

# SEPA RULEMAKING ADVISORY COMMITTEE MEETING

September 24, 2015 – 9:30 AM TO 11:00 AM  
WASHINGTON STATE DEPARTMENT OF ECOLOGY  
300 Desmond Drive  
Lacey, WA 98503

**Present (conference call meeting):** Darlene Anderson (City of Kent), Tom Clingman (Ecology), Paul Crane (City of Everett), Mike Ennis (Association of Washington Businesses) Fred Greef (DNR), Rochelle Gross (DNR), Erin Hanlon Brown (Ecology), Carol Helland (City of Bellevue), Scott Khuta (Commerce), Mark Mazzola (Seattle DOT), Brenden McFarland (Ecology), Chris Moore (Washington Trust for Historic Preservation), Darcy Nonemacher (Washington Environmental Council), Chris Regan (WSDOT), Carol Lee Roalkvam (WSDOT), Gary Rowe (Washington State Association of Counties), Mary Rossi (Applied Preservation Technologies), Allen Rozema (Skagitonians to Preserve Farmland), Fran Sant (Ecology), Dick Settle (AWB), Gerald Steel (Attorney), Melissa Taylor (Council of Cowlitz-Wahkiakum Governments), Dawn Vyvyan (Yakima Nation & Puyallup Tribe)

## Agenda

- 9:30am: Welcome/ Introductions/Agenda Review (Brenden McFarland)  
9:45am: Transportation Related Categorical Exemptions (all)  
*This meeting will focus on review and discussion of HB 1851 and WAC 197-11-800 (26).*  
10:15am: Open discussion on other minor technical corrections and clarifications to WAC 197-11 (all)  
*At this point in the meeting, we will discuss any topics that the Advisory Committee members wish to provide feedback on.*  
10:45am: Public Comment and meeting wrap up  
11:00am: Adjourn

## Overview

Brenden McFarland welcomed the group and provided an overview of the objectives for the advisory committee. We will be working on rulemaking in response to [HB 1851](#) which relates to exemptions to local government owned structurally deficient bridges, as well as making minor technical corrections and clarifications to the rule as needed and agreed upon. Also open to discussion of whether there should be other changes to transportation exemptions (e.g., would it be good to reorganize transportation exemptions into one place in the exemption section of the rule?) Brenden asked if there was anything more that can be done to set the scope of rulemaking.

Carol Lee Roalkvam asked that we spend a few minutes discussing what people recall about legislative intent with HB 1851 and during session. Carol Lee – Rulemaking highlighted the need to move forward with state funding and identifying efficiencies in moving forward. WSDOT appreciates the focus on structurally deficient bridges, but acknowledges they already have the exemption in 800 (26) and are satisfied with it.

Tom Clingman – asked for clarification of the rule that would be helpful in light of [HB 1219](#).

Dick Settle – was this exemption motivated by the I-5 bridge collapse or by current infrastructure? Carol Lee responded that this was about the multitude of bridges in bad shape, this is a public safety concern.

## Timeline

We are aiming to get a draft rule by the end of this calendar year to complete rulemaking by June 2016.

### Scope and Direction

Fred Greef – 800 (3) – repair, maintenance and remodeling activities could come into play in transportation related exemptions because it mentions transportation and work in/over water.

Tom Clingman - asked a clarifying question if the concept was to reorganize transportation related exemptions so they are under the same category for clarity and organization - This could be broken down further into state projects, local projects.

Gerald Steel - expressed concern about putting everything related to transportation under one section as the structure of the rule is general, you would have to rewrite a lot of the sections to be able to do this. Too much to ask given this timeframe.

Mark Mazzola – expressed interest in a clarification related to reallocating existing road infrastructure, designating road uses (through streets to one direction only, right turn only lanes, etc.)

Allen Rozema – offered a technical correction to last rulemaking [SB 6082](#) (from 2012) – Section 8 lands and shorelines (in the checklist) – describe any proposed measures to preserve or enhance agricultural resource land – was inadvertently left off.

Gary Rowe – will follow up with Brenden regarding additional exemption ideas if they are welcome.

Dick Settle – scope is potentially broad – CR-101 says “review and update other transportation exemptions as needed” – what is the scope of “as needed”? Ask for feedback from local governments doing the projects to help us define the scope. What do local governments need?

Darcy Nonemacher – given the timeline, cautions against going to big and broad. If we do, we won't be able to accomplish what we need to do before the end of the year.

Chris Moore – looking at language for national register listed bridges or eligible bridges that warrants review of programmatic agreement to see if that is working. Often superseded by Section 106, but there are instances where this may not apply. In particular if they are locally funded and not using state or federal funds which would trigger Exec. Order 0505 or Section 106?

Paul Crane – there are some small bridges over creeks that may be locally funded.

Carol Lee – operational changes/maintenance/minor activities depends on how you interpret SEPA – will return to regional/ferris folks to ask if there are activities that does not harm the environment where they are going through SEPA because they think it may be required.

Gerald Steel – thinks we should stay very narrow in what is addressed with this rulemaking. Technical corrections, typos, things that come out of the laws that we are addressing. Suggests limiting 800 (26) to structurally deficient bridges – suggests using work group out of [SB 5994](#) for other WSDOT exemptions

Fred Greef – technical corrections and typos - interested in ensuring that the participants understand and are in agreement about the fact that these are technical corrections and not interpreted further

Tom Clingman – interest in following up on Seattle DOT comments and ensure that the exemptions are clear by providing examples, not having a counter effect

Dawn Vyvyan – interest in the project because projects that are exempt from SEPA don't get a cultural resources review. Puyallup Tribe is interested in possible new exemptions that might

have an impact on cultural resources, environmental protections (water and fish). Prefers to keep scope narrow.

#### Other Comments

Gerald Steel – shared an email related to 800(26) suggesting to strike most of the language in 800 (26), retain (a) and (b) and add a definition for “structurally deficient” to (c).

There were concerns from the group that this was outside of the scope of this rulemaking and would delay the process. Brenden expressed interest in hearing everyone’s ideas about this. As many in the meeting had not yet seen the printed material before the meeting, this suggestion was tabled until the next meeting.

#### Next Steps

Next meeting Thursday October 15<sup>th</sup>