), Pierce Transit adopts these policies and procedures in compliance with and consistent with the ACT and the state-wide rules set forth in the Code. Sometimes the ACT shall be referred to as "SEPA" and the CODE referred to as "WAC". ~~adopts these policies and procedures pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.~~

Pierce Transit adopts this document under the ACT and CODE. This document contains Pierce Transit's SEPA Policies and Procedures for all projects requiring environmental review.

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 the CODE.

These SEPA Policies and Procedures supersede and replace any prior SEPA policies or procedures previously adopted by Pierce Transit.

If any provision of these SEPA procedures and policies set forth herein or the application of these procedures and policies to any person or circumstance is held invalid, the remainder of these procedures and policies, or the application of such provision to other persons or circumstances, shall not be affected.

## II. GENERAL REQUIREMENTS

~~Adoption by Reference:~~

Pierce Transit adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:

**WAC 197-11-040** Definitions

**WAC 197-11-050** Lead Agency

**WAC 197-11-055** Timing of SEPA Process

**WAC 197-11-060** Content of Environmental Review

**WAC 197-11-070** Limitations on Actions During SEPA Process

**WAC 197-11-080** Incomplete or Unavailable Information

**WAC 197-11-090** Supporting Documents

**WAC 197-11-100** Information Required for Applicants

Additional Definitions:

In addition to those definitions contained within **WAC 197-11-700 to 197-11-799**, the following terms will have the following meanings, unless the context indicates otherwise:

~~Pierce Transit adopts these definitions contained within WAC 197-11-700 through 197-11-799 and in addition the following terms shall have the following meanings unless the context indicates otherwise:~~

"Department" means any division, subdivision or organizational unit of Pierce Transit established by resolution.

"SEPA rules" means chapter **197-11 WAC** adopted by the Department of Ecology.

"Resolution" means the resolution or other procedure used by Pierce Transit to adopt regulatory requirements.

"Early Notice" means Pierce Transit's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of non-significance (DNS) procedures).

Designation of Responsible Official:

For those responsible for which Pierce Transit is the lead agency, the ~~Responsible Official~~ (also known as the "SEPA Official") shall be ~~the Pierce Transit's Executive Director of Planning & Community Development Transit Development~~ or his/her designee.

For all proposals for which Pierce Transit is the lead agency, ~~the responsible official~~ **SEPA Review Officer** 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 that were adopted by reference in **WAC 173-806-020**.

Pierce Transit shall retain all documents required by the SEPA rules (**chapter 197-11 WAC**) and make them available in accordance with chapter **42.17 RCW**.

### III. CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

#### ~~Purpose of This Part and Adoption By Reference:~~

The following provisions of the Washington Administrative Code are adopted by reference ~~This part contains-containing~~ the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. ~~Pierce Transit adopts the following sections by reference, as supplemented in this part:~~

**WAC 197-11-300** Purpose of this part

**WAC 197-11-305** Categorical exemptions

**WAC 197-11-310** Threshold determination required

**WAC 197-11-315** Environmental checklist

**WAC 197-11-330** Threshold determination process

**WAC 197-11-335** Additional information

**WAC 197-11-340** Determination of nonsignificance (DNS)

**WAC 197-11-350** Mitigated DNS

**WAC 197-11-360** Determination of significance (DS)/initiation of scoping

**WAC 197-11-390** Effect of threshold determination

### IV. ENVIRONMENTAL IMPACT STATEMENT (EIS)

#### ~~Adoption By Reference:~~

The following provisions of the Washington Administrative Code are adopted by reference following the preparation of draft, final, and supplemental EISs (collectively "EIS") is the responsibility of the Responsible Official. Before Pierce Transit issues an EIS, the Responsible Official shall be satisfied that it complies with the SEPA Rules and all other applicable legal requirements adopting the following sections by reference: ~~Purpose of This Part and Adoption By Reference:~~

~~This part contains the rules for preparing an environmental impact statement (EIS). Pierce Transit adopts the following sections by reference, as supplemented by this part:~~

**WAC 197-11-400** Purpose of EIS

**WAC 197-11-402** General requirements

**WAC 197-11-405** EIS types

**WAC 197-11-406** EIS timing

**WAC 197-11-418** Scoping

**WAC 197-11-410** Expanded scoping

**WAC 197-11-420** EIS preparation

**WAC 197-11-425** Style and size

**WAC 197-11-430** Format

**WAC 197-11-435** Cover letter or memo

**WAC 197-11-440** EIS contents

**WAC 197-11-442** Contents of EIS on nonproject proposals

**WAC 197-11-443** EIS contents when prior nonproject EIS

**WAC 197-11-444** Elements of the environment

**WAC 197-11-448** Relationship of EIS to other considerations  
**WAC 197-11-450** Cost-benefit analysis

**WAC 197-11-455** Issuance of DEIS  
**WAC 197-11-460** Issuance of FEIS

## V. COMMENTING

### ~~Adoption By Reference:~~

The following provisions of the Washington Administrative Code are adopted by reference ~~This part contains-containing~~ the rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notices and hearings. ~~Pierce Transit adopts the following sections by reference, as supplemented in this part:~~

**WAC 197-11-500** Purpose of this part

**WAC 197-11-502** Inviting comment

**WAC 197-11-504** Availability and cost of environmental documents

**WAC 197-11-508** SEPA register

**WAC 197-11-510** Public notice

**WAC 197-11-535** Public hearing and meetings

**WAC 197-11-545** Effect of no comments

**WAC 197-11-550** Specificity of comments

**WAC 197-11-560** FEIS response to comments

**WAC 197-11-570** Consulted agency costs to assist lead agency  
Public Notice:

1. Whenever Pierce Transit issues a DNS under **WAC 197-11-340(2)**, or a DS under **WAC 197-33-360(3)**, Pierce Transit shall give public notice as follows:

a. 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.

b. If no public notice is required for the permit or approval, Pierce Transit shall give notice of the DNS or DS by:

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

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

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

iv. Sending notice to agency mailing lists

c. Whenever Pierce Transit issues a DS under **WAC 197-11-360(3)**, Pierce Transit shall state the scoping procedure for the proposal in the DS as required in **WAC 197-11-408** and in the public notice.

2. Whenever Pierce Transit 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:

- a. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and
  - b. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located; and/or
  - c. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
  - d. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.
3. Pierce Transit may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

Designation of Official ~~tTo~~ Perform Consulted Agency Responsibilities for Pierce Transit:

~~The Director of Transit Development~~**The SEPA Review Officer** Official or his/her designee shall be responsible for preparation of written comments for Pierce Transit in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

This above noted official shall be responsible for Pierce Transit's compliance with **WAC 197-11-550** whenever Pierce Transit 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 all appropriate departments of Pierce Transit.

## VI. USING EXISTING ENVIRONMENTAL DOCUMENTS

~~Purpose of This Part and Adoption By Reference:~~

The following provisions of the Washington Administrative Code are adopted by reference ~~This part contains-containing~~ the rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for Pierce Transit's own environmental compliance. ~~Pierce Transit adopts the following sections by reference:~~

**WAC 197-11-600** When to use existing environmental documents.

**WAC 197-11-610** Use of NEPA documents.

**WAC 197-11-620** Supplemental environmental impact statements- Procedures.

**WAC 197-11-625** Addenda - Procedures.

**WAC 197-11-630** Adoption - Procedures.

**WAC 197-11-635** Incorporating by reference - Procedures.

**WAC 197-11-640** Combining documents.

## VII. SEPA AGENCY DECISIONS

~~Purpose of This Part and Adoption By Reference:~~

The following provisions of the Washington Administrative Code are adopted by reference ~~This part contains-containing~~ rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or

reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. ~~Pierce Transit adopts the following sections by reference:~~

**WAC 197-11-650** Purpose of this part.

**WAC 197-11-655** Implementation.

**WAC 197-11-660** Substantive authority and mitigation.

**WAC 197-11-680** Appeals.

Substantive Authority:

1. The policies and goals set forth in this resolution are supplementary to those in the existing authorization of Pierce Transit in Pierce County.
2. Pierce Transit may attach conditions to a permit or approval for a proposal so long as:
  - a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to these policies and procedures; and
  - b. Such conditions are in writing; and
  - c. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
  - d. Pierce Transit has considered whether local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  - e. Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.
3. Pierce Transit may deny a permit or approval for a proposal on the basis of SEPA so long as:
  - a. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to these policies and procedures; and
  - b. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
  - c. The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.
4. Pierce Transit designates and adopts by reference the following policies as the basis for Pierce Transit's exercise of authority pursuant to this section:
  - a. Pierce Transit 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:
    - i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

- ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
  - iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
  - iv. Preserve important historic, cultural, and natural aspects of our national heritage;
  - v. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
  - vi. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
  - vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- b. Pierce Transit 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.

## VIII. DEFINITIONS

### ~~Purpose of This Part and Adoption By Reference;~~

~~The following provisions of the Washington Administrative Code are adopted by reference This part contains-containing uniform usage and definitions of terms under SEPA. Pierce Transit adopts the following sections by reference,~~ as supplemented by **WAC 173-806-040**;

**WAC 197-11-700** Definitions.

**WAC 197-11-702** Act.

**WAC 197-11-704** Action.

**WAC 197-11-706** Addendum.

**WAC 197-11-708** Adoption.

**WAC 197-11-710** Affected tribe.

**WAC 197-11-712** Affecting.

**WAC 197-11-714** Agency.

**WAC 197-11-716** Applicant.

**WAC 197-11-718** Built environment.

**WAC 197-11-720** Categorical exemption.

**WAC 197-11-721** Closed Record Appeal.

**WAC 197-11-722** Consolidated appeal.

**WAC 197-11-724** Consulted agency.

**WAC 197-11-726** Cost-benefit analysis.

**WAC 197-11-728** County/city.

**WAC 197-11-730** Decision maker.

**WAC 197-11-732** Department.

**WAC 197-11-734** Determination of nonsignificance (DNS).

**WAC 197-11-736** Determination of significance (DS).

**WAC 197-11-738** EIS.

**WAC 197-11-740** Environment.

**WAC 197-11-742** Environmental checklist

**WAC 197-11-744** Environmental document.

**WAC 197-11-746** Environmental review.

**WAC 197-11-748** Environmentally sensitive area.

**WAC 197-11-750** Expanded scoping.

**WAC 197-11-752** Impacts.

**WAC 197-11-754** Incorporation by reference.

**WAC 197-11-756** Lands covered by water.

**WAC 197-11-758** Lead agency.

**WAC 197-11-760** License.

**WAC 197-11-762** Local agency.

**WAC 197-11-764** Major action.

**WAC 197-11-766** Mitigation.  
**WAC 197-11-768** Mitigated DNS.  
**WAC 197-11-770** Natural environment.  
**WAC 197-11-772** NEPA.  
**WAC 197-11-774** Nonproject.  
**WAC 197-11-775** Open record hearing  
**WAC 197-11-776** Phased review.  
**WAC 197-11-778** Preparation.  
**WAC 197-11-780** Private project.  
**WAC 197-11-782** Probable.  
**WAC 197-11-784** Proposal.

**WAC 197-11-786** Reasonable alternative.  
**WAC 197-11-788** Responsible official.  
**WAC 197-11-790** SEPA.  
**WAC 197-11-792** Scope.  
**WAC 197-11-793** Scoping.  
**WAC 197-11-794** Significant.  
**WAC 197-11-796** State agency.  
**WAC 197-11-797** Threshold determination.  
**WAC 197-11-799** Underlying governmental action.

## IX. CATEGORICAL EXEMPTIONS

### ~~Adoption By Reference:~~

The following provisions of the Washington Administrative Code are adopted by reference ~~Pierce Transit adopts by reference the~~ following the rules for categorical exemptions, as supplemented in this ordinance, including WAC 173-806-070 (Flexible thresholds), WAC 173-806-080 (Use of exemptions), and WAC 173-806-190 (Environmentally sensitive areas):

**WAC 197-11-800** Categorical exemptions.  
**WAC 197-11-880** Emergencies.  
**WAC 197-11-890** Petitioning DOE to change exemptions.

## X. AGENCY COMPLIANCE

### ~~Purpose of This Part and Adoption By Reference:~~

The following provisions of the Washington Administrative Code are adopted by reference ~~This part contains-containing~~ the rules for agency compliance with SEPA, including rules or charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. ~~Pierce Transit adopts the following sections by reference,~~ as supplemented by **WAC 173-806-050** through **173-806-053** and this part:

**WAC 197-11-900** Purpose of this part.  
**WAC 197-11-902** Agency SEPA policies.  
**WAC 197-11-916** Application to ongoing actions.  
**WAC 197-11-920** Agencies with environmental expertise.  
**WAC 197-11-922** Lead agency rules.  
**WAC 197-11-924** Determining the lead agency.  
**WAC 197-11-926** Lead agency for governmental proposals.

**WAC 197-11-928** Lead agency for public and private proposals.  
**WAC 197-11-930** Lead agency for private projects with one agency with jurisdiction.  
**WAC 197-11-932** Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.  
**WAC 197-11-934** Lead agency for private projects requiring licenses from a local agency,



not a county/city, and one or more state agencies.

**WAC 197-11-936** Lead agency for private projects requiring licenses from more than one state agency.

**WAC 197-11-938** Lead agencies for specific proposals.

**WAC 197-11-940** Transfer of lead agency status to a state agency.

**WAC 197-11-942** Agreements on lead agency status.

**WAC 197-11-944** Agreements on division of lead agency duties.

**WAC 197-11-946** DOE resolution of lead agency disputes.

**WAC 197-11-948** Assumption of lead agency status.

## XI. FORMS

### **Adoption By Reference:**

The following provisions of the Washington Administrative Code are adopted by reference ~~Pierce-Transit adopts the~~ following forms and sections by reference:

**WAC 197-11-960** Environmental checklist.

**WAC 197-11-965** Adoption notice.

**WAC 197-11-970** Determination of nonsignificance (DNS).

**WAC 197-11-980** Determination of significance and scoping notice (OS).

**WAC 197-11-985** Notice of assumption of lead agency status.

**WAC 197-11-990** Notice of action.

The effective date of these policies and procedures is ~~November 19, 1984~~ **date of approval**\_\_\_\_\_.