

AMENDATORY SECTION (Amending WSR 98-01-082, filed 12/12/97, effective 1/12/98)

**WAC 463-47-020 Adoption by reference.** The energy facility site evaluation council adopts the following sections or subsections of chapter 197-11 WAC by reference as of the effective date of this rule.

<del>((197-11-040</del>	Definitions.))
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)

197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement--Procedures.
197-11-625	Addenda--Procedures.
197-11-630	Adoption--Procedures.
197-11-635	Incorporation by reference--Procedures.
197-11-640	Combining documents.
197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.

197-11-680 Appeals.  
197-11-700 Definitions.  
197-11-702 Act.  
197-11-704 Action.  
197-11-706 Addendum.  
197-11-708 Adoption.  
197-11-710 Affected tribe.  
197-11-712 Affecting.  
197-11-714 Agency.  
197-11-716 Applicant.  
197-11-718 Built environment.  
197-11-720 Categorical exemption.  
197-11-722 Consolidated appeal.  
197-11-724 Consulted agency.  
197-11-726 Cost-benefit analysis.  
197-11-728 County/city.  
197-11-730 Decisionmaker.  
197-11-732 Department.  
197-11-734 Determination of nonsignificance (DNS).  
197-11-736 Determination of significance (DS).  
197-11-738 EIS.  
197-11-740 Environment.  
197-11-742 Environmental checklist.  
197-11-744 Environmental document.  
197-11-746 Environmental review.  
197-11-750 Expanded scoping.  
197-11-752 Impacts.  
197-11-754 Incorporation by reference.  
197-11-756 Lands covered by water.  
197-11-758 Lead agency.  
197-11-760 License.  
197-11-762 Local agency.  
197-11-764 Major action.

197-11-766 Mitigated DNS.  
197-11-768 Mitigation.  
197-11-770 Natural environment.  
197-11-772 NEPA.  
197-11-774 Nonproject.  
197-11-776 Phased review.  
197-11-778 Preparation.  
197-11-780 Private project.  
197-11-782 Probable.  
197-11-784 Proposal.  
197-11-786 Reasonable alternative.  
197-11-788 Responsible official.  
197-11-790 SEPA.  
197-11-792 Scope.  
197-11-793 Scoping.  
197-11-794 Significant.  
197-11-796 State agency.  
197-11-797 Threshold determination.  
197-11-799 Underlying governmental action.  
197-11-800 Categorical exemptions.  
197-11-880 Emergencies.  
197-11-890 Petitioning DOE to change exemptions.  
197-11-900 Purpose of this part.  
197-11-902 Agency SEPA policies.  
197-11-904 Agency SEPA procedures.  
197-11-906 Content and consistency of agency procedures.  
197-11-910 Designation of responsible official.  
197-11-912 Procedures on consulted agencies.  
197-11-914 SEPA fees and costs.  
197-11-916 Application to ongoing actions.  
197-11-917 Relationship to chapter 197-10 WAC.  
197-11-918 Lack of agency procedures.  
197-11-920 Agencies with environmental expertise.

197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.
197-11-950	Severability.
197-11-955	Effective date.
197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-47-060 Additional timing considerations.** (1) The council will determine when it receives an application whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the council will request the applicant to complete an environmental checklist. A checklist is not needed if the council and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application. The applicant should also complete an environmental checklist if the council is unsure whether the proposal is exempt.

(2) (~~The council when it receives an application and environmental checklist will determine whether the council or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If the council is not the lead agency, the council shall send the completed environmental checklist, a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.~~

(3)) The council may initiate an adjudicative proceeding hearing required by RCW ((~~80.50.100~~)) 80.50.090 prior to completion of the draft EIS. The council shall initiate and conclude an adjudicative proceeding ((~~hearing required by RCW 80.50.100~~)) prior to issuance of the final EIS.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-47-090 EIS preparation.** (1) Preparation of draft and final EISs and SEISs is the responsibility of the council ((~~or a council subcommittee~~)). Before the council issues an EIS, the responsible official shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The council normally will prepare its own draft and final EISs. It may require an applicant to provide information that the council does not possess, including specific investigations. ((~~However, the applicant is not required to~~

~~supply information that is not required under these rules.))~~

(3) If the council would be unable to prepare a draft and/or final EIS due to its commitments or other constraints ~~((or when a local agency transfers lead agency status to the council under WAC 197-11-940,))~~ the council may allow an applicant the following option for preparation of the draft and/or final EIS for the applicant's proposal:

~~(a) ((The council retains a mutually agreed upon and independent outside party to prepare the document.~~

~~(b))~~ The applicant and the council agree upon a method of funding in which the applicant will bear the expense of the EIS preparation, but the consultant will work directly for the council.

~~((e))~~ (b) The outside party will prepare the document under the supervision of the council or council subcommittee, and the responsible official.

~~((d))~~ (c) Normally, the council will have the documents printed and distributed.

(4) Whenever someone other than the council prepares a draft or final EIS, the council shall:

(a) Direct the areas of research and examination to be undertaken and the content and organization of the document.

(b) Initiate and coordinate scoping, ensuring that the individual preparing the EIS receives all substantive information submitted by any agency or person.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the EIS.

(d) Allow the person preparing the EIS access to council records relating to the EIS (under chapter 42.17 RCW--Public disclosure and public records law).

AMENDATORY SECTION (Amending WSR 98-01-082, filed 12/12/97, effective 1/12/98)

**WAC 463-47-120 Critical areas.** In determining whether a proposal is exempt from SEPA, the council shall ~~((respect))~~ consider "critical area" designations made by local governments under WAC 197-11-908.

AMENDATORY SECTION (Amending Order 84-2, filed 9/14/84)

**WAC 463-47-130 Threshold levels adopted by cities/counties.** In determining whether a proposal is exempt from SEPA, the council shall (~~inquire of~~) consider the threshold levels adopted by cities/counties under WAC 197-11-800(1).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-47-040 Additional definitions.