

(i) The deadline by which the recipient must buy a camp resort membership, visit a camp resort property, complete a tour of a camp resort property, receive a sales presentation, or contact a salesperson in order to receive an item, if any such deadline exists;

(ii) The days and hours during which visits may be made, tours may be taken, or sales presentations received and the approximate length in hours of such visits, tours or sales presentations if any visit, tour, or sales presentation is necessary in order for the recipient to receive the item; and

(iii) Any requirement such as age, marital status, financial qualifications, or that both husband and wife must be present.

(f) Any person who responds to an advertisement or sales promotion in the manner specified, who performs all stated requirements and who meets the qualifications disclosed shall be entitled to receive promptly the item offered. If the camp resort operator cannot provide the item because of supply or quality problems not reasonably foreseen or controllable by the operator, the operator shall provide, at the operator's option, a raincheck for the item offered or its cash equivalent, or shall provide a substitute item of greater retail value or a raincheck for such substitute item. In case a raincheck is provided, the camp resort operator shall, within a reasonable time, deliver the item or its cash equivalent to the recipient's address without additional cost or requirement to the recipient. No camp resort operator or salesperson shall make any offer of an item when the operator or salesperson knows or has reason to know that the item is not readily available;

(g) Any restriction or requirement that time, money or effort must be expended by the recipient of an item in order for the recipient to use the item must be disclosed in the advertisement or sales promotion literature. Examples of such restrictions or requirements include any items that require assembly by the recipient, travel or other entertainment gifts or prizes for which there are limitations on the dates or times when the recipient may use the item, or which require nonrefundable reservation deposits or additional travel costs in order for the recipient to use the travel or other entertainment gift or prize.

(h) Provisions explaining any conditions to qualify for a gift, prize, or award, must be in type at least as large and prominent as found in the original offer or notice of the award, gift, or prize.

(3) Nothing in this section shall affect the remedies of the administrator or any person responding to advertisements or sales promotions if such advertisements or promotions are deceptive, false or misleading or otherwise in violation of chapter 19.105 RCW. [Statutory Authority: RCW 19.105.530 and 19.105.360. 85-12-021 (Order RE 131), § 460-90A-140, filed 5/29/85. Statutory Authority: RCW 19.105.320(1). 83-06-076 (Order SDO-40-83), § 460-90A-140, filed 3/2/83. Formerly WAC 460-90-500.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems

ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 460-90A-150 Repealed. See Disposition Table at beginning of this chapter.

Title 463 WAC

ENERGY FACILITY SITE EVALUATION COUNCIL

(Formerly: Thermal Power Plant Evaluation Council)

Chapters

- 463-06 General--Organization--Public records.
- 463-46 Guidelines interpreting and implementing the State Environmental Policy Act.
- 463-47 SEPA rules.

Chapter 463-06 WAC

GENERAL--ORGANIZATION--PUBLIC RECORDS

WAC

- 463-06-040 Semimonthly meetings.

WAC 463-06-040 Semimonthly meetings. Regular meetings of the council are held on the second and fourth Mondays of each month. Regular meetings may be canceled or rescheduled by approved council motion either by oral notice given at the preceding meeting or by the noticing procedure provided for special meetings pursuant to WAC 463-18-050. [Statutory Authority: RCW 80.50.040(1). 84-07-042 (Order 84-1), § 463-06-040, filed 3/21/84; Order 103, § 463-06-040, filed 11/4/76.]

Chapter 463-46 WAC

GUIDELINES INTERPRETING AND IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

WAC

- 463-46-010 through 463-46-910 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 463-46-010 Authority. [Order 112, § 463-46-010, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1). Later promulgation, see chapter 463-47 WAC.
- 463-46-020 Purpose. [Order 112, § 463-46-020, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-025 Scope and coverage of this chapter. [Order 112, § 463-46-025, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-040 Definitions. [Order 112, § 463-46-040, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).

- 463-46-050 Use of the environmental checklist form. [Order 112, § 463-46-050, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-055 Timing of the EIS process. [Statutory Authority: RCW 80.50.040(1), 81-07-019 (Order 81-1), § 463-46-055, filed 3/11/81; Order 112, § 463-46-055, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order 112, § 463-46-060, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-100 Summary of information which may be required of a private applicant. [Order 112, § 463-46-100, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-150 Exemptions exclusive—DOE approval of changes in exemptions. [Order 112, § 463-46-150, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-160 No presumption of significance for nonexempt actions. [Order 112, § 463-46-160, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-170 Categorical exemptions. [Order 112, § 463-46-170, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-175 Exemptions and nonexemptions applicable to specific state agencies. [Order 112, § 463-46-175, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-177 Environmentally sensitive areas. [Order 112, § 463-46-177, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-180 Exemption for emergency actions. [Order 112, § 463-46-180, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-190 Use and effect of categorical exemptions. [Order 112, § 463-46-190, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-200 Lead agency—Responsibilities. [Order 112, § 463-46-200, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-203 Determination of lead agency—Procedures. [Order 112, § 463-46-203, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-205 Lead agency designation—Governmental proposals. [Order 112, § 463-46-205, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-210 Lead agency designation—Proposals involving both private and public construction activity. [Order 112, § 463-46-210, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order 112, § 463-46-215, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order 112, § 463-46-220, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order 112, § 463-46-225, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-230 Lead agency designation—Specific proposals. [Order 112, § 463-46-230, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-240 Agreements as to lead agency status. [Order 112, § 463-46-240, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-245 Agreements between agencies as to division of lead agency duties. [Order 112, § 463-46-245, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-260 Dispute as to lead agency determination—Resolution by DOE. [Order 112, § 463-46-260, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-270 Assumption of lead agency status by another agency with jurisdiction. [Order 112, § 463-46-270, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-300 Threshold determination requirement. [Order 112, § 463-46-300, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-305 Recommended timing for threshold determination. [Order 112, § 463-46-305, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-310 Threshold determination procedures—Environmental checklist. [Order 112, § 463-46-310, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-320 Threshold determination procedures—Initial review of environmental checklist. [Order 112, § 463-46-320, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-330 Threshold determination procedures—Information in addition to checklist. [Order 112, § 463-46-330, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-340 Threshold determination procedures—Negative declarations. [Order 112, § 463-46-340, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order 112, § 463-46-345, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-350 Affirmative threshold determination. [Order 112, § 463-46-350, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-355 Form of declaration of significance/nonsignificance. [Order 112, § 463-46-355, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-360 Threshold determination criteria—Application of environmental checklist. [Order 112, § 463-46-360, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).

- 463-46-365 Environmental checklist. [Order 112, § 463-46-365, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-370 Withdrawal of affirmative threshold determination. [Order 112, § 463-46-370, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-375 Withdrawal of negative threshold determination. [Order 112, § 463-46-375, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-390 Effect of threshold determination by lead agency. [Order 112, § 463-46-390, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-400 Duty to begin preparation of a draft EIS. [Order 112, § 463-46-400, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-405 Purpose and function of a draft EIS. [Order 112, § 463-46-405, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-410 Predraft consultation procedures. [Order 112, § 463-46-410, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-420 Preparation of EIS by persons outside the lead agency. [Order 112, § 463-46-420, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-425 Organization and style of a draft EIS. [Order 112, § 463-46-425, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-440 Contents of a draft EIS. [Order 112, § 463-46-440, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-442 Special considerations regarding contents of an EIS on a nonproject action. [Order 112, § 463-46-442, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-444 List of elements of the environment. [Order 112, § 463-46-444, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-450 Public awareness of availability of draft EIS. [Order 112, § 463-46-450, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-455 Circulation of the draft EIS—Review period. [Order 112, § 463-46-455, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-460 Specific agencies to which draft EIS shall be sent. [Order 112, § 463-46-460, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-465 Agencies possessing environmental expertise. [Order 112, § 463-46-465, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-470 Cost to the public for reproduction of environmental documents. [Order 112, § 463-46-470, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-480 Public hearing on a proposal—When required. [Order 112, § 463-46-480, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-485 Notice of public hearing on environmental impact of the proposal. [Order 112, § 463-46-485, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-490 Public hearing on the proposal—Use of environmental documents. [Order 112, § 463-46-490, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-495 Preparation of amended or new draft EIS. [Order 112, § 463-46-495, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-500 Responsibilities of consulted agencies—Local agencies. [Order 112, § 463-46-500, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-510 Responsibilities of consulted agencies—State agencies with jurisdiction. [Order 112, § 463-46-510, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Order 112, § 463-46-520, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-530 Responsibilities of consulted agencies—When predraft consultation has occurred. [Order 112, § 463-46-530, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-535 Cost of performance of consulted agency responsibilities. [Order 112, § 463-46-535, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-540 Limitations on responses to consultation. [Order 112, § 463-46-540, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-545 Effect of no written comment. [Order 112, § 463-46-545, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-550 Preparation of the final EIS—Time period allowed. [Order 112, § 463-46-550, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order 112, § 463-46-570, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order 112, § 463-46-580, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-600 Circulation of the final EIS. [Order 112, § 463-46-600, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order 112, § 463-46-650, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order 112, § 463-46-652, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).
- 463-46-660 Use of previously prepared EIS for a different proposed action. [Order 112, § 463-46-660, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).

463-46-690	Use of lead agency's EIS by other acting agencies for the same proposal. [Order 112, § 463-46-690, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).	197-11-070	Limitations on actions during SEPA process.
463-46-695	Draft and final supplements to a revised EIS. [Order 112, § 463-46-695, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).	197-11-080	Incomplete or unavailable information.
463-46-700	No action for seven days after publication of the final EIS. [Order 112, § 463-46-700, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).	197-11-090	Supporting documents.
463-46-830	Responsibility of agencies—SEPA public information center. [Order 112, § 463-46-830, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).	197-11-100	Information required of applicants.
463-46-840	Application of agency guidelines to ongoing actions. [Order 112, § 463-46-840, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).	197-11-300	Purpose of this part.
463-46-910	Severability. [Order 112, § 463-46-910, filed 12/15/76.] Repealed by 84-19-031 (Order 84-2), filed 9/14/84. Statutory Authority: RCW 80.50.040(1).	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	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.
		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.

WAC 463-46-010 through 463-46-910 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 463-47 WAC SEPA RULES

WAC

463-47-010	Authority.
463-47-020	Adoption by reference.
463-47-030	Purpose.
463-47-040	Additional definitions.
463-47-050	Designation of decisionmaker.
463-47-051	Designation of responsible official.
463-47-060	Additional timing considerations.
463-47-070	Threshold determination process—Additional considerations.
463-47-080	Mitigated DNS.
463-47-090	EIS preparation.
463-47-100	Public notice requirements.
463-47-110	Policies and procedures for conditioning or denying permits or other approvals.
463-47-120	Environmentally sensitive areas.
463-47-130	Threshold levels adopted by cities/counties.
463-47-140	Responsibilities of the council.
463-47-150	Coordination on combined council—Federal action.
463-47-190	Severability.

WAC 463-47-010 Authority. These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules). [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-010, filed 9/14/84. Formerly chapter 463-46 WAC.]

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.

- 197-11-702 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.
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- [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-020, filed 9/14/84.]
- WAC 463-47-030 Purpose.** This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the energy facility site evaluation council. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-030, filed 9/14/84.]
- WAC 463-47-040 Additional definitions.** In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:
- (1) "Office" means the offices of the energy facility site evaluation council.
 - (2) "Agency" should be read as synonymous of council.
 - (3) "Council" means the energy facility site evaluation council.
 - (4) "Final decision" means the recommendation to the governor required under RCW 80.50.100. [Statutory

Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-040, filed 9/14/84.]

WAC 463-47-050 Designation of decisionmaker.

Within the energy facility site evaluation council the decisionmaker is the council. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-050, filed 9/14/84.]

WAC 463-47-051 Designation of responsible official.

Within the energy facility site evaluation council the responsible official is the executive secretary. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-051, filed 9/14/84.]

WAC 463-47-060 Additional timing considerations.

(1) The council will determine when it receives an application whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the council will request the applicant to complete an environmental checklist. A checklist is not needed if the council and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application. The applicant should also complete an environmental checklist if the council is unsure whether the proposal is exempt.

(2) The council when it receives an application and environmental checklist will determine whether the council or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If the council is not the lead agency, the council shall send the completed environmental checklist, a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.

(3) The council may initiate a contested case hearing required by RCW 80.50.100 prior to completion of the draft EIS. The council shall initiate and conclude a contested case hearing required by RCW 80.50.100 prior to issuance of the final EIS. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-060, filed 9/14/84.]

WAC 463-47-070 Threshold determination process—Additional considerations. When reviewing a completed environmental checklist to make the threshold determination, the council will:

(1) Independently evaluate the responses of the applicant and note comments, concerns, corrections, or new information in the right margin of the checklist.

(2) Conduct the initial review of the checklist and any supporting documents without requiring additional information from the applicant. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-070, filed 9/14/84.]

WAC 463-47-080 Mitigated DNS. (1) An applicant may ask the council whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of an application and environmental checklist for a nonexempt proposal for which the council is lead agency; and

(c) Precede the council's actual threshold determination for the proposal.

(2) The council shall respond to the request within ten working days of receipt of the letter; the response shall:

(a) Be written;

(b) State whether the council is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led the council to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The council shall not continue with the threshold determination until after receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the council will make its threshold determination based on the changed or clarified proposal.

(a) If the council's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the council shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-350(2).

(b) If the council indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the council shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The council may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the council shall issue a DNS and circulate it for review under WAC 197-11-350(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the council may require the applicant to submit a new checklist.

(7) The council may change or clarify features of its own proposals before making the threshold determination.

(8) The council's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as

opposed to a written request for early notice, shall not bind the council to consider the clarifications or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the council's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-080, filed 9/14/84.]

WAC 463-47-090 EIS preparation. (1) Preparation of draft and final EISs and SEISs is the responsibility of the application review committee or its successor. Before the council issues an EIS, the responsible official shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The council normally will prepare its own draft and final EISs. It may require an applicant to provide information that the council does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under these rules.

(3) If the council would be unable to prepare a draft and/or final EIS due to its commitments or other constraints or when a local agency transfers lead agency status to the council under WAC 197-11-940, the council may allow an applicant the following option for preparation of the draft and/or final EIS for the applicant's proposal:

(a) The council retains a mutually agreed upon and independent outside party to prepare the document.

(b) The applicant and the council agree upon a method of funding in which the applicant will bear the expense of the EIS preparation, but the consultant will work directly for the council.

(c) The outside party will prepare the document under the supervision of the application review committee, or its successor, and the responsible official.

(d) Normally, the council will have the documents printed and distributed.

(4) Whenever someone other than the council prepares a draft or final EIS, the council shall:

(a) Direct the areas of research and examination to be undertaken and the content and organization of the document.

(b) Initiate and coordinate scoping, ensuring that the individual preparing the EIS receives all substantive information submitted by any agency or person.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the EIS.

(d) Allow the person preparing the EIS access to council records relating to the EIS (under chapter 42.17 RCW—Public disclosure and public records law). [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-090, filed 9/14/84.]

WAC 463-47-100 Public notice requirements. (1) The council shall give public notice when issuing a DNS under WAC 197-11-350(2), a scoping notice under WAC 173-802-090, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the council shall integrate the public notice required under this section with existing notice procedures for the council's review of an application.

(a) When more than one permit required from the council has public notice requirements, the notice procedures that would reach the widest audience should be used, if possible.

(b) If the public notice requirements for the permit or certification must be completed at a specific time in the permitting process and that timing does not coincide with the timing requirements for SEPA public notice, the council must use one or more public notice methods in subsection (4) of this section.

(c) If there are no public notice requirements for any of the permits required for a proposal, the council must use one or more public notice methods in subsection (4) of this section.

(3) The council may require an applicant to perform the public notice requirement at his or her expense.

(4) The council shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or certification required from the council and, public interest expressed in the proposal:

(a) Mailing to persons or groups who have expressed interest in the proposal, that type of proposal, or proposals in the geographic area in which the proposal will be located, constructed and operated if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be located, constructed and operated; and/or

(c) Posting the property, for site specific proposals. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-100, filed 9/14/84.]

WAC 463-47-110 Policies and procedures for conditioning or denying permits or other approvals. (1)(a) The overriding policy of the council is to avoid or mitigate adverse environmental impacts which may result from the council's decisions.

(b) The council shall 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:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The council 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.

(d) The council shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations.

(2)(a) When the environmental document for a proposal shows it will cause significant adverse impacts that the proponent does not plan to mitigate, the council shall consider whether:

(i) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(iii) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(b) The council may:

(i) Condition the approval or recommendation for approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(ii) Reject or recommend rejection of the application if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(c) The procedures in WAC 197-11-660 must also be followed when conditioning, denying or recommending permits or rejection of applications. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-110, filed 9/14/84.]

WAC 463-47-120 Environmentally sensitive areas. In determining whether a proposal is exempt from SEPA, the council shall respect "environmentally sensitive area" designations made by local governments under WAC 197-11-908. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-120, filed 9/14/84.]

WAC 463-47-130 Threshold levels adopted by cities/counties. In determining whether a proposal is exempt from SEPA, the council shall inquire of the threshold levels adopted by cities/counties under WAC 197-11-800(1). [Statutory Authority: RCW

80.50.040(1). 84-19-031 (Order 84-2), § 463-47-130, filed 9/14/84.]

WAC 463-47-140 Responsibilities of the council. The council shall be responsible for the following:

(1) Coordinating activities to comply with SEPA and encouraging consistency in SEPA compliance.

(2) Providing information and guidance on SEPA and the SEPA rules to council staff, groups, and citizens.

(3) Reviewing SEPA documents falling under council interests and providing the department of ecology with comments.

(4) Maintaining the files for EISs, DNSs, and scoping notices, and related SEPA matters.

(5) Writing and/or coordinating EIS preparation, including scoping and the scoping notice, making sure to work with interested agencies.

(6) Publishing and distributing its SEPA rules and amending its SEPA rules, as necessary.

(7) Fulfilling the council's other general responsibilities under SEPA and the SEPA rules. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-140, filed 9/14/84.]

WAC 463-47-150 Coordination on combined council-Federal action. When the council is considering an action which also involves federal actions, it shall attempt to coordinate the two governmental processes so that only one environmental impact statement need be prepared for that proposal. [Statutory Authority: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-150, filed 9/14/84.]

WAC 463-47-190 Severability. If any provision of this chapter or its application to any person or circumstance 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: RCW 80.50.040(1). 84-19-031 (Order 84-2), § 463-47-190, filed 9/14/84.]

Title 468 WAC

TRANSPORTATION, DEPARTMENT OF

(Formerly: Highway Commission, etc.)

Chapters

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- 468-12 Transportation commission and transportation department State Environmental Policy Act rules.
- 468-14 Small businesses and minority contractors.
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