

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"), Ch. RCW 43.21C, ("ACT") and Chapter 197-11 of the Washington Administrative Code ("SEPA Rules") (together, "SEPA"), Pierce Transit adopts these policies and procedures in compliance with and consistent with SEPA. Sometimes the ACT shall be referred to as "SEPA" and the CODE referred to as "WAC".

Pierce Transit adopts this document under SEPA. This document contains Pierce Transit's SEPA Policies and Procedures for all proposals requiring environmental review under SEPA, and may be referred to as "Pierce Transit's SEPA Policies and Procedures."

These SEPA Policies and Procedures are intended to be and shall be construed in a manner which is consistent with SEPA.

These SEPA Policies and Procedures supersede and replace any prior SEPA policies or procedures previously adopted by Pierce Transit, which are hereby vacated.

If any provision of these SEPA Policies and Procedures or the application of them to any person or circumstance is held invalid, the remainder of them, or the application of such provision to other persons or circumstances, shall not be affected.

II. GENERAL REQUIREMENTS

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:

"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.

"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 proposals for which Pierce Transit is the lead agency, the Responsible official (also known as the "SEPA Official") shall be 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 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"

Pierce Transit shall retain all documents required by the SEPA Rules and make them available in accordance with chapter **42.17 RCW**.

III. CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

The following provisions of the Washington Administrative Code are adopted by reference, 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.

- 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)

The following provisions of the Washington Administrative Code are adopted by reference, containing the rules for preparing an environmental impact statement. 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.

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| WAC 197-11-400 Purpose of EIS. | WAC 197-11-442 Contents of EIS on nonproject proposals. |
| WAC 197-11-402 General requirements. | WAC 197-11-443 EIS contents when prior nonproject EIS. |
| WAC 197-11-405 EIS types. | WAC 197-11-444 Elements of the environment. |
| WAC 197-11-406 EIS timing. | WAC 197-11-448 Relationship of EIS to other considerations. |
| WAC 197-11-408 Scoping. | WAC 197-11-450 Cost-benefit analysis. |
| WAC 197-11-410 Expanded scoping. | WAC 197-11-455 Issuance of DEIS. |
| WAC 197-11-420 EIS preparation. | WAC 197-11-460 Issuance of FEIS. |
| 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. | |

V. COMMENTING

The following provisions of the Washington Administrative Code are adopted by reference, containing the rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notices and hearings.

- 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 comment.
- 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 197-11-360(3)**, Pierce Transit shall give public notice as follows:

- a. If public notice is required for a nonexempt proposal, 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 proposal, 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 SEPA 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

The following provisions of the Washington Administrative Code are adopted by reference, 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.

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

The following provisions of the Washington Administrative Code are adopted by reference, 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.

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

The following provisions of the Washington Administrative Code are adopted by reference containing uniform usage and definitions of terms under SEPA.

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 Mitigated DNS.
WAC 197-11-768 Mitigation.
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

The following provisions of the Washington Administrative Code are adopted by reference, containing 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

The following provisions of the Washington Administrative Code are adopted by reference, the rules for agency compliance with SEPA, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities 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 197-11-912 Procedures of consulted agencies.

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

The following provisions of the Washington Administrative Code are adopted 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 Pierce Transit SEPA Policies and Procedures is December 14, 2020.