

WAC 332-41-055 Additional timing considerations. (1) **How does this section relate to WAC 197-11-055?** This section integrates SEPA review into DNR's activities consistent with WAC 197-11-055, which DNR has incorporated by reference.

(2) **What are DNR's SEPA considerations prior to issuance of the threshold determination?** DNR should conduct SEPA review consistent with the following guidelines:

(a) **When is lead agency determined?** DNR should determine whether DNR or another agency is the SEPA lead agency within five working days of receiving the nonexempt proposal. See WAC 197-11-050 and 197-11-922 through 197-11-940. If DNR is not the lead agency, DNR shall send the complete environmental checklist and a copy of the permit application or proposal to the lead agency with an explanation of why DNR identified the agency as the lead agency.

(b) **When is exempt status determined?** When DNR receives a permit application or proposal, the agency shall promptly determine whether DNR's SEPA action is "categorically exempt" or statutorily exempt from SEPA. If exempt, and WAC 197-11-305 does not remove categorical exempt status, DNR has no further obligation under SEPA.

(c) **Under what circumstances does DNR request an environmental checklist?** If DNR's action is not exempt and DNR is the lead agency, DNR shall ask the proponent to complete an environmental checklist.

(d) **When does DNR not need an environmental checklist?** A checklist is not needed if DNR and the proponent agree an EIS is required, SEPA compliance has been completed, or a NEPA document was completed and found adequate for SEPA requirements.

(e) **When will DNR start environmental review of non-DNR proposals?** DNR shall start a threshold environmental review when DNR receives an application and associated completed environmental checklist.

(f) **When will DNR start environmental review of DNR proposals?** DNR should commence the threshold environmental review of DNR proposals that do not involve a DNR permit when a completed checklist is submitted and the principal features of the proposal and its environmental impacts can be reasonably identified.

(3) **When may an applicant request preliminary SEPA review and what are the consequences?** DNR shall accept applicant requests for preliminary environmental review before requiring detailed project plans and specifications when DNR's only action is a decision on a permit that requires detailed project plans and specifications. DNR may accept other applicant requests for preliminary environmental review when DNR deems it appropriate. This preliminary review will be advisory only and not binding on the department. Final review and determination will be made only upon receipt of all essential detailed project plans and specifications. DNR shall conduct a preliminary environmental review when it receives a request for preliminary review along with the following information:

(a) Site-specific maps containing clear proposal boundaries and clear topographic details;

(b) Complete and accurate description of the proposal; and

(c) Any other information that may be required under WAC 197-11-100 and 197-11-335.

(4) **When should DNR commence internal SEPA discussions regarding DNR proposals?** If DNR initiated the environmental action, DNR shall coordinate among appropriate staff, including the SEPA center, as necessary. SEPA discussions should be coordinated with staff as soon as a proposal starts being developed.

[Statutory Authority: Chapters 43.21C, 34.05 RCW, WAC 197-11-902(2), and [197-11]-904(1). WSR 07-08-021, § 332-41-055, filed 3/27/07, effective 4/27/07. Statutory Authority: Chapter 43.21C RCW and RCW 43.30.150. WSR 84-18-052 (Order 432), § 332-41-055, filed 9/5/84. Formerly WAC 332-40-055.]