

Chapter 323-12 WAC

MILITARY DEPARTMENT STATE ENVIRONMENTAL POLICY ACT PROCEDURES

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WAC 323-12-010 Authority. These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-010, filed 2/11/87.]

WAC 323-12-020 Additional definitions. The following term(s) shall have the listed meaning(s):

"Department" means the military department unless otherwise indicated.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-020, filed 2/11/87.]

WAC 323-12-030 Incorporation of chapter 197-11 WAC. (1) The following sections or subsections of chapter 197-11 WAC (SEPA rules adopted by the department of ecology on January 26, 1984) are hereby adopted by reference.

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197-11-040	Definitions.
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.
197-11-300	through 390 Part three - Categorical exemptions and threshold determination.
197-11-400	through 460 Part four - Environmental impact statement (EIS).
197-11-500	through 570 Part five - Commenting.
197-11-600	through 640 Part six - Using existing environmental documents.
197-11-655	Implementation.
197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-926	Lead agency for governmental proposals.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-030, filed 2/11/87.]

WAC 323-12-040 Purpose—Policy. (1) The purpose of this chapter is to describe military department policy,

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assign responsibility, and establish procedures for the integration of environmental considerations into department planning and decision making. This chapter implements the State Environmental Policy Act and SEPA rules as they apply to actions of the military department.

(2) It is the policy of the department that significant adverse economic, social, and environmental effects relating to any proposed department action will be fully considered in planning and implementing such actions, and that final decisions on such action should be made in the best overall public interest, and taking into consideration:

(a) The need for immediate response to state emergencies;

(b) The adverse environmental, social, and economic effects of the proposed action; and

(c) The costs of eliminating or minimizing such adverse effects.

(3) All practicable means consistent with the department's mission should be employed to minimize or avoid adverse environmental consequences.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-040, filed 2/11/87.]

WAC 323-12-050 Designation of responsible official. Within the military department, the adjutant general is the person with ultimate responsibility for departmental actions. The responsible official for a specific proposal shall be the Army National Guard facilities management officer or Air National Guard base civil engineers or his/her designees. Significant actions proposed by other coordinating or special staff functions shall be coordinated through the appropriate responsible official.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-050, filed 2/11/87.]

WAC 323-12-060 Preparation of environmental documentation. Preparation of environmental documentation is the responsibility of the department's Army and Air National Guard's engineering sections. The responsible official shall be satisfied that all environmental documentation issued by the department is in compliance with these rules and chapter 197-11 WAC.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-060, filed 2/11/87.]

WAC 323-12-070 Timing of the SEPA process. (1) The SEPA process should be integrated with department activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

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(2) The department shall prepare its threshold determination and environmental impact statement, if required, at the earliest possible point in the planning and decision making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(3) Appropriate consideration of environmental information shall be completed before the department commits to a particular course of action.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-070, filed 2/11/87.]

WAC 323-12-080 Environmentally sensitive areas. In its actions the department shall respect "environmentally sensitive area" designations and their modified exemption criteria which have been adopted by local governments under WAC 197-11-908.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-080, filed 2/11/87.]

WAC 323-12-090 Threshold levels adopted by local governments. During threshold determination the department shall respect threshold levels adopted by local governments under WAC 197-11-800.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-090, filed 2/11/87.]

WAC 323-12-100 Coordination of combined state-federal action. When the department considers actions which also involve federal actions, it shall coordinate the two governmental processes so that only one EIS, or other environmental document, need be prepared for that proposal.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-100, filed 2/11/87.]

WAC 323-12-110 Public notice requirements. When these rules require notice of environmental document preparation or availability, as a lead agency the department shall give public notice by using at least one of the following methods:

- (1) Posting the property, for site-specific proposals;
- (2) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (3) Notifying the news media;
- (4) Directly notifying local jurisdictions affected by a proposed action.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-110, filed 2/11/87.]

WAC 323-12-120 Appeals. There are no appeals to a local legislative body, nor are there agency administrative appeal procedures. Judicial appeals provisions in SEPA are found in RCW 43.21C.075 and 43.21C.080.

[Statutory Authority: Chapter 43.21C RCW. 87-05-014 (Order 87-01), § 323-12-120, filed 2/11/87.]