

**CHELAN DOUGLAS REGIONAL PORT AUTHORITY
RESOLUTION NO. 2019-01**

**ADOPTING CHELAN DOUGLAS REGIONAL PORT AUTHORITY GUIDELINES FOR
COMPLIANCE WITH PROVISIONS AND REQUIREMENTS OF THE STATE
ENVIRONMENTAL POLICY ACT (SEPA)**

Whereas, the State Environmental Policy Act ("SEPA") sets forth an environmental policy for Washington State and requires that the environmental impacts of proposals or actions be analyzed and, where appropriate, mitigated; and

Whereas, SEPA applies to state agencies, counties, and municipal corporations, including port districts; and,

Whereas, the Washington State Department of Ecology issued uniform statewide rules for carrying out SEPA which are codified at Chapter 197-11 WAC; and,

Whereas, the Chelan Douglas Regional Port Authority ("Regional Port Authority") is required to adopt SEPA policies and procedures that are consistent with the rules adopted by the Department of Ecology and may adopt by reference any or all of the rules contained in Chapter 197-11 WAC;

Now, Therefore, Be It Resolved, by the Board of Directors of Chelan Douglas Regional Port Authority, as follows:

PART ONE PURPOSE AND AUTHORITY

SECTION 1. PURPOSE AND AUTHORITY

Section 1.1 In broad terms, SEPA requires the Regional Port Authority to consider environmental impacts before making significant decisions, and to consider measures which could be undertaken to avoid or reduce ("mitigate") the environmental impacts of projects and non-project proposals (collectively "proposal(s)").

Section 1.2 The process the Regional Port Authority uses to consider environmental impacts is the "procedural" component of SEPA. The Regional Port Authority's decision to approve, condition, or reject a Proposal based upon its environmental impacts, or to require any mitigation measures under the authority of SEPA, is the "substantive" component of SEPA.

Section 1.3 This Resolution contains the Regional Port Authority's SEPA procedures, which detail the environmental review process the Port will use under SEPA. This Resolution also contains the Regional Port Authority's SEPA policies, which detail the process for determining if mitigation is required for particular proposals as a result of a SEPA review.

Section 1.4 This Resolution adopts by reference the State's SEPA rules issued by the Department of Ecology and codified at Chapter 197-11 WAC, with some modifications and additions relevant to Regional Port Authority operations. A copy of Chapter 197-11 WAC shall be available at the Regional Port Authority's Administrative offices. Each provision adopted by reference in this Resolution is found in the State rules. Chapter 197-11 WAC must, therefore, be used in conjunction with this Resolution.

Section 1.5 This Resolution is adopted under RCW 43.21C.120, WAC 197-11-902 and WAC 197-11-904, and is intended to implement those provisions.

SECTION 2. SEPA'S APPLICATION TO PORT ACTIVITIES

Section 2.1 SEPA requires the Regional Port Authority, along with every other public agency, to treat concern for the environment as part of its mission, together with its other responsibilities as a public agency.

Section 2.2 SEPA itself does not have any substantive permit requirements. Rather, SEPA review occurs when the Regional Port Authority takes some action on a proposal. This action is called the "underlying governmental action".

Section 2.3 Because SEPA applies only when some underlying governmental action is involved, SEPA supplements or "overlays" the Regional Port Authority's regular planning and decision making. SEPA provides a basic process for studying and responding to a proposal's environmental impacts, especially at the planning stages. The exact nature and timing of a SEPA process can vary for each type of underlying governmental action and for each individual proposal.

Section 2.4 There are other environmental laws besides SEPA which may apply to specific resources such as laws relating to land, air, water, historic areas, wildlife and health. These other laws may require studies or serve as the basis for mitigating or denying proposals.

Section 2.5 Compliance with other laws and SEPA shall be coordinated, to the extent the Regional Port Authority can do so, to reduce inefficiencies, improve public involvement, and achieve better decisions.

Section 2.6 Anyone who is not sure how SEPA applies to a proposal should identify the action (or actions) that the Regional Port Authority and any other government agencies must take on the proposal. Except for certain basic requirements in this document, a SEPA process generally follows the timing and procedures for the underlying governmental action.

SECTION 3. POLICY FOR CARRYING OUT SEPA

Section 3.1 The policies for implementing SEPA, found at WAC 197-11-030, are adopted by reference.

PART TWO GENERAL REQUIREMENTS

SECTION 4. PURPOSE/ADOPTION BY REFERENCE

Section 4.1 This part covers the basic requirements that apply across-the-board to SEPA process. The State rules in WAC 197-11-040 through 100 are adopted by reference. They include:

- 197-11-040 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.

SECTION 5. WHO RUNS THE REGIONAL PORT AUTHORITY'S SEPA PROCESS

Section 5.1 Lead Agency. The agency in charge of carrying out SEPA's procedural requirements for a proposal is the lead agency. A lead agency is selected for each particular proposal. The Regional Port Authority will typically be the lead agency for its proposals. However, another government may be the lead agency for a Regional Port Authority project depending on the size of the project, the number of government or departments involved, and the location of the project.

Section 5.2 Responsible Official. The person or office at the lead agency in charge of SEPA compliance is the responsible official (the "Responsible Official"). The Regional Port Authority's Responsible Official is the Chief Executive Officer. The Responsible Official may consult with the proponents of the proposal concerning a SEPA process. Subject to budgetary authorization, the Responsible Official may retain and consult with such other experts as may be necessary to perform the duties described herein.

Section 5.3 SEPA Public Information. Public information regarding SEPA matters will be available at the Regional Port Authority's Administrative office. Subject to the requirements of the Public Records Act (Chapter 42.56, RCW), this office will (i) provide information about environmental documents, (ii) identify the Responsible Official for a specific proposal, (iii) provide the status of SEPA review for a project or proposal, or

(iv) provide direction concerning SEPA compliance. There may be a charge for certain documents.

Section 5.4 Other Agencies. Other agencies that have action to take on a proposal are agencies with jurisdiction. Other agencies that know about certain environmental impacts are agencies with environmental expertise. If the Regional Port Authority, as lead agency, asks these other agencies to help review a proposal's environmental impacts, those other agencies are required to help without charge and are consulted agencies. The Responsible Official shall be responsible for coordinating and preparing environmental documents with these other agencies.

Section 5.5 Federal Coordination. Federal agencies are directed to cooperate with state and local agencies to the fullest extent possible to reduce duplication between the National Environmental Policy Act ("NEPA") and state and local requirements. The Responsible Official shall make an effort to coordinate environmental review requirements with applicable federal agencies, including combining documents and holding joint scoping, public meetings and hearings, as directed and encouraged by this Resolution and the federal provision for eliminating duplication (40 CFR 1506.2).

SECTION 6. TIMING

Section 6.1 In conjunction with WAC 197-11-055, the Responsible Official has discretion to decide the appropriate time for reviewing the environmental impacts of Regional Port Authority projects or proposals on an individual, case-by-case basis. For purposes of this section, the terms "final threshold determination" and "final environmental impact statement" include any documents prepared under Part Six below, such as adoption notices, that are used to meet environmental review requirements on a proposal.

Section 6.2 SEPA review of typical Regional Port Authority projects and actions shall occur, except that environmental review is not required for actions that are categorically exempt under Part Nine and WAC 197-11-305. If required, a final threshold determination or final environmental impact statement shall be completed, within the time periods required by these procedures, prior to Board of Directors approval of the following typical Regional Port Authority projects:

1. Improvements to be constructed by the Regional Port Authority or on Regional Port Authority property;
2. Leases or contracts for development by the Regional Port Authority or on Regional Port Authority property; or
3. Amendments to the Regional Port Authority comprehensive scheme of harbor improvements.

Section 6.3 Industrial Revenue Financing. Inasmuch as the borrowing of funds, issuance of bonds, and related financing agreements and approvals are

categorically exempt under WAC 197-11-800(14)(d), the adoption of a bond resolution by the Board of Directors may occur prior to environmental review on the proposal for which the funding is sought. Environmental review under SEPA, if required, must be completed prior to actual project approval by the Regional Port Authority and/or other State or local agencies with jurisdiction.

SECTION 7. SUPPORTING DOCUMENTS

Section 7.1 All supporting documents cited in environmental documents on a proposal shall be considered part of the Regional Port Authority's overall record of compliance with SEPA if the supporting documents are publicly available substantially within any time periods allowed for review or comments. The documents will be available at the Regional Port Authority's administrative offices, unless otherwise noted. Economic, business, technical, or other reports or analysis may be prepared, combined with, or appended to, environmental documents even though they are not required under SEPA.

SECTION 8. PURPOSE/ADOPTION BY REFERENCE

Section 8.1 This part contains the rules for integrating the procedural requirements and documents of this chapter with those required under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and Chapter 173-340 WAC. The State rules in WAC 197-11-250 through 268 are hereby adopted by reference. They include:

- 197-11-250 SEPA/Model Toxics Control Act integration
- 197-11-253 SEPA lead agency for MTCA actions
- 197-11-256 Preliminary evaluation
- 197-11-259 Determination of nonsignificance for MTCA remedial action
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions
- 197-11-268 MTCA interim actions

PART THREE CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

SECTION 9. PURPOSE/ADOPTION BY REFERENCE

Section 9.1 This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement ("EIS") to be prepared, and rules for evaluating the impacts of proposals not requiring an EIS. The State rules in WAC 197-11-300 to 400 are hereby adopted by reference. They include:

- 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
- 197-11-355 Optional DNS process
- 197-11-360 Determination of significance (DS)/initiation of scoping
- 197-11-390 Effect of threshold determination

SECTION 10. CATEGORICAL EXEMPTIONS

Section 10.1 In deciding whether a proposal is categorically exempt, the rules provide for certain circumstances when potentially exempt actions would not be exempt.

Section 10.2 City/County Thresholds. For minor new construction, SEPA procedures of the particular city or county where the proposal is located will be reviewed to determine the exempt levels that apply to the proposal. Local ordinances and the local SEPA procedures will also be reviewed to determine if the proposal is located in an environmentally sensitive area under WAC 197-11-908.

Section 10.3 Proposals With Exempt and Non-exempt Parts. In determining whether a proposal is exempt, the Regional Port Authority shall make an effort to be certain the proposal is properly defined. If a proposal includes exempt and non-exempt actions, the proposal is not exempt and will require environmental review; however, certain exempt aspects of the proposal may nonetheless proceed, before or during the environmental review of the proposal, if the requirements of WAC 197-11-070 are met.

Section 10.4 Documentation Optional. A decision that a proposal is categorically exempt need not be documented. A memorandum or notation may be placed in the file.

SECTION 11. MITIGATED DETERMINATION OF NONSIGNIFICANCE (DNS)

Section 11.1 Mitigation measures may be included in, or added to, a proposal so that environmental impacts are eliminated that might otherwise be significant. Mitigation measures may also serve to reduce significant impacts or to mitigate non-significant impacts. Changes or clarifications do not require a new environmental checklist. Mitigation measures for significant impacts that are included in a decision must be documented.

PART FOUR ENVIRONMENTAL IMPACT STATEMENT (EIS)

SECTION 12. PURPOSE/ADOPTION BY REFERENCE

Section 12.1 This part contains the rules for preparing environmental impact statements. The State rules in WAC 197-11-400 to 500 are hereby adopted by reference. They include:

- 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

Section 12.2 Scoping. The Responsible Official shall decide the scoping method and deadline for a given proposal, consistent with WAC 197-11-408. Special attention should be given to writing scoping notices in plain English and avoiding technical jargon. Scoping techniques can vary by proposal, and may include commenting by telephone. If a consultant is preparing an EIS, the consultant's contract should make provisions for possible changes in the scope of the EIS based upon the scoping process.

Section 12.3 Additional Scoping. The expanded scoping provisions in WAC 197-11-410 may be used without formally designating the process as "expanded scoping." In keeping with the intent of the State rules, the Responsible Official is encouraged to be innovative and shall have very broad discretion in developing creative scoping methods. A scoping process may also be used before a threshold determination (or at any other time in SEPA process) to assist in identifying impacts and alternatives, including mitigation measures. If so, the form of the scoping notice shall be revised accordingly so that agencies and members of the public understand the purpose and process being used.

Section 12.4 EIS Preparer. An EIS may be prepared by Regional Port Authority staff, consultants on contract to the Regional Port Authority, or other private entities under the direction of the Responsible Official. Regional Port Authority staff or an applicant may consult with the Responsible Official prior to final selection of consultants to help ensure that the highest quality EIS is prepared. The Responsible Official shall have the discretion to design the EIS process and carry out the responsibilities set forth in WAC 197-11-420.

PART FIVE COMMENTING

SECTION 13. PURPOSE/ADOPTION BY REFERENCE

Section 13.1 This part explains how to comment and respond on all environmental documents under SEPA, including rules for public notice and hearings. WAC 197-11-500 to 600 are hereby adopted by reference. They include:

- 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

SECTION 14. REGIONAL PORT AUTHORITY SEPA COMMENTS TO OTHER AGENCIES

Section 14.1 The Responsible Official shall be responsible for coordinating and preparing Port comments to other agencies on the environmental documents of other agencies. This Responsible Official shall also be responsible for coordinating consultation requests under SEPA from other agencies to the Regional Port Authority. The Responsible Official, or his/her designee, shall sign written comments from the Regional Port Authority and may establish deadlines for responses from offices within the Regional Port Authority in order to meet commenting deadlines established by law or by other agencies in their requests.

SECTION 15. COSTS FOR REGIONAL PORT AUTHORITY ENVIRONMENTAL DOCUMENTS

Section 15.1 Normally, the Regional Port Authority will charge its actual cost of printing for its environmental documents (or its normal per page copying charge as adopted pursuant to RCW 42.56). There will be no charge for other agencies to which the Regional Port Authority is required by law to send the documents. The Regional Port Authority may make documents available without charge. The Regional Port Authority will, if requested, reduce or waive charges for a document provided to a public interest organization. The Responsible Official may establish internal policies or procedures or make determinations on an individual basis.

SECTION 16. PUBLIC NOTICE

Section 16.1 In addition to the circulation requirements to other agencies and affected tribes, the Regional Port Authority will file notice in the manner noted below.

Section 16.2 Required Notice. For threshold determinations that require notice under WAC 197-11 scoping notices, EISs and public hearings the Regional Port Authority will:

1. Publish the notice in a newspaper of general circulation in Chelan and Douglas Counties, Washington;
2. Provide notice in the same manner as required for the announcement of regular Regional Port Authority Board of Directors meetings;
3. Furnish notice to anyone who has specifically requested to be notified about the particular proposal or about the type of proposal being considered;
4. Post a notice on the main bulletin board, if any, at the Regional Port Authority's administrative offices;
5. File the documents required by WAC 197-11-508 with the State Department of Ecology for publication of notice in SEPA REGISTER; and,
6. (For EISs only) notify the local news media where the proposal is located that an EIS is available.

Section 16.3 Additional Optional Notice. For any environmental documents or public meetings, the Regional Port Authority may:

1. Publish notice in Regional Port Authority newsletters, if any, that might facilitate commenting;
2. Notify the news media orally or by press release, including neighborhood newspapers or trade journals;
3. Post the property for site specific proposals;
4. Post a notice on the main bulletin board, if any, at city or county offices near where the proposal is located;
5. Create or maintain a mailing list for a particular proposal or type of proposal, which may include the identification of citizen and public interest organizations, and send notice to those on the mailing list; or
6. Use other reasonable methods appropriate to a particular proposal.

Section 16.4 Early Notice/ Regional Port Authority Capital Improvements.

In January of each year, the Responsible Official may elect to place a notice in the newspaper of general circulation. The notice, if placed, shall describe the nature and general location of all non-exempt Regional Port Authority capital improvements anticipated to be initiated during the year for which no environmental determination has been made. The purpose of the notice is to provide an opportunity for interested parties to have their name and mailing address placed on a notification list so that they can be made aware of when an environmental determination is being conducted on a particular proposal. In addition to stating the project of concern, the interested party is encouraged to offer general environmental areas of concern, if any, on the proposal to the Responsible Official. The notice shall run on the same day for two consecutive weeks.

Section 16.5 Notice for Appeals. For judicial appeals the Regional Port Authority shall use the notice procedures for the Notice of Action set forth in RCW 43.21c, unless other appeal procedures are used under Part Seven, below.

PART SIX USING EXISTING ENVIRONMENTAL DOCUMENTS

SECTION 17. PURPOSE/ADOPTION BY REFERENCE

Section 17.1 This part contains rules for the Regional Port Authority's use of existing environmental documents for its SEPA compliance. The documents might be prepared by the Regional Port Authority or by local, State or federal agencies under SEPA or NEPA (National Environmental Policy Act, 43 USC4321 et seq.) The State rules in WAC 197-11-600 through 640 are hereby adopted by reference. These rules include:

- 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

SECTION 18.ADDENDA

Section 18.1 If monitoring reports are part of mitigation commitments, the required monitoring report(s) may be labeled as an addendum to the original environmental documents (the DNS or EIS). If subsequent environmental design, detail, or other environmental analysis is necessary or desirable, and an SEIS is not required (it does not meet the two criteria in WAC 197-11-600(3)(b)), then an addendum may be used to conduct or document the analysis. An addendum may be used to add to any kind of environmental document, and may be used at any time in SEPA process.

PART SEVEN SEPA AND AGENCY DECISIONS

SECTION 19.PURPOSE/ADOPTION BY REFERENCE

Section 19.1 This part contains 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. The State rules in WAC 197-11-650 to 680 are hereby adopted by reference. They include:

- 197-11-650 Purpose of this part
- 197-11-655 Implementation
- 197-11-660 Substantive authority and mitigation
- 197-11-680 Appeals

Section 19.2 There shall be no administrative appeals of Regional Port Authority SEPA determinations (including appeals of any conditions or denials by Regional Port Authority staff under RCW 43.21C.060).

Section 19.3 Informal Reconsideration. Any person may formally request the Responsible Official to reconsider a SEPA determination orally or in writing. The Responsible Official shall reconsider the determination and provide a written response. However, this is not to be considered a formal appeal within the meaning of RCW 43.21C.075 and WAC 197-11-680. The Responsible Official is not required to make a record or furnish reasons for the decision.

Section 19.4 No Exhaustion of Remedies. Because there are no administrative appeals, a person is not required to request information reconsideration prior to filing a lawsuit under SEPA.

Section 19.5 Judicial Review. When the Land Use Petition Act, Chapter 36.70C RCW, ("LUPA") applies to a Regional Port Authority proposal, all judicial appeals must be brought under the applicable LUPA statute of limitations. If LUPA does not apply, the Regional Port Authority may commence SEPA statute of limitations for its proposals by filing a Notice of Action under RCW 43.21C.080. The Regional Port Authority may decide in a particular situation to use any other procedure allowed by RCW 43.21C.075 and WAC 197-11-680.

SECTION 20. REGIONAL PORT AUTHORITY DECISION DOCUMENT

Section 20.1 After its decision on any proposal not exempt under SEPA, the Regional Port Authority shall make available to the public a document that states the decision. The document shall specify any mitigation or monitoring that will occur or will reference the appropriate documents where any mitigation or additional monitoring is described. The document may be a resolution, letter, or other document used by the Regional Port Authority to convey its decision. The document may incorporate by reference relevant portions of environmental documents. (WAC 197-11-660(1)(b))

Section 20.2 Private Projects. To the extent the Regional Port Authority conditions or denies proposals of applicants under SEPA, the document required by the preceding section shall cite the Regional Port Authority's SEPA policy that is the basis for conditioning or denying the proposal. If the Regional Port Authority wishes to deny an applicant's proposal, the decision document shall also contain the findings required by WAC 197-11-660(1)(f) that significant adverse impacts have been identified in the EIS and that reasonable mitigation measures are insufficient to mitigate the identified impact.

SECTION 21. REGIONAL PORT AUTHORITY SEPA POLICIES

Section 21.1 The Regional Port Authority adopts by reference the State environmental policy as set for in SEPA (RCW 43.21C.020). Specifically, in order to carry out the policy set forth in SEPA, it is the Regional Port Authority's continuing responsibility

to use all practicable means and measures, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs and resources to the end that the Regional Port Authority, the State and its citizens may:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all people of Washington State safe, healthful, productive and aesthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, including from hazardous waste or other toxic substances, or other undesirable or unintended consequences;
4. Preserve important historic, cultural, and natural aspects of our national heritage;
5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;
8. Manage public waterways and adjacent lands, fisheries, and other natural resources wisely; and,
9. Mitigate probable adverse environmental impacts resulting from proposals, particularly significant impacts, to the extent of the Port's authority and guided by the policies stated above and in SEPA and the Port's other statutory responsibilities.

Section 21.2 The Regional Port Authority also adopts by reference its strategic plan and the comprehensive scheme of harbor improvements and amendments thereto under Chapter 53.20 RCW, in addition to any other plans officially adopted by Resolution of the Board of Directors, as a basis for the exercise of substantive authority under SEPA.

Section 21.3 The policies and goals set forth in this Resolution are supplementary to those set forth in the Regional Port Authority's existing authorization.

PART EIGHT DEFINITIONS

SECTION 23. UNIFORM USAGE AND DEFINITIONS

Section 23.1 This part contains uniform usage and definitions of terms under SEPA. WAC 197-11-700 to 799 are hereby adopted by reference, unless the definition is inconsistent with the definitions herein. They include:

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.
197-11-721	Closed record appeal.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
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.
197-11-775	Open record hearing.
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.

Section 23.2 The following are additional definitions as applied by this Resolution:

“Board of Directors” means the Board of Directors of the Chelan Douglas Regional Port Authority.

“Regional Port Authority” means the Chelan Douglas Regional Port Authority unless specified, and it may refer to the Regional Port Authority Board of Directors or staff.

“Regional Port Authority Offices” means the administrative offices of the Regional Port Authority.

PART NINE CATEGORICAL EXEMPTIONS

SECTION 24.ADOPTION BY REFERENCE

Section 24.1 The categorical exemptions provisions in WAC 197-11-800, 880 and 890 are hereby adopted by reference and shall be applied in conjunction with Section 9 above and WAC 197-11-305. They include:

- 197-11-800 Categorical Exemptions
- 197-11-880 Emergencies
- 197-11-890 Petitioning DOE to change exemptions

PART TEN AGENCY COMPLIANCE

SECTION 25.ADOPTION BY REFERENCE

Section 25.1 Some of the provisions in WAC 197-11-914 through 955 are hereby adopted by reference. They include:

- 197-11-914 SEPA fees and costs.
- 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

SECTION 26. REVISION OF SEPA POLICIES OR PROCEDURES

Section 26.1 The Regional Port Authority may amend its SEPA policies or procedures from time-to-time as may be necessary. The Responsible Official may provide additional guidance and procedures to carry out this Resolution.

SECTION 27. INTERPRETATION

Section 27.1 If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of this Resolution or the application of the provision to other persons or circumstances shall not be affected.

Section 27.2 The captions and titles herein are for convenience and reference purposes only and in no way define, limit or describe the meaning, scope or intent of this Resolution.

Section 27.3 The use of any gender or neutral term shall include all genders, and the use of any terms shall be construed as singular or plural, as the case may be.

PART ELEVEN FORMS

SECTION 28. FORMS

Section 28.1 The forms in WAC 197-11-960 through 990 are hereby adopted by reference as applicable to the Port and the procedures adopted herein. They include:

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

PART TWELVE PREVIOUS RESOLUTIONS


SECTION 29. PREVIOUS RESOLUTIONS

Section 29.1 Any previously adopted Resolutions of the Chelan Douglas Regional Port Authority pertaining to guidelines for compliance with the provisions and requirements of the State Environmental Policy Act (SEPA) are hereby superseded by this Resolution.

Dated: This 20th day of August, 2019



JC Baldwin, Director



Jim Huffman, Director



Donn Etherington, Director



Mark Spurgeon, Director



Rory Turner, Director



Alan Loeb sack, Director