Chapter 478-324 WAC
RULES AND REGULATIONS FOR THE UNIVERSITY OF WASHINGTON IMPLEMENTATION OF THE STATE ENVIRONMENTAL POLICY ACT

WAC
478-324-010  Authority.
478-324-020  Adoption by reference.
478-324-030  Additional consideration in timing of threshold determination and EIS process.
478-324-040  SEPA advisory committee established for environmental review.
478-324-045  SEPA advisory committee responsibility.
478-324-060  Additional considerations in determination of nonsignificance.
478-324-070  Additional considerations in mitigated DNS.
478-324-090  Additional considerations in determination of significance and scoping.
478-324-100  Additional consideration of EIS content.
478-324-110  Additional recipients of DEIS.
478-324-120  Additional recipients of FEIS.
478-324-130  Establishment of SEPA information center.
478-324-140  Additional methods of public notice.
478-324-145  No administrative appeal.
478-324-150  Additional definitions.
478-324-160  University compliance with flexible thresholds.
478-324-170  Emergencies.
478-324-180  Designation of responsible official.
478-324-190  Procedures on consulted agencies.
478-324-200  Determining the lead agency.
478-324-210  Determination of lead unit.
478-324-220  SEPA policy rule and substantive authority.
478-324-230  Severability.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER
478-324-050  Additional considerations in threshold determination process. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-050, filed 10/2/84.] Repealed by WSR 00-04-039, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120.

WAC 478-324-010  Authority. The University of Washington adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.

[Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-010, filed 10/2/84. Formerly chapter 478-325 WAC.]

WAC 478-324-020  Adoption by reference. The university hereby adopts by reference the following sections of the SEPA rules, chapter 197-11 of the Washington Administrative Code.

General Requirements
WAC
197-11-040  Definitions.
197-11-050  Lead agency.
197-11-055  Timing of the SEPA process.
197-11-060  Content of environmental review.

197-11-070  Limitations on actions during SEPA process.
197-11-080  Incomplete or unavailable information.
197-11-090  Supporting documents.
197-11-100  Information required of applicants.
197-11-250  SEPA/Model Toxics Control Act integration.
197-11-253  SEPA lead agency for MTCA actions.
197-11-256  Preliminary evaluation.
197-11-259  Determination of nonsignificance for MTCA remedial actions.
197-11-262  Determination of significance and EIS for MTCA remedial actions.
197-11-265  Early scoping for MTCA remedial actions.
197-11-268  MTCA interim actions.

Categorical Exemptions and Threshold Determination
WAC
197-11-300  Purpose of this part.
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.

Environmental Impact Statement (EIS)
WAC
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.

**Commenting**

**WAC**
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.

**Using Existing Environmental Documents**

**WAC**
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.

**SEPA and Agency Decisions**

**WAC**
197-11-650  Purpose of this part.
197-11-655  Implementation.
197-11-660  Substantive authority and mitigation.
197-11-680  Appeals.

**Definitions**

**WAC**
197-11-700  Definitions.
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.
197-11-721  Closed record appeal.
197-11-722  Consolidated appeal.
197-11-724  Consulted agency.
197-11-726  Cost-benefit analysis.
197-11-728  County/city.
197-11-730  Decision maker.
197-11-732  Department.
197-11-734  Determination of nonsignificance (DNS).
197-11-736  Determination of significance (DS).
197-11-738  EIS.
197-11-740  Environment.
197-11-742  Environmental checklist.
197-11-744  Environmental document.
197-11-746  Environmental review.
197-11-750  Expanded scoping.
197-11-752  Impacts.
197-11-754  Incorporation by reference.
197-11-756  Lands covered by water.
197-11-758  Lead agency.
197-11-760  License.
197-11-762  Local agency.
197-11-764  Major action.
197-11-766  Mitigated DNS.
197-11-768  Mitigation.
197-11-770  Natural environment.
197-11-772  NEPA.
197-11-774  Nonproject.
197-11-775  Open record hearing.
197-11-776  Phased review.
197-11-778  Preparation.
197-11-780  Private project.
197-11-782  Probable.
197-11-784  Proposal.
197-11-786  Reasonable alternative.
197-11-788  Responsible official.
197-11-790  SEPA.
197-11-792  Scope.
197-11-793  Scoping.  
197-11-794  Significant.  
197-11-796  State agency.  
197-11-797  Threshold determination.  
197-11-799  Underlying governmental action.  

**Categorical Exemptions**  
WAC  
197-11-800  Categorical exemptions.  
197-11-810  Exemptions and nonexemptions applicable to specific state agencies.  
197-11-820  Department of licensing.  
197-11-825  Department of labor and industries.  
197-11-830  Department of natural resources.  
197-11-835  Department of fisheries.  
197-11-840  Department of game.  
197-11-845  Department of social and health services.  
197-11-850  Department of agriculture.  
197-11-855  Department of ecology.  
197-11-860  Department of transportation.  
197-11-865  Utilities and transportation commission.  
197-11-870  Department of commerce and economic development.  
197-11-875  Other agencies.  
197-11-880  Emergencies.  
197-11-890  Petitioning DOE to change exemptions.  

**Agency Compliance**  
WAC  
197-11-900  Purpose of this part.  
197-11-902  Agency SEPA policies.  
197-11-904  Agency SEPA procedures.  
197-11-906  Content and consistency of agency procedures.  
197-11-910  Designation of responsible official.  
197-11-912  Procedures of consulted agencies.  
197-11-914  SEPA fees and costs.  
197-11-916  Application to ongoing actions.  
197-11-917  Relationship to chapter 197-10 WAC.  
197-11-918  Lack of agency procedures.  
197-11-920  Agencies with environmental expertise.  
197-11-922  Lead agency rules.  
197-11-924  Determining the lead agency.  
197-11-926  Lead agency for governmental proposals.  
197-11-928  Lead agency for public and private proposals.  
197-11-930  Lead agency for private projects requiring licenses from one agency with jurisdiction.  
197-11-932  Lead agency for private projects requiring licenses from more than one agency, when the lead agency designee is county/city.  
197-11-934  Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.  
197-11-936  Lead agency for private projects requiring licenses from more than one state agency.  
197-11-938  Lead agencies for specific proposals.  
197-11-940  Transfer of lead agency status to a state agency.  
197-11-942  Agreements on lead agency status.  
197-11-944  Agreements on division of lead agency duties.  
197-11-946  DOE resolution of lead agency disputes.  
197-11-948  Assumption of lead agency status.  
197-11-950  Severability.  
197-11-955  Effective date.  

**Forms**  
WAC  
197-11-960  Environmental checklist.  
197-11-965  Adoption notice.  
197-11-970  Determination of nonsignificance (DNS).  
197-11-980  Determination of significance and scoping notice (DS).  
197-11-985  Notice of assumption of lead agency status.  
197-11-990  Notice of action.  

[Statutory Authority: RCW 28B.20.130 and 43.21C.120. WSR 03-12-007, § 478-324-020, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-020, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-020, filed 10/2/84.]  

**WAC 478-324-030** Additional consideration in timing of threshold determination and EIS process. (1) For project-type actions involving construction or modification of facilities, the threshold determination, DNS, mitigated-DNS, or draft EIS shall be completed no later than the authorization to prepare construction documents. When an EIS is required, the final EIS shall be issued no later than seven days prior to the award of a construction contract.  

(2) For nonproject-type actions, the threshold determination, DNS, mitigated-DNS, or EIS shall be completed prior to final approval or adoption of the proposal by the board of regents or agent delegated by the board to take such action. When an EIS is required, the final EIS shall be issued no later than seven days prior to the approval or adoption of a proposal.  

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-030, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-030, filed 10/2/84.]  

**WAC 478-324-040** SEPA advisory committee established for environmental review. A SEPA advisory com-
mittee (the committee) shall be established to assist the university with environmental review and with integrating SEPA procedures with the planning and decision-making process. The committee shall aid the university in complying with the State Environmental Policy Act (chapter 43.21C RCW) and State Environmental Policy Act rules (chapter 197-11 WAC), except for those actions pertaining to the metropolitan tract. The committee shall consist of members representing the students, faculty, and staff of the university and shall be appointed by the president. It shall be the mission of the committee to ensure that sound decision making at the university includes early consideration of environmental values and goals and timely preparation and review of environmental analysis.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-040, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-040, filed 10/2/84.]

**WAC 478-324-045 SEPA advisory committee responsibility.** (1) The responsible official shall consult with the committee as follows:

(a) After completion of an environmental checklist but before threshold determination.

(b) Prior to the responsible official's reconsideration of the threshold determination if substantive comments have been received regarding the DNS.

(c) Prior to the responsible official issuing a mitigated DNS.

(d) Prior to the issuance of a scoping notice.

(e) Prior to the publication of any draft EIS.

(f) Prior to the publication of any final EIS.

(2) Committee review of scoping notice, DNS, and mitigated DNS may occur without a formal meeting.

(3) The university shall give the committee notice of public hearings on the environmental impact of a proposal.

(4) The committee's recommendations shall be advisory and shall not relieve the responsible officials of their responsibilities as established by these procedures.

[Statutory Authority: RCW 28B.20.130 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-045, filed 2/25/00, effective 3/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-045, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-045, filed 10/2/84.]

**WAC 478-324-060 Additional considerations in determination of nonsignificance.** (1) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee.

(2) If the university withdraws a DNS and makes a new threshold determination, the responsible official shall send notice of any withdrawn DNS and new threshold determination to agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-060, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-060, filed 10/2/84.]

**WAC 478-324-070 Additional considerations in mitigated DNS.** (1) In consultation with the SEPA advisory committee, the responsible official will determine if there are mitigating measures and clarifications or changes to the environmental checklist which would reduce impacts to the extent that a mitigated DNS could be issued.

(2) All mitigation measures in a mitigated DNS for a proposed project shall be included in the final project, with the exception of any measures clearly the responsibility of another agency.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-070, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-070, filed 10/2/84.]

**WAC 478-324-090 Additional considerations in determination of significance and scoping.** (1) Scoping shall be used for EIS's and supplemental EIS's.

(2) The university shall notify members of the SEPA advisory committee, the city-university community advisory committee, agencies with jurisdiction, and others on the university SEPA mailing list of the DS and the initiation of this scoping process. Written comments shall be provided to the university within twenty-one days of the issuance of the DS.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-090, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-090, filed 10/2/84.]

**WAC 478-324-100 Additional consideration of EIS content.** Where the university is lead agency, the EIS preparers of the university shall determine the organization of the EIS, even though other agencies with jurisdiction are involved with the proposal.

[Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-100, filed 10/2/84.]

**WAC 478-324-110 Additional recipients of DEIS.** (1) The university shall send copies of the draft EIS to the SEPA advisory committee and the city-university community advisory committee.

(2) The university shall provide notice of the draft EIS to all individuals, organizations and agencies who provided comment during the scoping process.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-110, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-110, filed 10/2/84.]

**WAC 478-324-120 Additional recipients of FEIS.** (1) The university shall send copies of the final EIS to the SEPA advisory committee and the city-university community advisory committee.

(2) The responsible official shall send notice of availability of the final EIS to anyone who received and/or commented on the DEIS.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-120, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-120, filed 10/2/84.]

**WAC 478-324-130 Establishment of SEPA information center.** (1) The University of Washington office of public records and open public meetings shall serve as the university's SEPA information center.

(2) The following documents shall be maintained at the SEPA information center:
(a) Copies of all SEPA public information registers for a period of one year from the date of publication.
(b) Copies of all environmental checklists, determinations of nonsignificance and determinations of significance for a period of one year from the date of issue.
(c) Copies of all current scoping and public hearing notices.
(d) Copies of all draft and final EISs for a period of three years after the date of publication, except that technical appendices need not be maintained at the SEPA information center if adequate notice is provided regarding where on campus such appendices are located.
(e) Copies of all draft and final EISs which have been incorporated by reference shall be maintained at the SEPA information center for the same time period as the underlying document is maintained.
(f) A current list of individuals designated as responsible officials for university compliance with SEPA.
(g) A current membership list of the SEPA advisory committee.
(h) Copies of agendas and minutes of the SEPA advisory committee for a period of one year after the date of issue.
(3) The documents at the SEPA information center shall be available for public inspection and copies thereof shall be provided upon request. A fee to cover the actual cost of printing/copying may be charged for copies.

WAC 478-324-140 Additional methods of public notice. The university shall provide public notice of scoping, DNS with comment period, public hearings scheduled in accordance with these procedures and availability of draft and final EISs by providing notice in such form as a press release or advertisement in the online UW Today, University of Washington Daily, and/or in another local newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., The Seattle Times or Tacoma News Tribune).

WAC 478-324-145 No administrative appeal. There is no administrative appeal of any university determination relating to SEPA. Any appeal must be a judicial appeal under WAC 197-11-680(4).

WAC 478-324-150 Additional definitions. (1) "Final action" means the university's decision to proceed or not proceed with a proposal and is so defined in compliance with public notice requirements, RCW 43.21C.080. For proposals involving a series of decision points, the final action shall be clearly identified in the environmental checklist and/or EIS. The point at which the final action is made during the planning process may vary depending upon the nature of the proposal, but at no time shall the final action occur before fourteen days following issuance of a DNS or seven days following issuance of an FEIS.
(2) "SEPA mailing list" means a current list maintained at the capital projects office at the university of all individuals, groups, and agencies who have communicated to the university their interest in SEPA policies, procedures, and documents. This list shall include the city-university community advisory committee and all community organizations represented on the committee, including those with alternative representation.

WAC 478-324-160 University compliance with flexible thresholds. The university will use the flexible thresholds established by the particular jurisdiction in which a university project is located.

WAC 478-324-170 Emergencies. Actions that must be undertaken immediately or within a time too short to allow full compliance with these rules, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. Such actions include, but are not limited to, the following:

(1) Emergency pollution control actions responding to accidental discharges, leaks or spills into the air, water, or land.
(2) Implementation of a change in waste disposal procedures caused by unanticipated changes in waste sources which are in compliance with federal and state regulations and standards.
(3) Cleanup or decontamination of academic and research facilities or equipment accidentally exposed or contaminated, to permit maintenance, repair or relocation, when procedures followed are in accordance with federal or state guidelines, recommendations, or standards.
(4) Emergency actions implemented to reduce an imminent hazard to the health and safety of an element of the university resulting from structural failure, equipment malfunction, human error or natural event.

WAC 478-324-180 Designation of responsible official. The associate vice-president for capital projects or his or her designee shall serve as the responsible official for all university projects.

(1/9/12)
WAC 478-324-190 Procedures on consulted agencies. The capital projects office shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, EIS's, and supplemental EIS's.

WAC 478-324-200 Determining the lead agency. (1) Except as otherwise specially provided herein, the university shall serve as the lead agency for all proposals.

(2) When the total proposal will involve both private and university construction activity, it shall be characterized as either a private or a university project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is the university or a private party. Any project in which university and private interests are too intertwined to make this characterization shall be considered a university project.

(3) The university’s responsibilities as lead agency include complying with the threshold determination procedures; the initiation and administration of the scoping process; the supervision or actual preparation of draft EIS's, including the circulation of such statements, the conduct of any public hearings or public meetings required by these rules; and the supervision or preparation of required final EIS's and supplemental EIS's.

WAC 478-324-210 Determination of lead unit. (1) For university actions subject to SEPA, the capital projects office shall be charged with the university's lead agency responsibilities.

(2) The capital projects office shall have primary university responsibility for providing procedural advice with regard to these rules.

(3) All university units with environmental expertise should strive to make their services available to the capital projects office to assist in the university's compliance with SEPA.

WAC 478-324-220 SEPA policy rule and substantive authority. In order to carry out the policy of the State Environmental Policy Act, the University of Washington or its agents shall use all practical means, consistent with other essential considerations of state and university policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

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

(2) Assure for all people of Washington safe, healthy, productive, and esthetically and culturally pleasing surroundings;

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

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

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

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

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