

STATE ENVIRONMENTAL POLICY ACT COMPLIANCE

The district accepts its responsibility, as described by the Washington State Legislature in the State Environmental Policy Act, specifically Chapter 43.21C.

In order to fulfill its responsibilities under the State Environmental Policy Act, the district adopts by reference all sections or subsections of the Chapter 197.11 of the Washington Administrative Code.

ADDITIONAL DEFINITIONS. In addition to those definitions contained within WAC 197-11-700 to 197-11-799, the following terms will have the following meanings, unless the context indicates otherwise:

- A. District. District means the Riverview School District No. 407, King County, State of Washington.
- B. SEPA Rules. SEPA Rules means Chapter 197-11 WAC adopted by the Council on Environmental Policy.

The district establishes the following criteria as the basis for exercising authority relative to environmental issues. The district will use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- A. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- B. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- C. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- D. Preserve important historic, cultural, and natural aspects of our national heritage;
- E. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- F. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

- G. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The district 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.

CRITICAL AREAS

In its actions, the district will respect "critical areas" and their modified exemption criteria which have been adopted and displayed by local governments pursuant to The Growth Management Act, Chapter 36.70A RCW.

Actions which will be located wholly or partially within a critical area are to be treated no differently than other actions under these guidelines. A threshold determination will be made for all such actions, and an EIS will not be automatically required for a proposal merely because it is proposed for location in a critical area.

USE OF EXEMPTIONS

In determining whether a proposal is exempt from SEPA, the district will comply with the square footage and parking space threshold levels adopted by the city or county under WAC 197-11-800 (1). To determine whether or not a proposal is exempt, the district will ascertain the total scope of the proposal and the governmental licenses required. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some which are not, the proposal is not exempt and the district must complete a threshold determination.

If a proposal includes both exempt and nonexempt actions, exempt actions may be authorized with respect to the proposal prior to compliance with the procedural requirements of these guidelines subject to the following limitations:

- A. No nonexempt action will be authorized prior to compliance with procedural and substantive requirements;
- B. No action will be authorized which will irrevocably commit the district to approve or authorize a nonexempt action;
- C. The district may withhold approval of an exempt action which would lead to modification of the physical environment, which such modifications would serve no purpose if later approval of a nonexempt action is not secured; and
- D. The district may withhold approval of exempt actions which would lead to substantial financial expenditures by a private applicant which would serve no purpose if later approval of a nonexempt action is not secured.

LEAD AGENCY DETERMINATION AND RESPONSIBILITIES

The district is lead agency for the proposals it initiates and is responsible for compliance with SEPA regulations.

ENVIRONMENTAL CHECKLIST

Except as provided in WAC 197-11-315, the school district must complete an environmental checklist (WAC 197-11-960) for any proposal that meets the definition of action (WAC 197-11-709), and is not categorically exempted in WAC 197-11-800 and 880. This checklist will be the basis for the threshold determination.

For all proposals for which the district is the lead agency, the responsible official of the district will make the threshold determination pursuant to the criteria and procedures of WAC 197-11-300 through -360.

PREPARATION OF EIS

The draft and final EIS will be prepared either by the responsible official or his/her designee or a consultant retained by the school district.

In the event that an EIS is to be prepared by a consultant, the responsible official will assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official will direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

No matter who participates in the preparation of an EIS, it must be approved by the responsible official prior to distribution.

PUBLIC NOTICE

The district will establish a mailing list for those interested citizens who wish to be informed regarding documents the district prepares that require public notice. If deemed appropriate by the responsible official, the school district will place appropriate notice in the paper of general circulation which serves the area.

DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE DISTRICT

The superintendent or his designee will be responsible for the preparation of the written comments for the district in response to a consultation request prior to a threshold determination, participation in predraft consultation or reviewing a draft EIS.

The official designated by the district will be responsible for compliance by the district with WAC 197-11-400 through -460 wherever the district is a consulted agency, and he/she is authorized to develop operating procedures which will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the district.

DESIGNATION OF RESPONSIBLE OFFICIAL

For those proposals for which the district is the lead agency, the responsible official will be the superintendent or his/her designee. The responsible official will make the threshold determination, supervise preparation of any required EIS and perform any other functions assigned to the "lead agency."

FEES

No fee will be collected by the district for performing its duties as a consulted agency.

The district may charge any person for copies of any document prepared pursuant to the requirements of this ordinance and for mailing thereof, in a manner provided by Chapter 42.56 RCW.

PUBLICATION OF NOTICE

The district may publish notice of action pursuant to RCW 43.21C.080 for any action to establish a time limit for judicial appeals.

The form of the notice will be as prescribed by the department of ecology and/or substantially in the form and manner set forth in RCW 43.21C.080. The notice will be published by the district secretary pursuant to RCW 43.21C.080.

ADMINISTRATIVE APPEALS

A. Appeals:

1. Appeal to Superintendent. Agency appeals are provided for SEPA procedural determinations, except that an agency appeal is not provided for a determination of significance. SEPA determinations will be appealed by mailing or delivering a letter to the Superintendent. The letter must include the information in paragraph 3 below.
2. Deadline for Appeal. The letter of appeal will be delivered or mailed to the Superintendent within fourteen (14) days of the date the challenged environmental document or determination is issued.
3. Form of Appeal. For an appeal to be accepted, the letter must specify: (a) the determination being appealed; (b) the errors complained of; (c) the corrective action being sought; (d) the reasons why the determination should be changed;

(e) and whether further oral or written comment or a hearing is requested. Supporting documents may be submitted with the letter of appeal.

4. Hearing Examiner. The Superintendent may serve as the presiding officer and may review the appeal directly, or the Superintendent may appoint a hearing examiner or appointee to serve as the presiding officer.
 5. Time to Decision. The presiding officer will have thirty (30) days after securing sufficient information to make a decision in writing. The presiding officer for an appeal may set deadlines for the submission of any additional information or comments.
 6. Hearing. A hearing will be provided if requested by the appellant. The hearing will provide reasonable opportunity for the parties to present oral or written testimony and argument, consistent with these rules. The presiding officer may establish procedures for the hearing, and may set the time period allowed for each party to the appeal, including the staff, to present its case. A hearing may not be scheduled for at least five (5) days from the District's receipt of an appeal unless the parties agree otherwise.
 7. Final Action. The District will not take final action on a proposal while a proper appeal to the Superintendent on a procedural determination is pending.
 8. Other Requisites. WAC 197-11-680(3) is adopted by reference with respect to other requirements of agency appeal proceedings.
- B. **Judicial Review:** Parties must exhaust administrative appeals before seeking judicial review of SEPA compliance. RCW 43.21C.075 and WAC 197-11-680.
- C. **Notice of Appeals:** The notice requirements for environmental documents will serve as adequate notice for agency appeals.

Legal References: RCW 43.21C State Environmental Policy Act
 WAC 197-11 State Environmental Policy Act
 Rules

Adoption Date: January 28, 2003
Amended: September 23, 2008
Revised: August 28, 2012
Reviewed: November 7, 2013