



DEPARTMENT OF
ECOLOGY
State of Washington

Staff Report

2016 RULEMAKING FOR CHAPTER 197-11 WAC, SEPA RULES

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Introduction

The Department of Ecology is preparing this staff report to aid in understanding of the proposed SEPA Rule changes to WAC 197-11. In 2015 the Legislature passed Substitute House Bill 1851 which instructed Ecology to undertake this rulemaking.

In response Ecology staff has engaged in a rulemaking process that includes participation from SEPA Rulemaking Advisory Committee members and other interested parties. The document provides a brief narrative discussion of the rule amendments proposed. The staff report identifies the proposed changes by type.

Scope of Proposed Rule

The scope of the proposed rule is limited to creating a new categorical exemption for the replacement of a city, town, and county owned structurally deficient bridge, other minor transportation related exemptions and minor corrections and clarifications to improve readability.

Environmental Issues and Mitigating Factors

At the end of each of the sections, a subsection titled “Environmental Issues and Mitigating Factors” will contain analysis relevant to the environmental analysis of the proposal rule change in support of the documentation in the environmental checklist.

Structurally Deficient Bridges bridge exemption for City, Town, or County - WAC 197-11-800 (27)

Background: In 2015, the Legislature passed SHB 1851 which instructed Ecology to undertake rulemaking.

Proposal: Per the direction of SHB 1851 Ecology is creating a new categorical exemption for the replacement of a City, Town or County owned structurally deficient bridge.

Environmental Issues and Mitigating Factors: The proposed language is only for the replacement of a structurally deficient bridges and limits the exemption to within the existing right-of-way and does not result in the addition of automobile lanes, or a change in capacity. Structurally deficient is defined in SHB 1851 “as a bridge that is classified as in poor condition under the state bridge rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below”. The National Bridge Inventory can be found here: <http://nationalbridges.com/>. Any new city, town or county owned bridge replacement proposal will still comply with an extensive regulatory permitting and design standard review process.

Other Transportation related categorical exemptions - WAC 197-11-800 (2)

Background: The following proposed updates and clarifications are being proposed at the request of Cities and Counties for additional clarity in SEPA rules regarding local transportation improvement projects. The proposed changes to each section are shown underlined and struck out below:

Rule section: 800(2)(b)

Proposal: (b) The construction or designation of bus stops, loading zones, shelters, access facilities, ~~and~~ pull-out lanes for taxi-cabs, transit and school vehicles, and designation of transit only lanes.

Rule section: 800(2)(c)

Proposal: (c) The construction ~~and~~/or installation of commercial on-premise signs, and public signs and signals, including those for traffic control and wayfinding.

Rule section: 800(2)(d)(i)

Proposal: (i) Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designations, physical measures to reduce motor vehicle traffic speed or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;

Rule section: 800(2)(d)(ii) (vi)& (ix)

Proposal: (ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality. ~~in accordance with WAC 248-54-660~~);

(vi) Channelization, rechannelization, ~~and~~ elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;

(ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths including sidewalk extensions, but not including additional automobile lanes.

Environmental Issues and Mitigating Factors: The proposals are consistent with other items in this section of rule and are not substantive. They serve to provide additional clarity and examples of minor street improvement projects proposed by local governments.

Minor technical corrections and clarifications.

The following proposed changes are not substantive. The changes are only minor technical corrections and clarifications. There are no environmental issues or mitigating factors.

WAC 197-11-030 – Policy

Ecology is correcting a misspelling

WAC 197-11-172 – Planned Actions – Project Review

Ecology is updating this section with a correct RCW citation.

WAC 197-11-610 (2)(b) – Use of NEPA Documents

Ecology is striking an “EA” in this section. This is a correction missed during the last round of rulemaking in 2014. This term is now non- applicable in this section of rule since amending WAC 197-11-610 (3)(b) in 2014.

WAC 197-11-800 (23)(f) - Utilities

Ecology is removing a reference to a repealed WAC in this section.

WAC 197-11-800 (24)(h) – Natural Resource Management

Ecology is removing a reference to a repealed WAC in this section.

WAC 197-11-800 (26) – State Transportation Projects.

Ecology is creating a heading for this section to improve readability.

WAC 197-11-830 – Department of Natural Resources

Ecology is updating the citations. The referenced statutes are outdated and have been updated

WAC 197-11-960 – Environmental Checklist

Ecology is correcting two typographical errors and making a clarification to Question 8m that was missed during the 2014 SEPA Rulemaking.

Environmental Issues and Mitigating Factors – No Issues, these proposals are a clarification.