

**HARTSTENE POINTE WATER AND SEWER DISTRICT
RESOLUTION 2009 - 26**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS,
HARTSTENE POINTE WATER AND SEWER DISTRICT
RELATING TO THE STATE ENVIRONMENTAL POLICY ACT**

WHEREAS, Hartstene Pointe Water and Sewer District was established in May 2008, now

**THE BOARD OF COMMISSIONERS OF HARTSTENE POINTE WATER AND
SEWER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. State Environmental Policy Act

(1) Authority - Hartstene Pointe Water and Sewer District adopts the resolution under the State Environmental Policy Act (SEPA), RCW 43.21C. 120 and the SEPA rules WAC 197-11-904. The SEPA rules contained in Chapter 197-11 WAC must be used in conjunction with this chapter.

(2) Adoption by Reference - The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of 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.
1197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review - Reliance on existing plans, laws, and regulations.
197-11-164	Planned actions - Definition and criteria.
197-11-168	Ordinances or resolutions designating planned actions Procedures for adoption.
197-11-172	Planned actions - Project review.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall integration procedures.
197-11-230	Timing of an integrated GMA/SEPA process.
197-11-232	Integration procedures for preliminary planning, environmental analysis and expanded scoping.
197-11-235	Integrating documents.
197-11-238	Monitoring

197-11-250	SEPA/Model Toxics Control Act integration
197-11-253	SEPA lead agency for MTCA actions
197-11-256	Preliminary Evaluations
197-11-259	Determination of nonsignificance for MTCA remedial action.
197-11-262	Determination of significance and EIS for MTCA remedial action.
197-11-265	Early scoping for MTCA remedial actions
197-11-268	MTCA interim actions

(3) Additional Definitions – In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter the following terms shall have the following meanings, unless the content indicates otherwise:

- (a) "Department" means the Hartstene Pointe Water and Sewer District.
- (b) "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

(4) Designation of Responsible Official

- (a) For those proposals, for which the District is a lead agency, the responsible official shall be the General Manager or such other person as the General Manager may designate in writing.
- (b) For all proposals for which the District is a 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 those sections of the SEPA rules that have been adopted by reference.

(5) Lead Agency Determination and Responsibilities

- (a) The responsible official, receiving an application for or initiating a proposal that involves a nonexempt action, shall determine the lead agency for that proposal under WAC 19711-050 and WAC 197-11-922 through 197-11940, unless the lead agency has been previously determined or the department is aware that another agency is in the process of determining the lead agency.
- (b) When the District is not the lead agency for a proposal, all departments of the District shall use and consider as appropriate either the determination of nonsignificance (DNS) or the final EIS of the lead agency in making decisions on the proposal. No District department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency unless the District determines a supplemental environmental review is

necessary under WAC 197-11-600.

- (c) If the District receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 14 days of receipt of the determination or the District must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 14-day time period. Any such petition on behalf of the District may be initiated by the responsible official.
- (d) The responsible official is authorized to make agreements as to lead agency status or shared lead agency's duties for a proposal under WAC 197-11-942 and 197-11-944.
- (e) The responsible official shall require sufficient information from the applicant to identify other agencies with jurisdiction.

(6) Categorical exemptions and threshold determinations Adoption by reference. - The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented in. this chapter:

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.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS)/ initiation of scoping.
197-11-390	Effect of threshold determination.

(7) Categorical exemptions and threshold determinations - Time estimates. - The time estimates contained in this section apply when the District processes licenses for all private projects and those governmental proposals submitted to the District by other agencies. The actual time may vary with the complexity of the project, availability of staff, cooperation of agencies with jurisdiction or expertise, etc. The time estimates contained herein shall not be construed to be mandatory. For the purposes of this section the word "day" shall mean a day upon which the District's administrative offices are open for business.

- (a) Categorical Exemptions. The District will normally identify whether an action is categorically exempt within 10 days of receiving a completed application.
- (b) Threshold Determinations.
 - (i) The District will normally complete threshold determinations for proposals that can be based solely upon review of the environmental checklist for the proposal within 14 days of the determination of a complete application.
 - (ii) When the responsible official requires further information from the applicant or consults with other agencies with jurisdiction:
 - (A) The District will normally request such further information within 28 days of receiving an application;
 - (B) The District will wait no longer than 15 days for a consulted agency to respond;
 - (C) The responsible official shall issue a threshold determination at least 15 days prior to a public hearing on a proposal, if a public hearing is required. If a public hearing is not required, a threshold determination shall not issue until the public comment period on a notice of application has expired.
 - (iii) When the District must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the District will normally complete the studies within 30 days of receiving a complete application.
 - (iii) The responsible official will normally respond to a request for early notice within 10 days. The threshold determination will normally be made within 15 days of receipt of the changed or clarified proposal, environmental checklist and/or permit application.

(8) Categorical exemptions - Adoption by reference. The District adopts the following rules for categorical exemption of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

WAC
 197-11-800 Categorical exemptions.
 197-11-880 Emergencies.
 197-11-890 Petitioning DOE to change exemptions.

(9) Flexible Thresholds for Categorical Exemptions. The District establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(c):

- (a) For residential dwelling units in WAC 197-11-800(1)(c)(I): Up to four (4) dwelling units.
- (b) For buildings in WAC 197-11-800(1)(c)(ii): Up to twelve thousand (12,000) square feet.
- (c) For parking lots in WAC 197-11-800(1)(c)(iv): Up to forty (40) parking spaces.
- (d) For landfills and excavations in WAS 197-11-800(1)(c)(iv): Up to five hundred (500) cubic yards.

(10) Categorical exemptions Determination.

- (a) When the District receives an application for a license, permit, or, in the case of governmental proposals, a department initiates a proposal, the responsible official shall determine whether the license and/or the proposal is exempt from environmental review under this chapter. The determination that a proposal is exempt shall be final and not subject to administrative appeal. If a proposal is exempt, none of the procedural requirements of this chapter shall apply to the proposal.
- (b) In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental license or permit required. If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency even if the license application that triggers the consideration is exempt.
- (c) If a proposal includes both exempt and nonexempt actions, the District may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - (i) The District shall not give authorization for:
 - (A) Any nonexempt action;
 - (B) Any action that would have an adverse environmental impact; or
 - (C) Any action that would limit the choice of reasonable alternatives;
 - (ii) The District may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to modification of the physical environment, when such

modification would serve no purpose if the nonexempt actions were not approved; and

- (iii) The District may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the nonexempt actions were not approved.
- (iv) A planned action as defined in RCW 43.21C.031(2) does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

(11) Determination-Review at conceptual stage.

- (a) Pre-application conferences shall also address environmental issues to familiarize the applicant with the District's SEPA regulations, process, policies and objectives.
- (b) If the District's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the District conduct environmental review prior to submission of the detailed plans and specifications.
- (c) In addition to the environmental documents an applicant shall submit the following information for early environmental review:
 - (i) A copy of any permit or license application; and
 - (ii) Other information as the responsible official may determine.

(12) Threshold determinations -Environmental checklist.

- (a) A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate or other approval not exempted by this chapter. The checklist shall be the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).
- (b) A checklist is not needed if the District and the applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency or adoption of a previous document.

- (c) For private proposals, the applicant is required to complete the environmental checklist. The District may provide assistance as necessary. For District proposals the department initiating the proposal shall complete the environmental checklist for that proposal.
- (d) The District may decide to complete all or part of the environmental checklist for a private proposal, if any of the following occurs:
 - (i) The District has technical information on a question or questions that is unavailable to the private applicant; or
 - (ii) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.
- (e) The applicant shall pay to the District the actual costs of providing information under subsection (D)(2) of this section.

(13) Completed environmental checklist defined.

- (a) An environmental checklist is deemed completed when the following information is provided:
 - (i) All information as requested in the checklist is provided, including complete responses to all questions in the checklist.
 - (ii) All plans and illustrations as required per the applicable District standards are submitted with the environmental checklist.
 - (iii) The required number of copies of the checklist and associated plans and illustrations are submitted, as per the District requirements.
 - (iv) Checklist is properly signed and dated.
 - (v) All applicable fees are paid.
- (b) Incomplete or inaccurate responses to the questions within the checklist shall be grounds for reserving a threshold determination on a proposal, including the scheduling of any public hearings as may be required, until such time as the information is provided by the applicant. Any period during which an applicant has been requested by the District to correct plans, perform required studies or provide additional required information shall not be included in the 120-day project permit processing time.

(14) Threshold determinations Mitigated DNS.

- (a) The responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- (b) An applicant may request in writing early notice of whether a DS is likely. The request must:
 - (i) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
 - (ii) Precede the District's actual threshold determination for the proposal.
- (c) The responsible official's response to the request for early notice shall:
 - (i) State whether the District currently considers issuance of a DS likely and, if so, indicate the general or specific areas of concern that are leading the District to consider a DS; and
 - (ii) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, and may revise the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- (d) When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the District shall base its threshold determination on the changed or clarified proposal.
 - (i) If the District indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the District shall issue and circulate a determination of nonsignificance if the District determines that no additional information or mitigation measures are required.
 - (ii) If the District indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the District shall make the threshold determination, issue a DNS or DS as appropriate.
 - (iii) The applicant's proposed mitigation measures clarifications, changes or conditions must be in writing and must be specific.

- (iv) Mitigation measures, which justify issuance of a mitigated DNS, may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
 - (e) The District shall not act upon a proposal for which a mitigated DNS has been issued for 14 days after the date of issuance; provided, that the requirements of this section shall not apply to a DNS issued pursuant to the optional DNS process described in this ordinance.
 - (f) Any nonexempt permit or proposal may be conditioned or denied under SEPA, subject to the limitations in WAC 197-11-660.
 - (g) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the licensing decision and may be enforced in the same manner as any term or condition of the permit or enforced in any matter specifically prescribed by the District. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any license issued.
 - (h) If the District's tentative decision on a permit or approval does not include mitigation measures that were incorporated in mitigated DNS for the proposal, the District should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) relating to the withdrawal of a DNS.
 - (i) The District's written response under subsection C of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification or changes to a proposal, as opposed to a written request for early notice, shall not bind the District to consider the clarifications or changes in its threshold determination.
- (14) Optional DNS process.
- (a) If the responsible official has a reasonable basis for determining that significant adverse environmental impacts are unlikely, the responsible official may elect to use the single integrated comment period set forth in this section. If this process is used, a second comment period will typically not be required when the DNS is issued.
 - (b) If the optional process set forth in this section is used, the responsible official shall:
 - (i) State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:
 - (A) The optional DNS process is being used;

- (B) This may be the only opportunity to comment on the environmental impacts of the proposal;
 - (C) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - (D) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request (in addition, the District may maintain a general mailing list for threshold determination distribution);
- (ii) List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;
 - (iii) Comply with the requirements for a notice of application and public notice; and
 - (iv) Send the notice of application and environmental checklist to:
 - (A) Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
 - (B) Anyone requesting a copy of the environmental checklist for the specific proposal (in addition, the District may maintain a general mailing list for checklist distribution).
- (c) If the responsible official indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application in accordance with WAC 197-11-940 and 197-11-948.
 - (d) The responsible official shall consider timely comments on the notice of application and either:
 - (i) Issue a DNS or mitigated DNS with no comment period using the procedures in subsection (E) below;
 - (ii) Issue a DNS or mitigated DNS with a comment period using the procedures in subsection (e) below, if the responsible official determines a comment period is necessary;

- (iii) Issue a DS; or
 - (iv) Require additional information or studies prior to making a threshold determination.
- (e) If a DNS or mitigated DNS is issued under subsection (D)(1) or (D)(2) above, the responsible official shall send a copy of the DNS or mitigated DNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

(16) Consistency. - The District's environmental review shall include a determination of the proposal's consistency with existing development regulations and the comprehensive plan. The consistency review shall determine whether the impacts of the proposal have been addressed in development regulations or the comprehensive plan. The planning decisions made in these documents shall not be reanalyzed in the environmental review of individual project proposals, nor will additional studies or mitigation be required if existing regulations and documents have adequately addressed the proposal's probable adverse impacts.

(17) Environmental impact statement (EIS) - Adoption by reference. - The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented by this chapter:

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.
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.

(18) EIS - Preparation.

- (a) Preparation of draft and final EISs and SEISs shall be under the direction of the responsible official. Before the District issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.
- (b) The draft and final EIS or SEIS shall be prepared, at the District's option by the District staff, the applicant or by a consultant approved by the District. If the responsible official requires an EIS for a proposal and determines that someone other than the District will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the District's procedure for EIS preparation, including approval if the draft and final EIS prior to distribution. The fee for the preparation of a draft and final EIS shall be as established by the District Council. Subject to delays caused by the applicant's failure to provide needed information, and other delays beyond the District's control, draft and final EISs will be completed within one year of the date of the declaration of significance, unless the District and the applicant agree in writing to a different estimated time period for completion.
- (c) The District may require an applicant to provide additional information, which the District does not possess, including information, which must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulation, statute or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this chapter, nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

(19) EIS - Commenting - Adoption by reference. - The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented in this chapter:

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.
197-11-535	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.

(20) Public notice. - Whenever the District issues a threshold determination, or EIS requiring public notice, the District shall give public notice of the determination or the availability of the environmental documents and whether any public hearing will be held as follows:

- (a) Threshold Determination Notice. Public notice will be given on the following situations:
 - (i) DNS involving another agency with jurisdiction;
 - (ii) DNS involving demolition of any structure or facility not exempted by WAC 197-1 I-800 (2)(f) or WAC 197-11-880;
 - (iii) DNS involving issuance of clearing or grading permits not exempted under WAC Part Nine - Categorical Exemptions;
 - (iv) DNS under WAC 197-11-350(2), Early Notice;
 - (v) DNS under WAC 197-11-350(3), Mitigated DNS;
 - (vi) DNS under WAC 197-11-360(4), change from DS to DNS;
 - (vii) DS for scoping purposes;
 - (viii) Availability of a DEIS.
- (b) Type of Notice. Under subsection (A) of this section, notice will be given as follows:
 - (i) SEPA register;
 - (ii) Publication in the official newspaper for the District of Port Orchard.
- (c) Public Hearing. Whenever a public hearing is held notice shall be given. Such notice shall precede the hearing by at least 15 days.
- (d) Type of Notice. Under subsection (C) of this section, notice will be given as follows:
 - (i) Posting on or near the property or publication in the official newspaper of the District of Port Orchard for site specific proposals;
 - (ii) Mailing to property owners within 300 feet for site specific proposals.

(21) Designation of official to perform consulted agency responsibilities.

- (a) The responsible official shall be responsible for preparation of written documents for the District in response to a consultation request prior to a threshold determination, participation in scoping and reviewing of a draft EIS.
- (b) The responsible official shall be responsible for the District's compliance with WAC 197-11-550 whenever the District is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and

include data from all appropriate departments of the District.

(22) Using existing environmental documents - Adoption by reference. - The District adopts the following sections of Chapter 197-11 WAC as now existing or hereinafter amended, by reference:

WAC	
1197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statements.
197-11-625	Addenda - Procedures.
197-11-630	Adoption - Procedures.
197-11-635	Incorporation by reference Procedures.
197-11-640	Combining documents.

(23) SEPA decisions - Adoption by reference. - The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC	
197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.

(24) SEPA decisions. - For nonexempt proposals, the DNS or EIS for the proposal shall accompany the District staff's report. If a final EIS is or becomes available, it shall be substituted for the draft.

(25) Appeals.

- (a) SEPA appeals shall be limited to review of final threshold determinations, the adequacy of final environmental impact statements, mitigation or failure to mitigate environmental impacts, and project denials. Appeals of declarations of nonsignificance, EIS adequacy, mitigation and project denial and open record public hearings for the underlying permit(s) shall be consolidated and heard together. Declarations of significance, issued before a decision on the underlying permit(s), may be appealed and heard before the consolidated open record public hearing on the permit and other SEPA issues.
- (b) All SEPA appeals must be filed in writing with the responsible official within 14 calendar days after notice of a final decision is issued other notice that the decision has been made and is appealable; provided, that in order to allow public comment on a DNS prior to requiring an appeal to be filed, this appeal period shall be extended for an additional seven days. The hearing date for appeals of declarations of significance issued before a decision on the permit shall be not more than 45 days from the

date the appeal is filed.

- (c) On receipt of a written notice of appeal, the responsible official shall determine if the notice is timely. If the notice is untimely, the responsible official shall advise the person(s) who filed the notice that no appeal hearing will be scheduled because the notice was untimely. If the appeal is timely, the responsible official shall set a hearing date and transmit the appeal notice to the Board of Commissioners, Hartstene Pointe Water and Sewer District.
- (d) The Hartstene Pointe Water and Sewer District Board of Commissioners decision on threshold determinations and EIS adequacy shall be the final decision of the District. Appeals of the Board's decision on these issues shall be filed in the Kitsap County superior court.
- (e) Appeals to the District council of SEPA mitigation and project denial appeals shall be consolidated with decisions subject to Hartstene Pointe Water and Sewer District Board of Commissioners review. Decisions not subject to Board's review may not be appealed to the Hartstene Pointe Water and Sewer District Board of Commissioners as part of a SEPA mitigation or project denial appeal. The Hartstene Pointe Water and Sewer District Board of Commissioners may reverse or modify the decision of the responsible official.
- (f) The Hartstene Pointe Water and Sewer District Board of Commissioners' decision on project mitigation or denial, and the underlying permits, shall be the final decision of the District. Appeals of the Board's decision shall be filed in the Kitsap County superior court.
- (g) If a time limit is established by statute or ordinance for commencing a judicial appeal of the project permit, the responsible official shall give official notice of the date and place for commencing the appeal. The notice shall include:
 - (i) Notice that any SEPA issues must be appealed within the time limit set by statute or ordinance for appealing the underlying governmental action;
 - (ii) The time limit for commencing the appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and
 - (iii) Where the appeal may be filed. Written notice shall be provided to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions concerning the project. Such notice may be appended to the permit, the decision documents, the SEPA compliance documents, or may be printed separately.
- (h) The time limitations and procedures for judicial appeals of decisions in

this section shall be as set forth in WAC 197-11-680(4). Only a party to the proceeding appealed from may appeal the decisions set forth above.

(26) Notice/statute of limitations. - The District, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(27) Definitions - Adoption by reference. - The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference, as supplemented in this chapter:

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/District.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance
197-11-736	Determination of significance
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.

(28) Compliance with SEPA - Adoption by reference. - The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended by reference as supplemented in this chapter:

WAC	
197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-908	Critical areas.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental
197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-908	Critical areas.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determination 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 with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/District.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/District, 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.

(29) Fees. - The District shall require fees for its activities in accordance with the provisions of this chapter.

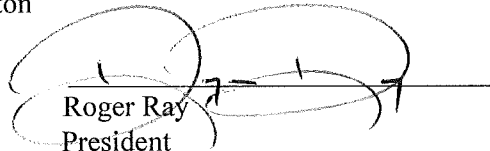
(30) Forms - Adoption by reference. - The District adopts the following forms and sections of Chapter 197-11 WAC, as now existing or here-in after amended, by reference:

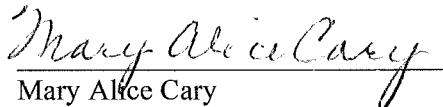
WAC	
197-11-960	Environmental checklist.
197-11-965	Adoption Notice
197-11-970	Determination of nonsignificance (DNS)
197-11-980	Determination of significance and scoping notice (DS)
197-11-85	Notice of assumption of lead agency status.

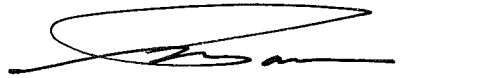
(31) Validity. The invalidity or unconstitutionality of any provision or section of this ordinance shall not render any other provision or section of this ordinance invalid or unconstitutional.

ADOPTED, by the Board of Commissioners of Hartstene Pointe Water and Sewer District, at a regular scheduled meeting on 10/22, 2009.

HARTSTENE POINTE WATER AND SEWER DISTRICT
Mason County, Washington


Roger Ray
President


Mary Alice Cary
Secretary


William Parisio
Commissioner