

RESOLUTION NO. 101

RESOLUTION OF
THE ENERGY FACILITY SITE EVALUATION COUNCIL

WHEREAS: The Council on Environmental Policy has adopted final SEPA guidelines pursuant to chapter 43.21C RCW, which guidelines are set forth in chapter 197-10 of the Washington Administrative Code; and

WHEREAS: The foregoing guidelines became effective on January 16, 1976; and

WHEREAS: Pursuant to chapter 43.21C RCW, the Energy Facility Site Evaluation Council is duty-bound to adopt its own rules implementing chapter 43.21C RCW within 120 days after the effective date of the foregoing guidelines; and

WHEREAS: The Energy Facility Site Evaluation Council was created by chapter 108, Laws of 1975-76, 2nd ex. sess., which was enacted over two months after the effective date of chapter 197-10 of the Washington Administrative Code; and

WHEREAS: The Energy Facility Site Evaluation Council is still in the process of developing its own guidelines under chapter 108, Laws of 1975-76, 2nd ex. sess., and until such process is completed, the Council will be unable to develop precise guidelines pursuant to chapter 43.21C RCW; and

WHEREAS: The failure to adopt any guidelines pursuant to chapter 43.21C RCW would require the Energy Facility Site Evaluation Council to apply the guidelines adopted by the Council on Environmental Policy in the manner described in WAC 197-10-900(2); and

WHEREAS: The Energy Facility Site Evaluation Council finds and declares it necessary for the preservation of the public health, safety and general welfare that a modified and revised version of the guidelines of the Council on Environmental Policy be immediately adopted and, further, finds and declares that observance of the requirements of notice and opportunity to present views would be contrary to the public interest, as specified in RCW 34.04.030;

NOW THEREFORE, Be it resolved that:

(1) The Energy Facility Site Evaluation Council hereby adopts by reference all of the provisions of WAC chapter 197-10, except that the following provisions are not adopted:

197-10-175
-220
-225
-230(2)
-230(3)
-230(4)
-230(6)
-230(7)
-230(8) through -230(12)
-235
-380
-800
-805
-820
-835
-860
-900

(2) Wherever reference is made in the adopted guidelines to state or local agencies to be governed thereby, such language shall be deemed to refer to the Energy Facility Site Evaluation Council, unless a contrary intent is clearly shown. Notwithstanding the foregoing, reference-adopted WAC 197-10-170(4)(b) and WAC 197-10-170(4)(d) shall continue to refer generally to agencies

other than the Energy Facility Site Evaluation Council.

(3) The Responsible Official shall be the executive secretary to the Energy Facility Site Evaluation Council.

(4) The SEPA Information Center shall be the Energy Facility Site Evaluation Council office.

(5) For purposes of these emergency guidelines, reference-adopted WAC 197-10-100(4) is hereby amended to delete the following words: "If the guidelines of the lead agency so provide, an. . ." In place of the deleted words, substitute the word: "An."

I certify that, upon motion properly made, seconded and passed, the foregoing resolution was adopted by the Energy Facility Site Evaluation Council on May 10, 1976.



CHAIRMAN, Energy Facility Site
Evaluation Council