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.


“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 or his/her designee.

For all proposals for which Pierce Transit is the lead agency, the 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 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
V. COMMENTING

Adoption By Reference:

The following provisions of the Washington Administrative Code are adopted by reference. This part contains 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 to Perform Consulted Agency Responsibilities for Pierce Transit:

The Director of Transit Development 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 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 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.
IX. CATEGORICAL EXEMPTIONS

Adopt By Reference:

The following provisions of the Washington Administrative Code are adopted by reference. Pierce Transit adopts by reference the following 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 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.