

A Resolution of the Port of Tacoma Commission Adopting the Port's Policies and Procedures for Compliance with the Provisions and Requirements of the State Environmental Policy Act and Repealing Resolution 2016-06-PT

WHEREAS, the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW, sets forth an environmental policy for Washington State and requires that the environmental impacts of proposals or actions be analyzed and, where appropriate, mitigated; and,

WHEREAS, the SEPA applies to state agencies, counties, and municipal corporations, including port districts; and,

WHEREAS, the Washington State Department of Ecology has issued uniform statewide rules for carrying out the SEPA which are codified at Chapter 197-11 WAC; and,

WHEREAS, the Port is required to adopt the SEPA policies and procedures that are consistent with the rules adopted by the Department of Ecology (WAC 197-11) and may adopt by reference any or all of the rules contained in Chapter 197-11 WAC; and,

WHEREAS, the Port last adopted Revised SEPA Policies and Procedures in 2016; and

WHEREAS, the Port periodically reviews and updates its SEPA Policies and Procedures; and

WHEREAS, in accordance with WAC 197-11-902(3), the Port has provided public notice of and opportunity for public comment on this Resolution prior to Commission action.

NOW, THEREFORE, be it resolved:

1. That the SEPA Policies and Procedures set forth in **Exhibit "A"** attached to this Resolution and by this reference incorporated herein, are adopted for the purpose of establishing the Port of Tacoma's SEPA Policies and Procedures; and
2. That Resolution 2016-06-PT, Revised State Environmental Policy Act Policies (SEPA) and Procedures, is hereby repealed in its entirety.

ADOPTED by a majority of the members of the Port of Tacoma Commission at a regular meeting held on this ____ of _____ 2023, a majority of the members being present and voting on this resolution and signed by its President and attested by its Secretary under the official seal of said Commission in authentication of its passage this ____ day of _____, 2023.

Deanna M. Keller, President

ATTEST:

John McCarthy, Secretary

DRAFT

EXHIBIT A
PORT OF TACOMA STATE ENVIRONMENTAL POLICY ACT (“SEPA”)
POLICIES AND PROCEDURES

PART ONE
PURPOSE AND AUTHORITY

SECTION 1. PURPOSE AND AUTHORITY

Section 1.1 In broad terms, the SEPA requires the Port to consider environmental impacts before making significant decisions, and to consider measures which could be undertaken to avoid or reduce (“mitigate”) the environmental impacts of projects and non-project proposals (collectively “proposal(s)”).

Section 1.2 The process the Port uses to consider environmental impacts is the “procedural” component of the SEPA. The Port’s decision to approve, condition, or reject a Proposal based upon its environmental impacts or to require any mitigation measures under the authority of the SEPA is the “substantive” component of the SEPA.

Section 1.3 This Resolution contains the Port’s SEPA procedures, which detail the environmental review process under the SEPA. This Resolution also contains the Port’s SEPA policies, which detail the process for determining if mitigation is required for particular proposals as a result of the SEPA.

Section 1.4 This Resolution adopts by reference the State’s SEPA rules issued by the Department of Ecology and codified at [Chapter 197-11 WAC](#), with some modifications and additions relevant to Port operations. Each provision adopted by reference in this Resolution is found in the State rules. Chapter 197-11 WAC should, therefore, be used in conjunction with this Resolution.

Section 1.5 This Resolution is adopted under [RCW 43.21C.120](#), [WAC 197-11-902](#) and [WAC 197-11-904](#), and is specifically intended to implement those provisions.

SECTION 2. APPLICATION OF SEPA TO PORT ACTIVITIES

Section 2.1 The SEPA requires the Port, along with every other public agency, to treat concern for the environment as part of its mission, together with its other responsibilities as a public agency.

Section 2.2 The SEPA itself does not have any substantive permit requirements. Rather, the SEPA review occurs when the Port takes some action on a proposal. This action is called the “underlying governmental action.”

Section 2.3 Because the SEPA applies only when some underlying governmental action is involved, the SEPA supplements or “overlays” the Port’s regular planning and decision making. The SEPA provides a basic process for studying and responding to a proposal’s environmental impacts, especially at the planning stages. The exact nature and timing of the SEPA process can vary for each type of underlying governmental action and for each individual proposal.

Section 2.4 There are other environmental laws besides the SEPA which may apply to specific resources such as laws relating to land, air, water, historic areas, wildlife, and health. These other laws may require studies or serve as the basis for mitigating or denying proposals.

Section 2.5 Compliance with other laws and the SEPA shall be coordinated, to the extent the Port can do so, to reduce inefficiencies, improve public involvement, and achieve better decisions.

SECTION 3. POLICY FOR CARRYING OUT SEPA

The policies for implementing the SEPA, found at WAC 197-11-030, are adopted by reference.

PART TWO GENERAL REQUIREMENTS

SECTION 4. PURPOSE / ADOPTION BY REFERENCE

The Port adopts the State rules in WAC 197-11-040 through -100 by reference. They include:

1. Where to find the meaning of the words used in this document (definitions, WAC 197-11-040, and Part Eight).
2. Who is responsible for SEPA compliance (lead agency, WAC 197-11-050).
3. When the SEPA process occurs (timing, WAC 197-11-055).
4. What is to be studied (content of environmental review, WAC 197-11-060).
5. What can or cannot be done while environmental review is occurring (limitations on actions during the SEPA process, WAC 197-11-070).
6. What to do in the face of serious uncertainty (incomplete or unavailable information, WAC 197-11-080).
7. What is considered part of the record (supporting documents, WAC 197-11-090).
8. What information applicants can be required to provide (information required of applicants, WAC 197-11-100).

SECTION 5. WHO RUNS THE PORT'S SEPA PROCESS

Section 5.1 Lead agency. The agency in charge of carrying out the SEPA's procedural requirements for a proposal is the lead agency. A lead agency is selected for each particular proposal. The Port will typically be the lead agency for its proposals. However, another government may be the lead agency for a Port project.

Section 5.2 Responsible Official. The person or office at the lead agency in charge of the SEPA compliance is the responsible official (the "Responsible Official"). The Port's

Responsible Official is the Port's Director of Environmental Programs for projects and proposals initiated after the date of approval of this Resolution. The Responsible Official may consult with the proponents of the proposal concerning the SEPA process. Subject to budgetary authorization, the Responsible Official may retain and consult with such other experts as may be necessary to perform the duties described herein.

Section 5.3 SEPA Public Information. The office that routinely handles SEPA public information matters at the Port is:

Port of Tacoma
Environmental Programs
One Sitcum Plaza
Tacoma, WA 98421
Telephone: (253) 383-5841
Website: <https://www.portoftacoma.com/environment/state-environmental-policy-act>

Section 5.4 Other Agencies. Other agencies that have action to take on a proposal are agencies with jurisdiction. Other agencies that know about certain environmental impacts are agencies with environmental expertise. If the Port, as lead agency, asks these other agencies to help review a proposal's environmental impacts, those other agencies are required to help without charge and are consulted agencies. The Responsible Official shall be responsible for coordinating and preparing environmental documents with these other agencies (also see Section 13 below).

Section 5.5 Federal Coordination. Federal agencies are directed to cooperate with state and local agencies to the fullest extent possible to reduce duplication between the National Environmental Policy Act ("NEPA") and state and local requirements. The Responsible Official shall make an effort to coordinate environmental review requirements with applicable federal agencies, including combining documents and holding joint scoping, public meetings, and hearings, as directed, and encouraged by this Resolution and the federal provision for eliminating duplication (40 CFR 1506.2).

SECTION 6. TIMING

Section 6.1 Timing. The SEPA process shall be integrated with Port 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 environmental issues.

Section 6.2 Typical Port Actions. Environmental review is not required for actions that are categorically exempt under Part Nine and WAC 197-11-305. If required, a final threshold determination or final environmental impact statement shall be completed, within the time periods required by these procedures, prior to approval of:

1. Project authorization for the construction of improvements by the Port or on Port property;
2. Leases or contracts for development by the Port or on Port property which include a change of use;
3. A change in the use of a Port facility that involves different environmental impacts than currently exist; or

4. Amendments to the Port comprehensive scheme of harbor improvements.

Section 6.3 Industrial Revenue Financing. Inasmuch as the borrowing of funds, issuance of bonds, and related financing agreements and approvals are categorically exempt under WAC 197-11-800(14)(d), the adoption of a bond resolution by the Commission may occur prior to environmental review on the proposal for which the funding is sought. Environmental review under the SEPA, if required, must be completed prior to approval of construction by the Port and/or other State or local agencies with jurisdiction.

SECTION 7. SUPPORTING DOCUMENTS

All supporting documents cited in environmental documents on a proposal shall be considered part of the Port's overall record of compliance with the SEPA if the supporting documents are publicly available and not otherwise exempt from disclosure substantially within any time periods allowed for review or comments. The documents will be available at the office named in Section 5.3 above unless otherwise noted. Economic, business, technical, or other reports or analysis may be prepared, combined with, or appended to, environmental documents even though they are not required under the SEPA.

PART THREE CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

SECTION 8. PURPOSE/ADOPTION BY REFERENCE

Section 8.1 This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement ("EIS") to be prepared. RCW 43.21C.031. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The Port hereby adopts the State rules in WAC 197-11-300 to - 390 by reference, with the exception of -355 (Optional determination of non-significance ("DNS") Process). They include:

1. Not requiring review for proposals that are categorically exempt (WAC 197-11-305 and Part Nine).
2. The requirements to make a threshold determination and deciding whether the impacts are environmentally significant – for non-exempt proposals (WAC 197-11-310).
3. Use of an environmental checklist for project and non-project proposals (WAC 197-11-315).
4. The process and criteria for making a threshold determination (WAC 197-11-330).
5. How to handle insufficient information on a proposal (WAC 197-11-335).
6. Deciding an EIS is not required and issuing a DNS (WAC 197-11-340).
7. Including mitigating measures in a DNS (WAC 197-11-350).
8. Deciding an EIS is required and issuing a determination of significance/scoping notice (WAC 197-11-360).

9. When a threshold determination is final (WAC 197-11-390).

SECTION 9. CATEGORICAL EXEMPTIONS

Section 9.1 Application. In deciding whether a proposal is categorically exempt, the rules provide for certain circumstances when potentially exempt actions would not be exempt (WAC 197-11-305).

Section 9.2 Local Thresholds. For minor new construction, the Port shall apply SEPA procedures of the local jurisdiction where the proposal is located to determine the exempt levels that apply to the proposal (See WAC 197-11-800(1)). The Port will also review local ordinances and SEPA procedures to determine if the proposal is located in an environmentally sensitive area under WAC 197-11-908.

Section 9.3 Proposals With Exempt and Non-exempt Parts. In determining whether a proposal is exempt, the Port shall make an effort to be certain the proposal is properly defined (WAC 197-11-060). If a proposal includes exempt and non-exempt actions, the proposal is not exempt and requires environmental review; however, certain exempt aspects of the proposal may nonetheless proceed, before or during the environmental review of the proposal if the requirements of WAC 197-11-070 are met.

Section 9.4 Documentation Optional. A decision that a proposal is categorically exempt need not be documented. A memorandum or notation may be placed in the file.

SECTION 10. MITIGATED DETERMINATION OF NON-SIGNIFICANCE (DNS)

Mitigation measures may be included in, or added to, a proposal so that environmental impacts are reduced that might otherwise be significant. Mitigation measures may also serve to reduce significant impacts or to mitigate non-significant impacts (WAC 197-11-350). Changes or clarifications do not require a new environmental checklist (WAC 197-11-350(4)). Mitigation measures for significant impacts that are included in a decision must be documented (Section 19 below). Although public notice is not required by State law, when the Port clarifies or changes features of its own proposals in a mitigated DNS (WAC 197-11-350(5)), public and agency notice and a fifteen (15)-day waiting period are required for mitigated DNSs on proposals (WAC 197-11-340(2)(a)(iv)) and Section 15 below).

PART FOUR ENVIRONMENTAL IMPACT STATEMENT (EIS)

SECTION 11. PURPOSE/ADOPTION BY REFERENCE

Section 11.1 This part contains the rules for preparing environmental impact statements. The Port hereby adopts the State rules in WAC 197-11-400 to -460 by reference. They include:

1. Purpose of an EIS (WAC 197-11-400).
2. Ten requirements that apply to the preparation of EISs (WAC 197-11-402).

3. Three types of EISs: Draft, final, and supplemental (WAC 197-11-405).
4. When EISs must be prepared (WAC 197-11-406).
5. How to decide the scope of an EIS through scoping (WAC 197-11-408).
6. Optional expanded scoping (WAC 197-11-410).
7. Who can prepare EIS? (WAC 197-11-420).
8. Style and size of EISs, including page limits (WAC 197-11-425).
9. Format of EISs, including flexibility for different types of proposals (WAC 197-11-430).
10. A 1–2-page cover memo that highlights issues for decision makers but is not used to determine adequacy (WAC 197-11-435).
11. EIS content, including the required five sections: the fact sheet, table of contents, summary, and two main sections of text (WAC 197-11-440).
12. Rules on the content of EISs on non-project proposals, such as proposed plans (WAC 197-11-442).
13. Rules on the content of EISs on proposed projects when there has already been a non-project EIS (WAC 197-11-443).
14. The various elements of the environment, consisting of the natural and built environment (WAC 197-11-444).
15. The relationship of EISs to other considerations in planning and decisions, such as economic, social, or technical factors (WAC 197-11-448).
16. The relationship of EISs to quantified cost-benefit analysis, (WAC 197-11-450).
17. The procedures for issuing a draft EIS (WAC 197-11-455).
18. The procedures for issuing a final EIS (WAC 197-11-460).

Section 11.2 Scoping. The Responsible Official shall decide the scoping method and deadline for a given proposal, consistent with WAC 197-11-408. Scoping techniques can vary by proposal. If a consultant is preparing an EIS, the consultant’s contact should make provisions for possible changes in the scope of the EIS based upon the scoping process.

Section 11.3 Additional Scoping. The expanded scoping provisions in WAC 197-11-410 may be used without formally designating the process as “expanded scoping.” In keeping with the intent of the State rules, the Responsible Official is encouraged to be innovative and shall have very broad discretion in developing creative scoping methods. A scoping process may also be used before a threshold determination (or at any other time in the SEPA process) to assist in identifying impacts and alternatives, including mitigation measures. If so, the form of the scoping notice shall be revised accordingly so that agencies and members of the public understand the purpose and process being used.

Section 11.4 EIS Preparer. An EIS may be prepared by Port staff, consultants on contract to the Port, or other private entities under the direction of the Responsible Official. Port staff or an applicant may consult with the Responsible Official prior to final selection of consultants to help ensure that the highest quality EIS is prepared. The Responsible Official shall have the discretion to design the EIS process and carry out the responsibilities set forth in WAC 197-11-420.

PART FIVE COMMENTING

SECTION 12. PURPOSE/ADOPTION BY REFERENCE

Section 12.1 This part explains how to comment and respond to all environmental documents that the Port issues under the SEPA, including rules for public notice and hearings. The Port hereby adopts WAC 197-11-500 to -570 by reference. They include:

1. The purpose of the commenting provisions and list of notice and time requirements (WAC 197-11-500 and 502).
2. Making environmental documents available (WAC 197-11-504).
3. Filing with State SEPA Register (WAC 197-11-508).
4. Giving reasonable public notice (WAC 197-11-510), as further specified below.
5. Public hearings and meetings procedures (WAC 197-11-535).
6. The effect on agencies and the public of not commenting on environmental documents (WAC 197-11-545).
7. Specific commenting requirements (WAC 197-11-550).
8. Response to comments on EISs (WAC 197-11-560).
9. Prohibiting consulted agencies from charging lead agencies for assistance under the SEPA (WAC 197-11-570).

Section 12.2. Comment Periods. The Port adopts the comment periods specified in WAC 197-11-502 by reference, which provide in pertinent part as follows:

12.2.1 Determinations of Nonsignificance. The Port shall receive comments for fourteen (14) days. This comment period may not be extended.

12.2.1 Draft Environmental Impact Statements. The Port shall receive comments for thirty (30) days unless otherwise extended.

SECTION 13. PORT SEPA COMMENTS TO OTHER AGENCIES

The Responsible Official shall be responsible for coordinating and preparing Port comments to

other agencies on the environmental documents of other agencies. This Responsible Official shall also be responsible for coordinating consultation requests under the SEPA from other agencies to the Port. The Responsible Official, or his/her/their designee, shall sign written comments from the Port and may establish deadlines for responses from offices within the Port in order to meet commenting deadlines established by law or by other agencies in their requests.

SECTION 14. COSTS FOR PORT ENVIRONMENTAL DOCUMENTS

The Port may charge a reasonable fee for providing printed copies of SEPA documents to the extent allowed by law. There will be no charge for other agencies to which the Port is required by law to send the documents. The Port may make documents available without charge. The Port will, if requested, reduce, or waive charges for a document provided to a public interest organization. The Responsible Official may establish internal policies or procedures or make determinations on an individual basis.

SECTION 15. PUBLIC NOTICE

Section 15.1 In addition to required notice to agencies and affected tribes, the Port will, at a minimum, give public notice in the manner described below. The Responsible Official may also use other methods of public notice appropriate to a specific project or proposal.

Section 15.2 Threshold Determinations. For SEPA threshold determinations, the Port shall:

1. Publish the notice in a newspaper of general circulation in Pierce County, Washington;
2. Send the notice via electronic mail to the Port of Tacoma’s Agency and Interested Persons SEPA Mailing List, which shall include all required agencies, interested Tribes, and parties who have requested to be added to the list, either for all Port SEPA determinations or for a specific project or proposal;
3. Send the notice via regular mail to taxpayers as indicated by the records of the Pierce County Assessor for properties within 2,000 feet of the proposed action;
4. Post notice on the Port’s website; and
5. File the documents required by WAC 197-11-508 with the State Department of Ecology for publication of notice in the SEPA Register.

Section 15.3 EIS Scoping, and Availability of Draft and Final EIS. For scoping notices, and notices of availability of Draft and Final EIS documents, the Port shall:

1. Publish the notice in a newspaper of general circulation in Pierce County, Washington;
2. Send the notice via electronic mail to the Port of Tacoma’s Agency and Interested Persons SEPA Mailing List, which shall include all required agencies, interested Tribes, and parties who have requested to be added to the list, either for all Port SEPA determinations or for a specific project or proposal;
3. Send the notice via regular mail to taxpayers as indicated by the records of the Pierce County Assessor for properties within 4,000 feet of the proposed action;
4. Send the notice via electronic mail or regular mail to all parties who provided comments on

the project or proposal;

5. Post notice on the Port's website;
6. File the documents required by WAC 197-11-508 with the State Department of Ecology for publication of notice in the SEPA Register; and
7. (For EISs only) Notify local news media or issue a press release that an EIS is available.

PART SIX USING EXISTING ENVIRONMENTAL DOCUMENTS

SECTION 16. PURPOSE/ADOPTION BY REFERENCE

This part contains rules for the Port's use of existing environmental documents for its SEPA compliance. The documents might be prepared by the Port or by local, State, or federal agencies under SEPA or NEPA (National Environmental Policy Act, 43 USC 4321 et seq.) The Port hereby adopts the State rules in WAC 197-11-600 through 640 by reference. These rules include:

1. When to use existing environmental documents (WAC 197-11-600).
2. Use of NEPA documents, including environmental assessments (WAC 197-11-610).
3. Procedures for supplemental EIS (SEIS) (WAC 197-11-620).
4. Procedures for addenda (WAC 197-11-625).
5. Procedures for adoption of an existing environmental document (WAC 197-11-630).
6. Procedures for incorporation by reference of existing material (WAC 197-11-635).
7. How to combine the SEPA and other documents (WAC 197-11-640).

SECTION 17. ADDENDA

Section 17.1 If monitoring reports are part of mitigation commitments, the required monitoring report(s) may be labeled as an addendum to the original environmental documents (the DNS or EIS). If subsequent environmental design, detail, or other environmental analysis is necessary or desirable, and a SEIS is not required (it does not meet the two criteria in WAC 197-11-600(3)(b)), then an addendum may be used to conduct or document the analysis. An addendum may be used to add to any kind of environmental document. The addendum should identify the original environmental document. The addendum has no set format and may be used at any time in the SEPA process.

Section 17.2 The Responsible Official will circulate an addendum in the manner required by WAC 197-11-625.

PART SEVEN SEPA AND AGENCY DECISIONS

SECTION 18. PURPOSE/ADOPTION BY REFERENCE

This part 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. The Port hereby adopts the State rules in WAC 197-11-650 to 680 by reference. They include:

1. Purpose and implementation of decision making under SEPA (WAC 197-11-650 and 655).
2. Substantive authority and mitigation (WAC 197-11-660).
3. Appeals (WAC 197-11-680).

SECTION 19. PORT SEPA POLICIES

Section 19.1 The Port adopts by reference State environmental policy as set forth in the SEPA: RCW 43.21C.020. Specifically, in order to carry out the policy set forth in the SEPA, it is the Port's continuing responsibility to use all practicable means and measures, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs, and resources to the end that the Port district, 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 State safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, including from hazardous waste or other toxic substances, or other undesirable or 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;
7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;
8. Manage public waterways and adjacent lands, fisheries, and other natural resources wisely; and
9. Mitigate probable adverse environmental impacts resulting from proposals, particularly significant impacts, to the extent of the Port's authority and guided by the policies stated above and in the SEPA and the Port's other statutory responsibilities.

Section 19.2 The Port also adopts by reference its comprehensive scheme of harbor improvements and amendments thereto under Chapter 53.20 RCW as a basis for the exercise of substantive authority under the SEPA.

Section 19.3 The policies and goals set forth in this Resolution are supplementary to those set forth in the Port's existing authorization.

SECTION 20. APPEALS

Section 20.1 No Administrative Appeals. There shall be no administrative appeals of Port SEPA determinations (including appeals of any conditions or denials by Port staff under RCW 43.21C.060).

Section 20.2 Informal Reconsideration. Any person may request the Responsible Official to reconsider a SEPA determination orally or in writing during the applicable comment period. The Responsible Official shall reconsider the determination and provide a written response. However, this is not to be considered a formal appeal within the meaning of RCW 43.21C.075 and WAC 197-11-680, and the Responsible Official is not required to make a record or furnish reasons for the decision. The filing of a request for information reconsideration does not toll any any applicable time period for appeal.

Section 20.3 No Exhaustion of Remedies. Because there are no administrative appeals, a person is not required to request informal reconsideration prior to filing suit to challenge the Port's SEPA determinations.

Section 20.4 Judicial Review. When the Land Use Petition Act, Chapter 36.70C RCW, ("LUPA") applies to a Port proposal, all judicial appeals must be brought under the applicable LUPA statute of limitations. If LUPA does not apply, the Port may, but is not required to, commence the SEPA statute of limitations for its proposals by filing a Notice of Action under RCW 43.21C.080. The Port may decide in a particular situation to use any other procedure allowed by RCW 43.21C.075 and WAC 197-11-680.

PART EIGHT DEFINITIONS

SECTION 21. UNIFORM USAGE AND DEFINITIONS

Section 21.1 This part contains uniform usage and definitions of terms under the SEPA. WAC 197-11-700 to -799 are hereby adopted by reference unless the definition is inconsistent with the definitions herein.

1. Commission. "Commission" means the Port Commission of the Port of Tacoma.
2. Port. "Port" means the Port of Tacoma.
3. Port Offices. "Port Offices" means the administrative offices of the Port currently located at One Sitcum Plaza, Tacoma, Washington 98421 or such other place as the Port offices may be located.
4. Responsible Official. The "Responsible Official" is the person designated by the Commission responsible for SEPA procedural and substantive compliance by the Port.

5. Staff. "Staff" means the executive director of the Port and his/her/their designees, and not the Port Commissioners.

PART NINE CATEGORICAL EXEMPTIONS

SECTION 22. PURPOSE/ADOPTION BY REFERENCE

The Port hereby adopts the categorical exemptions provisions in WAC 197-11-800, -880 and -890 by reference, which shall be applied in conjunction with Section 9 above and WAC 197-11-305. They include:

1. Categorical exemptions for all agencies (WAC 197-11-800).
2. Emergencies (WAC 197-11-880).
3. Petitions to the Department of Ecology (WAC 197-11-890).

PART TEN AGENCY COMPLIANCE

SECTION 23. PURPOSE / ADOPTION BY REFERENCE

The Port hereby adopts the provisions in WAC 197-11-914 through -955 by reference. They include:

1. SEPA fees and costs that may be charged (WAC 197-11-914).
2. The list of agencies with environmental expertise (WAC 197-11-920).
3. The rules for determining lead agency (WAC 197-11-922 through -948).
4. The effective date and application of the statewide rules and this Resolution to Port activities (WAC 197-11-916 and -955).

SECTION 24. EFFECTIVE DATE

This Resolution shall be effective for all SEPA determinations by the Port issued after Commission adoption of this Resolution.

SECTION 25. REVISION OF SEPA POLICIES OR PROCEDURES

The Port may amend its SEPA policies or procedures from time-to-time as may be necessary. The Executive Director or the Responsible Official may publish additional guidance and procedures to carry out the requirements of this Resolution.

SECTION 26. SEVERABILITY / INTERPRETATION

Section 26.1 If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of this Resolution or the application of the provision to other persons or circumstances shall not be affected.

Section 26.2 The captions and titles herein are for convenience and reference purposes only and in no way define, limit, or describe the meaning, scope, or intent of this Resolution.

Section 26.3 The use of any gender or neutral term shall include all genders, and the use of any terms shall be construed as singular or plural, as the case may be.

PART ELEVEN FORMS

SECTION 27. FORMS

The forms in [WAC 197-11-965](#) through -990 are hereby adopted by reference as applicable to the Port and the procedures adopted herein.

PART TWELVE REPEALER

SECTION 28. REPEALER

All prior Port Resolutions dealing with compliance to the State Environmental Policy Act and particularly WAC 197-11 are hereby repealed.