

	<p>STATE ENVIRONMENTAL POLICY ACT COMPLIANCE</p>	<p>Policy No. 6890 February 15, 2012 Page 1 of 8</p>
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It is the policy of the Seattle School Board that the district will comply with the Washington State Environmental Policy Act, RCW 43.21C.120 and the SEPA Rules, Chapter 197-11 of the Washington Administrative Code. The School Board adopts the policy for all projects requiring environmental review.

1. Definitions

Except as they may conflict with specific provisions in paragraphs 3 through 11 below and except as the district may modify forms or procedures to suit better its circumstances and purposes, the district adopts the following sections or subsections of Chapter 197-11 of the Washington Administrative Code (“WAC”), as they may be amended from time to time, by reference:

- 197-11-040: Definitions
- 050: Lead agency
- 055: Timing of the SEPA process
- 060: Content of environmental review
- 070: Limitations on actions during SEPA process
- 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 action
- 265: Early scoping for MTCA remedial actions
- 268: MTCA interim actions
- 300: Purpose of this part
- 305: Categorical exemptions
- 310: Threshold determination required
- 315: Environmental checklist
- 330: Threshold determination process
- 335: Additional information
- 340: Determination of nonsignificance (DNS)
- 350: Mitigated DNS

- 360: Determination of significance (DS)/initiation of scoping
- 390: Effect of threshold determination
- 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 nonproject proposals
- 443: EIS contents when prior nonproject EIS
- 444: Elements of the environment
- 448: Relationship to EIS to other considerations
- 450: Cost-benefit analysis
- 455: Issuance of DEIS
- 460: Issuance of FEIS
- 500: Purpose of this part
- 502: Inviting comment
- 504: Availability and cost of environmental documents
- 508: SEPA register
- 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
- 600: When to use existing environmental documents
- 610: Use of NEPA documents
- 620: Supplemental environmental impact statement - procedures
- 625: Addenda - procedures
- 630: Adoption - procedures
- 635: Incorporation by reference - procedures
- 640: Combining documents
- 650: Purpose of this part
- 655: Implementation
- 660: Substantive authority and mitigation
- 680: Appeals
- 700: Definitions
- 702: Act
- 704: Action
- 706: Addendum
- 708: Adoption
- 710: Affected tribe
- 712: Affecting

- 714: Agency
- 716: Applicant
- 718: Built environment
- 720: Categorical exemption
- 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
- 748: Environmentally sensitive area
- 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: Nonproject
- 776: Phased review
- 778: Preparation
- 780: Private project
- 782: Probable
- 784: Proposal
- 786: Reasonable alternative
- 788: Reasonable official
- 790: SEPA
- 792: Scope
- 793: Scoping
- 794: Significant
- 796: State agency
- 797: Threshold determination
- 799: Underlying governmental action
- 800: Categorical exemptions
- 880: Emergencies

- 890: Petitioning DOE to change exemptions
- 900: Purpose of this part
- 912: Procedures of consulted agencies
- 916: Application to ongoing actions
- 918: Lack of agency procedures
- 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
- 960: Environmental checklist
- 965: Adoption notice
- 970: Determination of nonsignificance (DNS)
- 980: Determination of significance and scoping notice (DS)
- 985: Notice of assumption of lead agency status
- 990: Notice of action

2. 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:

- “District” means the Seattle School District No. 1, King County, state of Washington.
- “Department” means any division or organizational unit of Seattle School District No. 1
- “SEPA Rules” means Chapter 197-11 WAC adopted by the Council on Environmental Policy.

3. Lead Agency Determination and Responsibilities

- a. The district is lead agency for the proposals it initiates and is responsible for compliance with SEPA regulations.
- b. When the district is not the lead agency for a proposal, all departments of the district shall use and consider as appropriate either the DNS or EIS of the lead agency in making decisions on the proposal. No district department shall prepare a DNS or EIS in addition to that prepared by the lead agency unless required by WAC 197-11-600.
- c. If the district receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of the receipt of the determination, or the district must petition the Department of Ecology for a lead agency determination under WAC 197-11-046 within the 15 day time period. Any such petition on behalf of the district shall be initiated by the Responsible Official and/or the General Counsel.

4. Environmental Policies

In its environmental review of any proposal where it is the lead agency, the district shall consider all probable significant adverse environmental impacts disclosed in the environmental documents prepared for the proposal, including those impacts that are also the concern of other governmental entities whose permit or approval is required or desired by the district. The district will consider whether mitigation measures applied to the proposal are sufficient to mitigate environmental impacts and, if not, whether additional mitigation is appropriate. In reaching a decision on the proposal, the district shall balance any unmitigated adverse environmental impacts against the educational or other purposes for the proposal.

5. Preparation of Environmental Impact Statements and Supplemental Environmental Impact Statements– Additional Considerations

- a. Preparation of draft, final, and supplemental EISs (collectively “EIS”) is the responsibility of the responsible official. Before the district issues an EIS, the responsible official shall be satisfied that it complies with this resolution and all other applicable legal requirements.
- b. Draft, final and supplemental EISs shall be prepared by the district or by a consultant selected by the district.
- c. In the sole discretion of the district, an EIS may discuss any or all of the following issues, which shall not be part of the criteria for threshold determinations or be subject to any of the other requirements or purposes of this resolution, including administrative or judicial appeal:
 1. Educational considerations;
 2. Cost considerations;
 3. Economic effects;
 4. Other social or public policy analysis; or

5. Cost-benefit analysis
- d. Whenever possible, the district will integrate the SEPA processes with other public input and will integrate SEPA notices and documents with other public notices on a contemplated action and with other documents providing other information on a project or proposal to the public or the district.
- e. Where the district is required or chooses to obtain a permit or other approval from another governmental entity for a district-initiated project or program, the district will generally act as lead agency, and the district's EIS and other SEPA documents will form the basis for all subsequent governmental decisions. The district may in its sole discretion delegate its lead agency status, on a case-by-case basis, to another agency with jurisdiction.

6. Public Notice

Public notice of a Determination of Significance ("DS") or Determination of Non-significance ("DNS"), commencement of scoping, and availability of a draft or final EIS shall be provided by:

- a. Posting the property, for site-specific proposals;
- b. Publishing notice in a newspaper of general circulation in the general area where the proposal is located;
- c. Mailing to other agencies with jurisdiction; and
- d. Placing notice on the district's website.

7. Designation of Responsible Official or SEPA Review Officer

For those proposals for which the district is the lead agency, the responsible official (also known as the "SEPA Review Officer") shall be such official as shall be designated by the Superintendent. The responsible official will make the threshold determination, supervise preparation of any required EIS and perform any other functions assigned to the "lead agency."

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 EIS, and perform any other functions assigned to the "lead agency" or "responsible official."

The responsible officer shall be responsible for the district's compliance with WAC 197-11-550 whenever the district 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 the district.

8. Appeals

- a. Any aggrieved person may appeal the district's compliance with Chapter 43.21 C RCW and Chapter 197-11 WAC by filing a notice of appeal with the responsible official within 15 days of the date of public notice of issuance of a

final DNS or availability of a final EIS. A person is aggrieved within the meaning of this section only when the following conditions are present: (a) the interest that the person is seeking to protect is within the zone of interests that are protected or regulated by SEPA; and (b) the person has alleged "injury in fact," i.e., that he or she will be "specifically and perceptibly harmed" by the proposed action. The DNS or EIS should identify this appeal process and the deadline for an appeal, but any failure to provide such notice shall not be construed to waive the deadline. The responsible official shall promptly arrange for review by the Superintendent.

- b. All appeals hereunder shall be heard and decided by the Superintendent.
- c. The Superintendent may designate a hearing officer or other designee to hear evidence and prepare recommended findings, conclusions, and decision on any appeal. The Superintendent shall then review and adopt or reject such recommendations in conjunction, if appropriate, with the decision on the underlying action. The Superintendent need not review the entire record before the hearing officer, but may receive written and oral argument. The Superintendent may dismiss an appeal without hearing if it is determined that the appeal fails to state a claim under SEPA, or it is without merit on its face, frivolous, or brought merely to secure delay.
- d. No appeal may be taken from intermediate steps under SEPA such as lead agency or responsible official determinations, scoping, or draft EIS adequacy. Only one appeal of a threshold determination or of the adequacy of an EIS is allowed.
- e. The Superintendent or designee shall provide for testimony under oath, a taped or written transcript, and findings and conclusions. Any subsequent judicial or other review or appeal shall be limited to this administrative record.
- f. Procedural determinations by the responsible official shall be entitled to substantial weight in the administrative appeal and any subsequent proceedings.
- g. Once the Superintendent has made a decision on the proposal, the responsible official may promptly cause a notice of action to be published in the form and manner set forth in RCW 43.21 C.080. Where RCW28A.88.010 or some other statutory appeal process applies to the decision on the underlying action, the notice shall specify that appeals raising SEPA issues must be filed within thirty days after the official notice of action, even if additional governmental decisions will be supported by the same SEPA documents.

9. Responsibility of Agency - Information.

The district shall retain all documents required by the SEPA rules that make them available in accordance with Chapter 42.17 RCW.

10. Severability

If any provision of this policy or procedure or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application for the provision to other persons or circumstances, shall not be affected.

Adopted: February 2012

Revised:

Cross Reference:

Related Superintendent Procedure:

Previous Policies: H24.00; H24.01

Legal References: Chapter 43.21C RCW State Environmental Policy; 197-11 WAC State Environmental Policy Act (SEPA) Rules

Management Resources: *Policy News*, December 1998