

TRANSMITTAL OF RULES ADOPTED

FROM: WASHINGTON STATE AERONAUTICS COMMISSION
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 76-2
Emergency rules

relating to (Name of rules or description of subject matter)

integration of the policies and procedures of SEPA (ch. 43.21C RCW) into the programs of the Washington State Aeronautics Commission in a manner consistent with the SEPA guidelines of the Council on Environmental Policy (ch. 197-10 WAC).

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____ ① filed with the code reviser on _____ ② were regularly adopted as permanent rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at Bellingham, Washington on 7/9/76 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 9th day of July 1976.

STATE OF WASHINGTON
FILED
JUL 12 1976
CODE REVISER'S OFFICE
DOCKET 7193 FILE # 3

WASHINGTON STATE AERONAUTICS COMMISSION
(AGENCY)

By Dr. George Wm. Ross

Chairman

Title

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.

State of Washington
WASHINGTON STATE AERONAUTICS COMMISSION

Administrative Order No. 76-2
Resolution 76-2

1. A motion to adopt as emergency rules, chapter 12-10 SEPA Guidelines, of the Washington State Aeronautics Commission (the "Commission") was passed by the Commission at its meeting held in the Washington State Air National Guard Building, 4080 Williamson Way, Bellingham, Washington, July 9, 1976, upon the following findings:

(a) By reason of the requirements of RCW 43.21C.120 (the State Environmental Policy Act [SEPA]) and the prospect that matters of environmental concern may shortly come before the Commission for action, there is immediate need to adopt guidelines for the orderly disposition of such environmental considerations in order that the public health, safety and general welfare may be properly protected.

(b) The adoption of SEPA guidelines by the Commission, as emergency or permanent rules, must, by law, be substantially similar if not identical to those guidelines adopted by the Council on Environmental Policy, which were the subject of extended public hearings.

(c) The Commission intends to adopt SEPA guidelines as permanent rules within ninety (90) days at which time the public will be given notice and opportunity for comment on such proposed rules.

(d) For the foregoing reasons the requirements of notice and opportunity for the presentation of views on the adoption of SEPA guidelines as emergency rules is contrary to the public interest.

2. The adoption of emergency rules as chapter 12-10 SEPA Guidelines, after being first duly recorded as an Administrative Order in the order register of the Commission shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and WAC 1-12-050.

DATED this 9th day of July, 1976.



Chairman

Washington State Aeronautics Commission

WAC 12-10-010 SEPA GUIDELINES. The Washington State Aeronautics Commission (the "Commission") adopts by reference, as its guidelines under the State Environmental Policy Act, all of the provisions of Chapter 197-10 WAC, except that the following provisions are not adopted: 197-10-020, -025, -150, -175, -177, -220, -225, -235, -380, -446, -800, -805, -820, -830, -835, -900.

WAC 12-10-020 SUBSTITUTION OF COMMISSION. Wherever reference is made in Chapter 197-10, as adopted by WAC 12-10-010, to "state and/or local agencies" or "agency," such language shall be deemed to refer to the Commission, 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 Commission

WAC 12-10-030 PURPOSE. (1) The purpose of this chapter is to implement the statewide guidelines (WAC 197-10) established by the Council on Environmental Policy as they apply to actions of the Commission.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Commission to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (d) Preserve important historic, cultural, and natural aspects of our national heritage;
- (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The Commission recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

WAC 12-10-040 EFFECT OF SEPA. The State Environmental Policy Act provides additional standards for agency decision-making for all activities which may have an impact on the environment. The processes of the State Environmental Policy

Act, including but not limited to detailed statement requirements, are aimed at making more informed decisions, and toward projects with greater public and environmental acceptability. The process should foster mutual communication, understanding and cooperation among applicants, governmental agencies and citizens. All reasonable alternatives and mitigative/compensatory measures should be explored.

WAC 12-10-050 TIMING. For purposes of these guidelines, reference-adopted WAC 197-10-055 is amended to delete the following words: "All agencies shall identify the times at which the EIS process must be completed either in their guidelines or on a case-by-case basis"; and to substitute in their stead: "The Commission shall identify in each matter coming before it for action the time at which the EIS process shall be completed."

WAC 12-10-060 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY. For purposes of these guidelines, reference-adopted WAC 197-10-420 is amended to delete subsection (4) and to substitute in its stead the following subsection (4): "Private applicants shall be encouraged to participate in the preparation of the EIS; however, the final authority over content shall be that of the responsible official."

WAC 12-10-070 DESIGNATION OF RESPONSIBLE OFFICIAL. The Director of the Commission shall be the responsible official as such person is defined in reference-adopted WAC 197-10-040(30).

WAC 12-10-080 SEPA PUBLIC INFORMATION CENTER. (1) The SEPA public information center for the Commission shall be located at its offices at King County International Airport, 8600 Perimeter Road, Seattle, Washington 98108.

(2) The following documents shall be maintained at the Commission's SEPA public information center:

(a) Copies of all declarations of non-significance filed by the Commission, for a period of one year.

(b) Copies of all EISs prepared by the Commission, for a period of three years. Draft EISs which have been superseded by a final EIS need not be maintained at the center.

(3) In addition, the Commission shall maintain the following registers at its information center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and a contact person or office from which further information may be obtained:

(a) A "Proposed Declaration of Non-Significance Register" which shall contain a listing of all current proposed declarations of non-significance.

(b) A "EIS in Preparation Register" which shall contain a

listing of all proposals for which the Commission is currently preparing an EIS, and the date by which the EIS is expected to be available.

(c) An "EIS Available Register" which shall contain a listing of all draft and final EISs prepared by the Commission during the previous six months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.

(4) Each of the registers required by subsection (3) hereof shall be kept current and maintained at the information center for public inspection. In addition, the registers, or updates thereof containing new entries added since the last mailing, shall be mailed once every two weeks to those organizations and individuals who make written request therefor, unless no new proposals are placed on the register, in which event a copy of the register or update shall be mailed when a new proposal is added. The Commission may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

(5) The documents required to be maintained at the information center shall be available for public inspection, and copies thereof shall be provided upon written request. The Commission may charge for copies in the manner provided by chapter 42.17 RCW, and for the cost of mailing.