

EVERETT SCHOOL DISTRICT NO. 2

RESOLUTION NO. 427

A RESOLUTION of the Board of Directors of the Everett School District No. 2 (the "District") amending policies and procedures required by, or otherwise authorized by, the State Environmental Policy Act, Chapter 43.21C RCW.

WHEREAS, the District has heretofore adopted such policies and procedures as are required, or otherwise authorized by, the State Environmental Policy Act, Chapter 43.21C RCW ("SEPA");

WHEREAS, the District desires to revise its SEPA policies and procedures; and

WHEREAS, the revisions to the District's SEPA policies and procedures set forth in this Resolution are, for purposes of WAC 197-11-902(4) and WAC 197-11-904(5), procedural in nature;

NOW, THEREFORE, BE IT RESOLVED that the District hereby amends its SEPA policies and procedures;

AND RESOLVED FURTHER that the District's SEPA policies and procedures, as so amended, are restated in their entirety as Policy No. 9280, attached hereto and incorporated herein by this reference.

ADOPTED this 9<sup>th</sup> day of July, 1990.

EVERETT SCHOOL DISTRICT NO. 2,  
a municipal corporation of  
the State of Washington

By Charles E. Batts  
President

By \_\_\_\_\_  
Vice-President

By Jim M. Cooper  
Director

By Shirley Anderson  
Director

By Earl E. Datta  
Director

ATTEST:

Dr. Paul Sjunnesen,  
Superintendent and Secretary  
for the Board

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## 1.0 AUTHORITY

1.1 Pursuant to RCW 43.21C.120 and Chapter 197-11 of the Washington Administrative Code ("WAC"), the District has heretofore adopted such policies and procedures as are required by, or are otherwise authorized by, the State Environmental Policy Act (SEPA).

1.2 By Resolution No. 427, the District's SEPA policies and procedures were amended. As so amended, the District's SEPA policies and procedures are hereby restated in their entirety.

1.3 The SEPA rules set forth in Chapter 197-11 WAC must be used in conjunction with these policies and procedures.

## 2.0 GENERAL REQUIREMENTS

### 2.1 Purpose and Adoption by Reference

2.11 This section contains the basic requirements that apply to the SEPA process. The District adopts the following sections of Chapter 197-11 WAC by reference:

- WAC 197-11-040: Definitions
- 050: Lead Agency
- 055: Timing of the SEPA Process
- 060: Content of Environmental Review
- 070: Limitations on Actions During SEPA Process
- 080: Incomplete or Unavailable Information
- 090: Supporting Documents
- 100: Information Required of Applicants

### 2.2 Additional Definitions

2.21 In addition to the definitions contained in WAC 197-11-700 through WAC 197-11-799, when used in these policies and procedures the following terms shall have the following meanings, unless the context indicates otherwise:

2.211 District. "District" means the Everett School District No. 2, Snohomish County, Washington.

2.212 SEPA Rules. "SEPA Rules" means Chapter 197-11 WAC.

### 2.3 Designation of Responsible Official

2.31 For all proposals for which the District is the lead agency, the responsible official shall be the Superintendent of the District or his/her designee.

2.32 For all proposals for which the District is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by these policies and procedures.

2.33 The District shall retain all documents required by these policies and procedures and make them available in accordance with applicable law.

#### 2.4 Lead Agency Determination and Responsibilities

2.41 When the District receives an application for or initiates a proposal that involves a nonexempt action, it shall determine the lead agency for that proposal under applicable law, unless the lead agency has been previously determined or the responsible official is aware that another agency is in the process of determining the lead agency.

2.42 When the District is not the lead agency for a proposal, it shall use and consider, as appropriate, the environmental documents of the lead agency in making decisions on the proposal. The District shall not prepare or require preparation of environmental documents in addition to that prepared by the lead agency, unless the District is otherwise authorized or required to do so under applicable law.

2.43 If the District receives a lead agency determination made by another agency that appears inconsistent with the criteria established by applicable law for making such determinations, the District may, if it otherwise has jurisdiction over the proposal, take such action as authorized by the SEPA Rules (which may include, but is not necessarily limited to, petitioning the Department pursuant to WAC 197-11-946).

2.44 The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal as authorized by applicable law.

2.45 When making a lead agency determination for a private project, the District shall require sufficient information from the applicant to identify which other agencies (if any) have jurisdiction over the proposal.

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## 2.5 Time Limits and Other Considerations Applicable to SEPA Rules

2.51 Except as may otherwise be required by applicable law, the time frame within which the District shall conduct environmental review shall be determined on a case-by-case basis, consistent with these policies and procedures and the best interests of the District.

2.52 For nonexempt proposals, the DNS, FEIS (and/or such other environmental documentation as the responsible official deems appropriate) shall accompany the District's staff recommendation to any appropriate advisory body.

2.53 If the District's only action on a proposal is a decision on a license that requires detailed project plans and specifications, upon written request by the applicant, the District shall conduct environmental review prior to the applicant's submission of such detailed plans and specifications.

## 3.0 CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

### 3.1 Purpose and Adoption by Reference

3.11 This section contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The District adopts the following sections by reference:

WAC 197-11-300: Purpose of This Part  
                   -305: Categorical Exemptions  
                   -310: Threshold Determination Required  
                   -315: Environmental Checklist  
                   -330: Threshold Determination Process  
                   -335: Additional Information  
                   -340: Determination of Non-Significance (DNS)  
                   -350: Mitigated DNS  
                   -360: Determination of Significance (DS)/  
                           Initiation of Scoping  
                   -390: Effect of Threshold Determination

## 4.0 ENVIRONMENTAL IMPACT STATEMENT (EIS)

### 4.1 Purpose and Adoption by Reference

4.11 This section contains the rules for preparing environmental impact statements. The District adopts the following sections by reference:

- WAC 197-11-400: Purpose of EIS
  - 402: General Requirements
  - 405: EIS Types
  - 406: EIS Timing
  - 408: Scoping
  - 410: Expanded Scoping
  - 420: EIS Preparation
  - 425: Style and Size
  - 430: Format
  - 435: Cover Letter or Memo
  - 440: EIS Contents
  - 442: Contents of EIS on Non-Project Proposals
  - 443: EIS Contents When Prior Non-Project EIS
  - 444: Elements of the Environment
  - 448: Relationship of EIS to Other Considerations
  - 450: Cost-Benefit Analysis
  - 455: Issuance of DEIS
  - 460: Issuance of FEIS

#### 4.2 Preparation of EIS--Additional Considerations

4.21 Environmental documents may be prepared by the District, by outside consultants selected by the District, or by such other person as the District may so direct consistent with the SEPA Rules. If the District shall direct a person to prepare any one or more environmental documents, the District shall notify such person in writing, and shall provide such person with a copy of these policies and procedures.

4.22 The District may require an applicant to provide information the District does not possess, including specific investigations. However, the applicant may not be required to supply information that is not required under these policies and procedures or that is being requested from another agency. (This does not apply to information the District may request under other authority).

### 5.0 COMMENTING

#### 5.1 Purpose and Adoption by Reference

5.11 This section contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearings. The District adopts the following sections by reference:

WAC 197-11-500: Purpose of This Part  
                   -502: Inviting Comment  
                   -504: Availability and Cost of  
                           Environmental Documents  
                   -508: SEPA Register  
                   -535: Public Hearings and Meetings  
                   -545: Effect of No Comment  
                   -550: Specificity of Comments  
                   -560: FEIS Response to Comments  
                   -570: Consulted Agency Costs to Assist Lead  
                           Agency

## 5.2 Public Notice

5.21 Whenever the District issues a DNS pursuant to WAC 197-11-340(2), a DS pursuant to WAC 197-11-360(3), a DEIS pursuant to WAC 197-11-455(5), or a SEIS pursuant to WAC 197-11-620, the District shall give public notice as follows:

5.211 posting the property for site-specific proposals; and

5.212 publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located;

5.22 In addition to the methods for giving public notice identified in subsection 5.21 above, whenever notice is required to be given by these policies and procedures the responsible official may designate any one or more of the following methods of providing such notice if the responsible official determines that such methods are required or otherwise appropriate in a particular case:

5.221 notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

5.222 notifying the news media;

5.223 placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or

5.224 publishing notice in agency newsletters and/or sending letters to agency mailing lists.

5.23 Whenever possible, the District shall integrate the notice procedures required by these policies and procedures with existing notice procedures otherwise required by applicable law.

### 5.3 Designation of Official to Perform Consulted Agency Responsibilities for the District

5.31 The responsible official shall be responsible for the timely preparation of written comments for the District in response to a consultation request.

## 6.0 USING ENVIRONMENTAL DOCUMENTS

### 6.1 Purpose and Adoption by Reference

6.11 This section contains rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for the District's own environmental compliance. The District adopts the following sections by reference:

- WAC 197-11-600: When to Use Existing Environmental Documents
- 610: Use of NEPA Documents
- 620: Supplemental Environmental Impact Statement--Procedures
- 625: Addenda--Procedures
- 630: Adoption--Procedures
- 635: Incorporation by Reference--Procedures
- 640: Combining documents

## 7.0 SEPA AND AGENCY DECISIONS

### 7.1 Purpose and Adoption by Reference

7.11 This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to the courts. The District adopts the following sections by reference:

- WAC 197-11-650: Purpose of This part
- 655: Implementation
- 660: Substantive Authority and Mitigation
- 680(4)(5): Appeals



## 7.2 Substantive Authority

7.21 The policies set forth in this section 7 are supplementary to those in existing authorizations of the District.

7.22 Any District action on a proposal that is not exempt may be conditioned or denied under SEPA to mitigate the environmental impacts, subject to the limitations of WAC 197-11-660 and such other applicable laws.

7.23 The District formally designates and adopts the following policy to be considered by the District in connection with the District's exercise of substantive SEPA authority. It is the policy of the District that, when undertaking an action involving the exercise substantive SEPA authority, the District shall consider, as appropriate under the circumstances, the ramifications of such action as to one or more of the following factors:

7.231 the potential to provide the best educational opportunities possible;

7.232 the potential to maximize educational benefits from available resources;

7.233 the potential to fulfill the responsibilities of each generation as to the environment for succeeding generations;

7.234 the potential to foster a safe, healthful, productive, and aesthetically and culturally pleasing environment;

7.235 the potential to attain a range of beneficial uses of the environment while avoiding degradation, risk to health or safety, or other undesirable and unintended consequences;

7.236 the potential to preserve important historic, cultural, and natural aspects of our heritage;

7.237 the potential to maintain, wherever practical, an environment which supports diversity and variety of choice;

7.238 the potential to achieve a prudent use of resources which promotes the quality of life and a equitable allocation of amenities;

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7.239 the potential to enhance the quality of renewable resources by reasonable and practical means and promote the recycling of depletable resources; and

7.2310 the potential to recognize 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.

7.24 The District hereby:

7.241 eliminates, pursuant to WAC 197-11-680(2), appeals to its legislative body of any decision by a nonelected official conditioning or denying a proposal under authority of SEPA; and

7.242 elects, pursuant to WAC 197-11-680(3), not to provide for administrative appeals of determinations relating to SEPA.

### 7.3 Notice of Action

7.31 The District may publish notice of action taken by the District pursuant to these policies and procedures, and pursuant to RCW 43.21C.080. The form of any such notice shall be substantially in the form provided by the SEPA Rules.

## 8.0 DEFINITIONS

### 8.1 Purpose and Adoption by Reference

8.11 This section contains uniform usage and definitions of terms under SEPA. The District adopts the following sections by reference:

WAC 197-11-700:	Definitions
-702:	Act
-704:	Action
-706:	Addendum
-708:	Adoption
-710:	Affected Tribe
-712:	Affecting
-714:	Agency
-716:	Applicant
-718:	Built Environment
-720:	Categorical Exemption
-722:	Consolidated Appeal
-724:	Consulted Agency

- 726: Cost-Benefit Analysis
- 728: County/City
- 730: Decision-Maker
- 732: Department
- 734: Determination of Non-Significance (DNS)
- 736: Determination of Significance (DS)
- 738: EIS
- 740: Environment
- 742: Environmental Checklist
- 744: Environmental Document
- 746: Environmental Review
- 748: Environmentally Sensitive Area
- 750: Expanded Scoping
- 752: Impacts
- 754: Incorporation by Reference
- 756: Lands covered by Water
- 758: Lead Agency
- 760: License
- 762: Local Agency
- 764: Major Action
- 766: Mitigated DNS
- 768: Mitigation
- 770: Natural Environment
- 772: NEPA
- 774: Non-Project
- 776: Phased Review
- 778: Preparation
- 780: Private Project
- 782: Probable
- 784: Proposal
- 786: Reasonable Alternative
- 788: Responsible Official
- 790: SEPA
- 792: Scope
- 793: Scoping
- 794: Significant
- 796: State Agency
- 797: Threshold Determination
- 799: Underlying Governmental Action

## 9.0 CATEGORICAL EXEMPTIONS

### 9.1 Adoption by Reference

9.11 The District adopts by reference the following rules for categorical exemptions:

- WAC 197-11-800: Categorical Exemptions (including school closures)
- 880: Emergencies
- 890: Petitioning DOE to Change Exemptions

## 10.0 AGENCY COMPLIANCE

### 10.1 Purpose and Adoption by Reference

10.11 This section contains rules for agency compliance with SEPA. The District adopts the following sections by reference:

- WAC 197-11-900: Purpose of This part
- 902: Agency SEPA Policies
- 916: Application to Ongoing Actions
- 920: Agencies With Environmental Expertise
- 922: Lead Agency Rules
- 924: Determining the Lead Agency
- 926: Lead Agency for Governmental Proposals
- 928: Lead Agency for Public and Private Proposals
- 930: Lead Agency for Private Projects With One Agency With Jurisdiction
- 932: Lead Agency for Private Projects Requiring Licenses From More Than One Agency, When One of the Agencies Is a County/City
- 934: Lead Agency for Private Projects Requiring Licenses From a Local Agency, Not a County/City, and One or More State Agencies
- 936: Lead Agency for Private Projects Requiring Licenses From More Than One State Agency
- 938: Lead Agencies for Specific Proposals
- 940: Transfer of Lead Agency Status to a State Agency
- 942: Agreements on Lead Agency Status
- 944: Agreements on Division of Lead Agency Duties
- 946: DOE Resolution of Lead Agency Disputes
- 948: Assumption of Lead Agency Status

### 10.2 Severability

10.21 If any provision of these policies and procedures or their application to any person or circumstance is held invalid, the remainder of these policies and procedures, or the application of such invalid provision to other persons or circumstances, shall not be affected.

11.0 FORMS

11.1 Adoption by Reference

11.11 This District adopts and attaches hereto the following forms and sections by reference:

- WAC 197-11-960: Environmental Checklist
- 965: Adoption Notice
- 970: Determination of Non-Significance (DNS)
- 980: Determination of Significance and Scoping Notice (DS)
- 985: Notice of Assumption of Lead Agency Status
- 990: Notice of Action

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Adopted November 19, 1984

Revised July 9, 1990

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