

Title 140 WAC

STATE CONVENTION AND TRADE CENTER

Chapters

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Chapter 140-08 WAC

WASHINGTON STATE CONVENTION AND TRADE CENTER--SEPA GUIDELINES

WAC

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WAC 140-08-010 Purpose. This chapter is promulgated in order to comply with RCW 43.21C.120. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-010, filed 2/28/83.]

WAC 140-08-020 Policies. The corporation adopts by reference the policies of the State Environmental Policy Act as expressed in RCW 43.21C.010 and 43.21C.020. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-020, filed 2/28/83.]

WAC 140-08-030 Adoption by reference. The corporation hereby adopts by reference, pursuant to RCW 43.21C.135, the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA guidelines" adopted by the state of Washington, council on environmental policy and amended by the state of Washington, department of ecology), three copies of which shall be maintained on file at the SEPA public information center designated in WAC 140-08-070, for public use and examination:

- WAC 197-10-040: Definitions.
 WAC 197-10-050: Environmental checklist.
 WAC 197-10-055: Timing of the EIS process.
 WAC 197-10-060: Scope of the proposal and its impacts.
 WAC 197-10-100: Summary of information which may be required of private applicant.

- WAC 197-10-150: Exemptions exclusive--Approval of changes in exemptions.
 WAC 197-10-160: No presumption of significance for nonexempt actions.
 WAC 197-10-170: Categorical exemptions.
 WAC 197-10-175: Exemptions and nonexemptions applicable to specific state agencies.
 WAC 197-10-180: Exemptions for emergency actions.
 WAC 197-10-190: Use and effect of categorical exemptions.
 WAC 197-10-200: Lead agency--Responsibilities.
 WAC 197-10-203: Determination of lead agency--Procedures.
 WAC 197-10-205: Lead agency designation--Governmental proposals.
 WAC 197-10-210: Lead agency designation--Proposals involving both private and public construction activity.
 WAC 197-10-215: Lead agency designation--Private projects for which there is only one agency with jurisdiction.
 WAC 197-10-220: Lead agency designation--Private projects requiring licenses from more than one agency when one of the agencies is city/county.
 WAC 197-10-225: Lead agency designation--Private projects requiring licenses from more than one state agency.
 WAC 197-10-230: Lead agency designation--Specific proposals.
 WAC 197-10-240: Agreements as to lead agency status.
 WAC 197-10-245: Agreements between agencies as to division of lead agency duties.
 WAC 197-10-260: Dispute as to lead agency determination--Resolution by CEP.
 WAC 197-10-270: Assumption of lead agency status by another agency with jurisdiction.
 WAC 197-10-300: Threshold determination requirement.
 WAC 197-10-305: Recommended timing for threshold determination.
 WAC 197-10-310: Threshold determination procedures--Environmental checklist.
 WAC 197-10-320: Threshold determination procedures--Initial review of environmental checklist.
 WAC 197-10-330: Threshold determination procedures--Information in addition to checklist.

- WAC 197-10-340: Threshold determination procedures—Negative declarations.
- WAC 197-10-345: Assumption of lead agency status by another agency with jurisdiction—Prerequisites, effect and form of notice.
- WAC 197-10-350: Affirmative threshold determination.
- WAC 197-10-355: Form of declaration of significance/nonsignificance.
- WAC 197-10-360: Threshold determination criteria—Application of environmental checklist.
- WAC 197-10-365: Environmental checklist.
- WAC 197-10-370: Withdrawal of affirmative threshold determination.
- WAC 197-10-375: Withdrawal of negative threshold determination.
- WAC 197-10-390: Effect of threshold determination by lead agency.
- WAC 197-10-400: Duty to begin preparation of a draft EIS.
- WAC 197-10-405: Purpose and function of a draft EIS.
- WAC 197-10-410: Predraft consultation procedures.
- WAC 197-10-420: Preparation of EIS by persons outside lead agency.
- WAC 197-10-425: Organization and style of a draft EIS.
- WAC 197-10-440: Contents of a draft EIS.
- WAC 197-10-442: Special considerations regarding contents of an EIS on a nonproject action.
- WAC 197-10-444: Lists of elements of the environment.
- WAC 197-10-446: Draft EIS—Optional additional elements—Limitation.
- WAC 197-10-450: Public awareness of availability of draft EIS.
- WAC 197-10-455: Circulation of the draft EIS—Review period.
- WAC 197-10-460: Specific agencies to which draft EIS shall be sent.
- WAC 197-10-465: Agencies possessing environmental expertise.
- WAC 197-10-470: Cost to public for reproduction of environmental documents.
- WAC 197-10-480: Public hearing on a proposal—When required.
- WAC 197-10-485: Notice of public hearing on environmental impact of proposal.
- WAC 197-10-490: Public hearing on the proposal—Use of environmental documents.
- WAC 197-10-495: Preparation of amended or new draft EIS.
- WAC 197-10-500: Responsibilities of consulted agencies—Local agencies.
- WAC 197-10-510: Responsibilities of consulted agencies—State agencies with jurisdiction.
- WAC 197-10-520: Responsibilities of consulted agencies—State agencies with environmental expertise.
- WAC 197-10-530: Responsibilities of consulted agencies—When predraft consultation has occurred.
- WAC 197-10-535: Cost of performance of consulted agency responsibilities.
- WAC 197-10-540: Limitations on responses to consultation.
- WAC 197-10-545: Effect of no written comment.
- WAC 197-10-550: Preparation of the final EIS—Time period allowed.
- WAC 197-10-570: Preparation of the final EIS—When no critical comments received on the draft EIS.
- WAC 197-10-580: Preparation of the final EIS—When critical comments received on the draft EIS.
- WAC 197-10-600: Circulation of the final EIS.
- WAC 197-10-650: Effect on an adequate final EIS prepared pursuant to NEPA.
- WAC 197-10-652: Supplementation by a lead agency of an inadequate final NEPA EIS.
- WAC 197-10-660: Use of previously prepared EIS for a different proposed action.
- WAC 197-10-690: Use of lead agency's EIS by other acting agencies for the same proposal.
- WAC 197-10-695: Draft and final supplements to a revised EIS.
- WAC 197-10-700: No action for seven days after publication of the final EIS.
- WAC 197-10-710: EIS combined with existing planning and review processes.
- WAC 197-10-831: Responsibility of agencies—SEPA public information.
- WAC 197-10-840: Application of agency guidelines to ongoing actions.

[Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-030, filed 2/28/83.]

WAC 140-08-040 Additional definitions. In addition to those definitions contained in WAC 197-10-040, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Corporation" means the Washington state convention and trade center, a state agency, or any organizational unit thereof.

(2) "SEPA guidelines" means chapter 197-10 WAC adopted by the council on environmental policy and amended by the department of ecology. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-040, filed 2/28/83.]

WAC 140-08-050 Designation of official to perform consulted agency responsibilities for the corporation. (1) The following person shall be responsible for the preparation of the written comments for the corporation in response to a consultation request prior to a threshold

determination, participation in a predraft consultation, or reviewing a draft EIS: The administrator of the Washington state convention and trade center.

(2) The official designated in subsection (1) of this section shall be responsible for compliance by the corporation with WAC 197-10-500 through 197-10-540 whenever the corporation is a consulted agency, and is hereby authorized to develop operating procedures which will insure that responses to consultation requests are prepared in a timely fashion and include all appropriate data. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-050, filed 2/28/83.]

WAC 140-08-060 Designation of responsible official. (1) For those proposals for which the corporation is the lead agency, the responsible official shall be the administrator of the Washington state convention and trade center.

(2) The responsible official or his designee shall make threshold determinations, supervise preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA guidelines, which are adopted by reference in WAC 140-08-030, for all proposals for which the corporation is the lead agency. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-060, filed 2/28/83.]

WAC 140-08-070 SEPA public information center. The following location constitutes the corporation's SEPA public information center:

Washington State Convention Trade Center
720 Olive Way, Suite 1520
Seattle, Washington 98101
Telephone: (206) 621-7772

(1) Reasonable means will be used to make the existence and location of the corporation's SEPA public information center known to both the public generally and the employees of the corporation.

(2) The SEPA public information center shall contain the documents and provide the services required by WAC 197-10-831. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-070, filed 2/28/83.]

WAC 140-08-080 Responsibility of corporation--Public information. The documents required by the SEPA guidelines (chapter 197-10 WAC) shall be retained by the corporation and made available in accordance with chapter 42.17 RCW. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-080, filed 2/28/83.]

WAC 140-08-090 Notice/statute of limitations. The corporation, applicant for, or proponent of an action may, at its option, publish notice of action pursuant to RCW 43.21C.080 for any action. The form of any such notice shall be as proscribed by the department of ecology and/or substantially in the form and manner set

forth in RCW 43.21C.080. The notice shall be published by the corporation, applicant, or proponent pursuant to RCW 43.21C.080. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-090, filed 2/28/83.]

WAC 140-08-100 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-100, filed 2/28/83.]

WAC 140-08-110 Compliance. Compliance with the guidelines adopted by this chapter shall constitute complete procedural compliance with SEPA for any "action" as defined above. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-110, filed 2/28/83.]

Chapter 140-12 WAC GENERAL PROCEDURES

WAC

140-12-010	Nature and purpose of Washington state convention and trade center.
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140-12-030	Purpose of rules.
140-12-040	Public records available.
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140-12-060	Request for public records.
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140-12-090	Review of denials.
140-12-100	Protection of public records.
140-12-110	Index of records not maintained.

WAC 140-12-010 Nature and purpose of Washington state convention and trade center. The Washington state convention and trade center, hereinafter referred to as the corporation, has been established pursuant to chapter 34, Laws of 1982, to acquire, design, construct, maintain, operate, promote and manage a state convention and trade center. The corporation is a public nonprofit corporation formed in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The corporation is an instrumentality of the state, and has all the powers, and is subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but may exercise those powers only for carrying out the purposes of chapter 34, Laws of 1982, and those purposes necessarily implied therefrom. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-010, filed 2/28/83.]

WAC 140-12-020 Corporation organization. (1) The corporation is governed by a board of nine directors appointed by the governor. The directors serve terms of six years, except that two of the the original directors serve for two years and two of the original directors serve for four years.

(2) The organization and methods of operation of the corporation are established in the corporation's articles of incorporation, and in bylaws adopted by the board of directors.

(3) The administrative head of the corporation is the administrator of the Washington state convention and trade center, who is appointed by, and is responsible to, the board of directors.

(4) The principal office of the corporation shall be at Seattle, Washington, and shall be open each day for the transaction of business from 9:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted).

Submissions, requests and communications to the corporation shall be sent or made to the Administrator, Washington State Convention and Trade Center, 720 Olive Way, Suite 1520, Seattle, Washington 98101. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-020, filed 2/28/83.]

WAC 140-12-030 Purpose of rules. The purpose of WAC 140-12-040 through 140-12-110 is to ensure compliance by the Washington state convention and trade center, hereinafter referred to as the corporation, including its officers and employees, with the applicable provisions of chapter 42.17 RCW, and in particular with RCW 42.17.250 through 42.17.320, dealing with public records. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-030, filed 2/28/83.]

WAC 140-12-040 Public records available. All public records of the corporation, as defined in RCW 42.17.020(26), are deemed to be available except as provided by the applicable provisions of chapter 42.17 RCW. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-040, filed 2/28/83.]

WAC 140-12-050 Public records officer. The corporation's public records shall be the responsibility of the administrator of the corporation. The administrator shall be responsible for the implementation of these rules regarding release of public records and coordination and compliance by staff with the applicable provisions of chapter 42.17 RCW. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-050, filed 2/28/83.]

WAC 140-12-060 Request for public records. Public records may be inspected or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form in substantial compliance with the provisions of WAC 140-12-070. The form shall be available at the corporation's office and shall be presented to the administrator or to any member of the office staff. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request; and

(d) An appropriate description of the matter requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the administrator or staff to assist the member of the public in appropriately identifying the matter requested.

(3) Staff members shall make a good faith effort to respond to the request within two working days after its receipt.

(4) Public records shall be available for inspection during the customary office hours of the corporation's office. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-060, filed 2/28/83.]

WAC 140-12-070 Adoption of form. The corporation hereby adopts the following form for use by all persons requesting inspection and/or copies of public records:

Name of Applicant

Mailing Address of Applicant

Phone Number

Date Request Made at Washington State
Convention and Trade Center

Time of Day of
Request Made

Nature of Request:

Description of Record Requested:

Said Records Have Not Been Requested to Provide Access to
Lists of Individuals for Commercial Purposes.

Signature

Signature (please print)

Request: Approved _____ By _____
Date

Denied Date: _____

Reasons for Denial: _____

Referred to _____ By _____
Date

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-070, filed 2/28/83.]

WAC 140-12-080 Copying fees. No fees are to be charged for inspection of public records. The corporation will charge a fee not to exceed twenty-five cents per page of copy for use of the corporation's copy equipment in cases where no significant staff time is taken up with the request. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-080, filed 2/28/83.]

WAC 140-12-090 Review of denials. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting a written request for review to the administrator. The written request shall specifically refer to the written statement by the staff member which constituted or accompanied the denial.

(2) Immediately upon receipt of a written request for review of a decision denying a public record, the written request for review shall be referred to the administrator. The administrator or his or her designee shall consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision within two business days of the date of filing of the request for review.

(3) Administrative remedies shall not be considered exhausted until the agency has returned the request for review with a decision or until the close of the second business day following date of filing the request for review, whichever occurs first. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-090, filed 2/28/83.]

WAC 140-12-100 Protection of public records. Requests for public records shall be made in the office of the corporation. Such records shall not be removed from the place designated for their inspection. Copies shall be made in the office or, if copying facilities are not available, the office will arrange to have copies made subject to the provisions of WAC 140-12-070. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-100, filed 2/28/83.]

WAC 140-12-110 Index of records not maintained. The corporation does not maintain the current index of records specified in RCW 42.17.260(2). The corporation has determined, pursuant to RCW 42.17.260(3), that compliance with RCW 42.17.260(2) would unduly burden the corporation because there are a very large number and variety of documents involved in planning and constructing the state convention and trade center which would have to be indexed under RCW 42.17.260(2), and because the corporation has only a limited permanent staff. The corporation shall make available for public inspection and copying all indexes maintained by the corporation for its use. [Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-110, filed 2/28/83.]