



**RULE-MAKING ORDER
(RCW 34.05.360)**

CR-103 (7/10/97)

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

Agency: Energy Facility Site Evaluation Council

(1) **Date of Adoption** December 8, 1997

(2) **Purpose**

The amendments update EFSEC rules, consistent with changes in the SEPA rules.

(3) **Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 463-47-020, WAC 463-47-120

Suspended:

(4) **Statutory authority for adoption:** RCW 80.50.040(1)

Other authority: RCW43.21C.120

PERMANENT RULE ONLY (including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-19-060 on 09/15/97 (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) **Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes If Yes, explain:

No

(6) **Effective date of rule:**

CODE REVISER USE ONLY

Permanent Rules
Expedited Rule Making
 31 days after filing
 Other (specify)

Emergency Rules
 Immediately
 Later

NAME (TYPE OR PRINT)

C. Robert Wallis

SIGNATURE

TITLE

Acting Chair

DATE

12/08/97

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 12 1997

436

98-01-082

NOTE: If any category is left blank, it will be calculated as zero.
No descriptive t ..

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	<u>0</u>	Repealed	___
Federal rules or standards:	New	___	Amended	<u>0</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>0</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity.

New ___ Amended 0 Repealed ___

The number of sections adopted on the agency's own initiative:

New ___ Amended 2 Repealed ___

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ___ Amended 0 Repealed ___

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	<u>0</u>	Repealed	___
Pilot rule making:	New	___	Amended	<u>0</u>	Repealed	___
Other alternative rule making:	New	___	Amended	<u>0</u>	Repealed	___

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

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.

- 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.
- 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 men 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.
 ((197-11-748 ~~Environmentally sensitive area.~~))
 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 EPA.
 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.

WAC 463-47-120 ((~~Environmentally sensitive~~)) Critical areas.

In determining whether a proposal is exempt from SEPA, the council shall respect "~~((environmentally sensitive))~~ critical area" designations made by local governments under WAC 197-11-908.