

SEPA ENVIRONMENTAL CHECKLIST

A. **Background** [\[HELP\]](#)

1. Name of proposed project, if applicable: SEPA Rules, Chapter 197-11-WAC, Expedited Rulemaking

2. Name of applicant: Washington State Department of Ecology

3. Address and phone number of applicant and contact person:

Sarah Cassal

Environmental Planner

(360) 688-6374

P.O. Box 47600, Olympia, WA 98504-7600

4. Date checklist prepared: September 6, 2022

5. Agency requesting checklist: Washington State Department of Ecology

6. Proposed timing or schedule (including phasing, if applicable):

Rule Adoption required by the State Legislature by December 31, 2022 in SB 5818, Section 5.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

None.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None.

10. List any government approvals or permits that will be needed for your proposal, if known.

The Washington State Legislature requires agencies to follow the process in RCW [34.05.353 Expedited rulemaking](#) to implement expedited rule making. We expect to file the Code Reviser 105 Form in

October of 2022, in order to publish in the Code Reviser's Publication on November 2, 2022. Following this timeline, the earliest possible adoption date in December 20, 2022. The amended language in Chapter 197-11 WAC will become effective 30 days after the adoption date.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Washington State Legislature mandated the Washington State Department of Ecology to complete expedited rulemaking to the State Environmental Policy Act (SEPA) Rules, Chapter 197-11-WAC, by December 31, 2022 in Senate Bill 5818. Along with the changes made in this mandate Ecology is also proposing changes to the SEPA Rules from 2020 and 2017 Legislative sessions for consistency with the Chapter 43.21C RCW.

The rule changes are limited in scope to fixing inconsistencies between SEPA, Chapter 43.21C RCW and the SEPA Rules, Chapter 197-11 WAC. The changes include:

- Expanding the single family residential exemption to include attached single family residences in WAC 197-11-800(1)(b);
- Establishing a new exemption for single family residential units with the total square footage of 1,500 square feet to 100 units located within incorporated Urban Growth Areas of Cities fully planning under the Growth Management Act in WAC 197-11-800(1)(d);
- Increasing the flexible exemption threshold for multi-family residential units to 200 units located within incorporated Urban Growth Areas of Cities fully planning under the Growth Management Act in WAC 197-11-800(1)(d);
- Adding a required consultation process for local governments proposing to increase their flexible exemption thresholds under WAC 197-11-800(1)(c) with the Washington State Department of Transportation in WAC 197-11-800(1);
- Removing parking as an element of the environment in WAC 197-11-444(2)(c)(iv);
- Removing the question "How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?" from the environmental checklist in WAC 197-11-960(B)(14)(c).
- Expanding the options for local governments to adequately address environmental impacts in a threshold determination instead of requiring an EIS, when implementing a planned action project review in WAC 197-11-172(1)(b) and in WAC 197-11-164(1)(b).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The changes to the Chapter 197-11 WAC will affect all lead agencies statewide.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee: Joenne McGerr

Position and Agency/Organization:

Program Manager

Shorelands and Environmental Assistance Program

Department of Ecology

Date Submitted: _____

D. Supplemental sheet for non-project actions [\[HELP\]](#)

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed changes to the SEPA Rule will not likely increase discharges to water, emissions to air, production, storage or release of toxic or hazardous substances or production of noise.

See additional detail in attached Non-Project Review Form.

Proposed measures to avoid or reduce such increases are:

No mitigation is proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed changes to the SEPA Rule will not have likely impacts to plants, animals, fish, or marine life.

See additional detail in attached Non-Project Review Form.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

No mitigation is proposed.

3. How would the proposal be likely to deplete energy or natural resources?

No likely impacts to energy or natural resources are anticipated by the proposed amendment to the SEPA Rule.

See additional detail in attached Non-Project Review Form.

Proposed measures to protect or conserve energy and natural resources are:

None are proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed amendment to the SEPA rule will not impact the use or affect environmentally sensitive areas.

See additional detail in attached Non-Project Review Form.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No mitigation is proposed as part of this rule amendment.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See additional detail in attached Non-Project Review Form.

Proposed measures to avoid or reduce shoreline and land use impacts are:

No mitigation is proposed as part of this rule amendment.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

See additional detail in attached Non-Project Review Form.

Proposed measures to reduce or respond to such demand(s) are:

No mitigation is proposed as part of this rule amendment.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The Rule amendment is proposed to eliminate inconsistencies between SEPA, Chapter 43.21C RCW, and the SEPA Rule, Chapter 197-11 WAC.

See additional detail in attached Non-Project Review Form.