LEWIS COUNTY PUBLIC FACILITIES DISTRICT

RESOLUTION NO. 2008-006

A RESOLUTION of the Board of Directors of the Lewis County Public Facilities District, providing for the adoption of policies and procedures to be utilized by the District In conducting the environmental review required by the Washington State Environmental Policy Act and implementing rules adopted by the Washington Department of Ecology

WHEREAS, Pursuant to Chapter 36.100 RCW, by Resolution No. 07-247, the Board of County Commissioners of Lewis County ("the County") created the Lewis County Public Facilities District (the "District"), with boundaries coextensive with the boundaries of the County, for the purpose of pursuing the design, construction, ownership, operation and/or financing of specifically, a public facility, including parking facilities; and

WHEREAS, The Washington State Environmental Policy Act ("SEPA"), codified at Chapter 43.21C RCW, directs all state and local agencies, including municipal corporations, to adopt rules integrating applicable SEPA policies and procedures into such agencies' activities, actions, and decisions; and

WHEREAS, The policies and procedures attached hereto as Exhibit A, to be utilized in complying with the SEPA regulations has been presented to the Board of Directors (the "Board") of the District; and

WHEREAS, The District Board wishes to adopt SEPA policies and procedures to guide the agency's actions as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWIS COUNTY PUBLIC FACILITIES DISTRICT:

Section 1 Adoption of SEPA Policies and Procedures.

The District Board hereby adopts the SEPA Policies and Procedures attached hereto as Exhibit A and incorporated herein by this reference.

Section 2 Implementation of SEPA Policies and Procedures.

The District Board authorizes and directs the District's Board Chairperson, or his or her designee, to implement such policies and procedures; and

Section 3 Ratification of Prior Acts

Any action taken consistent with the authority of this resolution, after its passage but prior to its effective date, is ratified, approved and confirmed.

ADOPTED this 13th day of May, 2008.

Peter Corwin, Chair

LEWIS COUNTY PUBLIC FACILITIES DISTRICT
SEAL
EST. 2007

Adopted by the vote of the majority of the Directors of the Lewis County Public Facilities District Board of Directors present at an open public meeting of said Board on the 13th day of May, 2008, at which a quorum was present.

EXHIBIT A

SEPA POLICIES AND PROCEDURES

A. Authority.

The Lewis County Public Facilities District ("District") adopts the following Policies and Procedures pursuant to RCW Chapter 43.21C and WAC Chapter 197-11.

B. General Requirements.

1. Purpose and Adoption by Reference.

This section contains the basic requirements that apply to the SEPA process. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-040:	Definitions
-050:	Lead Agency
-055:	Timing of SEPA Process
-060:	Content of Environmental Review
-070:	Limitations on Actions During SEPA Review
-080:	Incomplete or Unavailable Information
-090:	Supporting Documents
-100:	Information Required of Applicants
-250	SEPA/Model Toxics Control Act Integration
-253	SEPA Lead Agency for MTCA Actions
-256	Preliminary Evaluation
-259	Determination of Nonsignificance for MTCA Remedial Action
-262	Determination of Significance and EIS for MTCA Remedial Actions
-265	Early Scoping for MTCA Remedial Actions
-268	MTCA Interim Actions

2. Additional Definitions.

In addition to those definitions in WAC 197-11-700 through –799, when used in this resolution the following terms shall have the following meanings, unless the context indicates otherwise:

a. Board. "Board" means the Board of Directors of the District.

b. District. "District" means the Lewis County Public Facilities District.

c. Resolution. "Resolution" means this resolution adopting SEPA Policies and Procedures for the District.

d. SEPA Rules. "SEPA Rules" means the provisions of Chapter 197-11 WAC as currently existing or subsequently amended.

3. Designation of Responsible Official.

a. For all proposals for which the District is the lead agency, the Responsible Official shall be the Chairperson of the Board of the District or his/her designee.

b. For all proposals for which the District is the lead agency, the Responsible 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" by these Policies and Procedures or the SEPA Rules.

c. The District shall make all documents required by these Policies and Procedures available in accordance with applicable law.

4. Lead Agency Determination and Responsibilities.

a. When the District initiates a proposal or receives an application for a proposal that involves an action not exempt under SEPA, it shall determine the lead agency for that proposal under applicable law, unless the lead agency has been previously determined or the Responsible Official is aware that another agency is in the process of determining the lead agency. For proposals initiated by the District, the District anticipates that it will usually act as lead agency pursuant to 197-11-926(1).

b. When the District is not the lead agency for a proposal, it shall use and consider, as appropriate, the environmental documents of the lead agency in making decisions on the proposal. The District shall not prepare or require preparation of environmental documents in addition to that prepared by the lead agency, unless the District is otherwise authorized or elects to do so under applicable law.

c. If the District receives a lead agency determination made by another agency that appears inconsistent with the criteria established by applicable law for making such determinations, the District may, if it otherwise has jurisdiction over the proposal, take such action as authorized by the SEPA Rules.

d. The Responsible Official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal as authorized by applicable law.

C. Categorical Exemptions And Threshold Determinations.

1. Purpose and Adoption by Reference.

This section contains the rules SEPA categorical exemptions and threshold determinations, including rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement ("EIS") to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-300:	Purpose of This Part
-305:	Categorical Exemption
-310:	Threshold Determination Required
-315:	Environmental Checklist
-330:	Threshold Determination Process
-335:	Additional Information
-340:	Determination of Nonsignificance (DNS)
-350:	Mitigated DNS

-355: Optional DNS Process

-360: Determination of Significance (DS)/Initiation of Scoping

-390: Effect of Threshold Determination

2. Additional Provisions.

a. When the District receives an application for a license or when the District initiates a proposal, it shall determine whether the license and/or the proposal is exempt. A written decision is not required. The District's determination that a proposal is exempt or nonexempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this Resolution shall apply to the proposal. No environmental checklist is required for an exempt proposal.

b. If a proposal includes both exempt and nonexempt actions, the district may authorize exempt actions prior to compliance with the procedural requirements of this Resolution except as limited in WAC 197-11-070.

D. Environmental Impact Statement (EIS).

1. Purpose and Adoption by Reference.

This section contains the rules for preparing environmental impact statements. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-400: Purpose of EIS

-402: General Requirements

-405: EIS Types

-406: EIS Timing

-408: Scoping

-410: Expanded Scoping (Optional)

-420: EIS Preparation

-425: Style and Size

-430: Format

-435: Cover Letter or Memo

-440: EIS Contents

-442: Contents of EIS on Non-Project Proposals

-443: EIS Contents When Prior Nonproject EIS

-444: Elements of the Environment

-448: Relationship of EIS to Other Considerations

-450: Cost-Benefit Analysis

-455: Issuance of DEIS

-460: Issuance of FEIS

2. Preparation of EIS – Additional Considerations.

a. Preparation of draft and final EISs (DEIS and FEIS) is the responsibility of the Responsible Official. Before the District issues an EIS, the Responsible Official shall be satisfied it is legally adequate, including compliance with this Resolution and WAC Chapter 197-11.

b. Environmental documents may be prepared by the District, by outside consultants selected by the District, or by such other person as the District may so direct consistent with the SEPA Rules. If the District directs a person to prepare any one or more environmental documents, the District shall provide such person with a copy of these Policies and Procedures.

b. The District may require an applicant for a license or for funding to provide information the District does not possess, including specific investigations.

E. Commenting.

1. Purpose and Adoption by Reference.

This section contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-500: Purpose of This Part

-502: Inviting Comment

-504: Availability and Cost of Environmental Documents

-508: SEPA Register

-510: Public Notice

-535: Public Hearings and Meetings

-545: Effect of No Comment

-550: Specificity of Comments

-560: FEIS Response to Comments

-570: Consulted Agency Costs to Assist Lead Agency

2. Public Notice

a. Except as may otherwise be provided by these procedures, whenever the District issues a DNS pursuant to WAC 197-11-340, 197-11-350 or 197-11-255, a DS pursuant to WAC 197-11-360, a DEIS pursuant to WAC 197-11-455, a SEIS pursuant to WAC 197-11-620, or must otherwise provide notice in accordance with WAC 197-11-510, the District shall give public notice as follows:

(1) posting the property (for site-specific proposals only); and

(2) publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.

b. In addition to the methods for giving public notice identified in Section E.2.a. above, whenever notice is required to be given by these procedures, the Responsible Official may designate any one or more of the following methods of providing such notice if the Responsible Official determines that such methods are required or otherwise appropriate in a particular case:

(1) notifying public or private groups or individuals with known interest in a certain proposal or in the type of proposal being considered;

(2) targeted mailings and/or holding community meetings in areas affected by the proposal;

(3) notifying the news media or holding press conferences;

(4) placing notices in appropriate regional, neighborhood, ethnic, or trade journals;

(5) publishing notice in agency newsletters and/or sending letters to agency mailing lists; and/or

(6) posting on the District's or Lewis County's website if appropriate.

c. The District may integrate the notice procedures required by these procedures with existing notice procedures otherwise required by applicable law.

d. For proposals with broad geographic scope where posting of the property is impractical or infeasible, overly expensive, or unlikely to give notice as broadly as the District deems appropriate, the Responsible Official has the discretion to determine that other forms of notice (such as the some of the forms of notice mentioned in section b above) are sufficient in lieu of posting to give reasonable notice to the affected community of a proposal.

3. Designation of Official to Perform Consulted Agency Responsibilities for the District.

The Responsible Official shall be responsible for the timely preparation of written comments for the District in response to a consultation request from other agencies.

F. Using Environmental Documents.

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act ("NEPA") for the District's own environmental compliance. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-600: When to Use Existing Environmental Documents

-610: Use of NEPA Documents

-620: Supplemental Environmental Impact Statements – Procedures

-625: Addenda – Procedures

-630: Adoption – Procedures

-635: Incorporation by Reference – Procedures

-640: Combining Documents

G. SEPA and Agency Decisions.

1. Purpose and Adoption by Reference

This section contains the 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 the courts. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-650: Purpose of This Part

-655: Implementation

-660: Substantive Authority and Mitigation

-680: Appeals

2. Appeals.

a. The District hereby eliminates pursuant to WAC 197-11-680(2) appeals of substantive SEPA determinations (i.e., conditioning or denying a proposal under authority of SEPA).

b. The District elects pursuant to WAC 197-11-680(3) not to provide for any administrative appeals of District procedural SEPA determinations.

3. Notice of Action.

The District may publish notice of action taken by the District pursuant to these Policies and Procedures, and pursuant to RCW 43.21C.080. The form of any such notice of action shall be substantially in the form provided by the SEPA Rules.

4. Additional Specific Policies for the Exercise of SEPA Substantive Authority.

a. Any District action on a proposal that is not exempt may be conditioned or denied under SEPA to mitigate the environmental impacts, subject to the limitations of RCW 43.21C.060, WAC 197-11-660, and other applicable law.

b. The District formally designates and adopts the following policies from RCW Chapter 43.21C to be considered by the District in connection with the District's exercise of substantive SEPA authority: when undertaking an action involving the exercise of substantive SEPA authority, the District shall consider, as appropriate under the circumstances, the ramifications and potential of such action to:

(1) provide the best opportunities for serving the public interest possible;

(2) maximize environmental benefits from available resources;

(3) fulfill the responsibilities of each generation as to the environment for succeeding generations;

(4) foster a safe, healthful, productive, and aesthetically and culturally pleasing environment;

(5) attain a range of beneficial uses of the environment while avoiding degradation, risk to health or safety, or other undesirable and unintended consequences;

(6) preserve important historical, cultural, and natural aspects of our heritage;

(7) maintain, wherever practical, an environment which supports diversity and variety of choice;

(8) achieve a prudent use of resources which promotes the quality of life and an equitable allocation of amenities;

(9) enhance the quality of renewable resources by reasonable and practical means and promote the recycling of depletable resources; and

(10) recognize 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.

c. When reviewing the environmental impact of a project and exercising substantive SEPA authority, it is the policy of District to consider whether existing development regulations and other applicable local, state or federal laws or rules provide adequate analysis of and mitigation for some or all of the specific adverse environmental impacts of the specific adverse environmental impacts of a proposal. In deciding whether a project-specific environmental impact has been, or will be, adequately addressed by another agency with jurisdiction, the District may consult orally or in writing with the other agency and may base or condition the proposal on compliance with those other existing rules or laws.

H. Definitions.

This section contains uniform usage and definitions of terms under SEPA. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-700:	Definitions
-702:	Act
-704:	Action
-706:	Addendum
-708:	Adoption
-710:	Affected Tribe
-712:	Affecting
-714:	Agency
-716	Applicant
-718:	Built Environment
-720:	Categorical Exemptions
-721:	Closed Record Appeal

-722: Consolidated Appeal

-724: Consulted Agency

-726: Cost-Benefit Analysis

-728: County/City

-730: Decision Maker

-732: Department

-734: Determination of Nonsignificance (DNS)

-736: Determination of Significance (DS)

-738: EIS

-740: Environment

-742: Environmental Checklist

-744: Environmental Document

-746: Environmental Review

-750: Expanded Scoping

-752: Impacts

-754: Incorporation by Reference

-756: Lands Covered by Water

-758: Lead Agency

-760: License

-762: Local Agency

-764: Major Action

-766: Mitigated DNS

-768: Mitigation

-770: Natural Environment

-772: NEPA

-774: Non-Project

-775: Open Record Hearing

-776: Phased Review

-778: Preparation

-780: Private Project

-782: Probable

-784: Proposal

-786: Reasonable Alternative

-788: Responsible Official

-790: SEPA

-792: Scope

-793: Scoping

-794: Significant

-796: State Agency

-797: Threshold Determination

-799: Underlying Governmental Action

I. Categorical Exemptions.

This section contains the rules for determining proposals categorically exempt from SEPA review. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-800: Categorical Exemptions

-880: Emergencies

-890: Petitioning DOE to Change Exemptions

J. Agency Compliance.

1. Purpose and Adoption by Reference.

This section contains rules for agency compliance with SEPA. The District adopts by reference the following sections of Chapter 197-11 WAC:

WAC 197-11-900: Purpose of This Part

-902: Agency SEPA Policies

-904 Agency SEPA Procedures

-906 Content and Consistency of Agency Procedures

-910 Designation of Responsible Official

-912 Procedures of Consulted Agencies

-914 SEPA Fees and Costs

-916: Application to Ongoing Actions

-920: Agencies with Environmental Expertise

-922: Lead Agency Rules

-924: Determining the Lead Agency

-926: Lead Agency for Governmental Proposals

-928: Lead Agency for Public and Private Proposals

-930: Lead Agency for Private Projects with One Agency with Jurisdiction

-932: Lead Agency for Private Projects Requiring Licenses From More Than One Agency, When One of the Agencies is a County/City

-934: Lead Agency for Private Projects Requiring Licenses From a Local Agency, Not a County/City, and One or More State Agencies

-936: Lead Agency for Private Projects Requiring Licenses From More Than One State Agency

-938: Lead Agencies for Specific Proposals

-940: Transfer of Lead Agency Status to a State Agency

-942: Agreements on Lead Agency Status

-944: Agreements on Division of Lead Agency Duties

-946: DOE Resolution of Lead Agency Disputes

-948: Assumption of Lead Agency Status

2. Severability

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

K. Forms.

The District adopts the following forms and sections in Chapter 197-11 WAC:

WAC 197-11-960:	Environmental Checklist
-965:	Adoption Notice
-970:	Determination of Nonsignificance
-980:	Determination of Significance and Scoping Notice (DS)
-985:	Notice of Assumption of Lead Agency Status
-990:	Notice of Action

[END OF EXHIBIT A]