

RESOLUTION NO. 2514

A RESOLUTION of the Port Commission of the Port of Seattle implementing the State Environmental Policy Act through the adoption of a Port of Seattle environmental policy and through the provision of procedures for determining and considering the environmental impact of actions taken by the Port of Seattle.

SECTION 1. PORT OF SEATTLE ENVIRONMENTAL POLICY.

Port of Seattle adopts these policies and objectives as provided by the State Environmental Policy Act of 1971 (RCW 43.21C).

SECTION 2. DETERMINATIONS OF ENVIRONMENTAL SIGNIFICANCE; PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS; DECLARATIONS OF NO SIGNIFICANT IMPACT.

(a) The responsible official, consulting and coordinating with the Environmental Specialist, of each Port department shall determine, as early as possible, subject to whatever review procedures the General Manager shall establish, the environmental significance of any proposed major action by the department. Actions within a class qualifying for categorical exemption under Section 9 do not require a further determination of significance under this section.

(b) If major action significantly affects the quality of the environment, the responsible official coordinating with the Environmental Specialist shall prepare a detailed environmental impact statement consistent with this resolution: Provided, that where the action involves more than one Port department or other units of federal, state or local government, a joint environmental impact statement shall be prepared where possible.

(c) When a Port department is acting upon a proposed action for which an adequate environmental impact statement has been prepared by others, the Port department may utilize such statement as its own with such supplements to the impact statement as may be appropriate.

(d) For actions other than those categories of actions exempted in accordance with the provisions of Section 9 of this resolution, the responsible official coordinating with the Environmental Specialist shall prepare a declaration of no significant impact in accordance with the provisions of Section 8 of this resolution.

SECTION 3. PROPOSED ACTIONS REQUIRING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE.

Unless qualified for categorical exemption under Section 9, major physical projects and activities directly undertaken by the Port or similar projects undertaken by others pursuant to permits, leases, and other entitlements granted by the Port require environmental impact statements.

SECTION 4. IMPACT STATEMENT CONSIDERATIONS.

(a) The following factors shall be considered when, materially applicable, in preparing an environmental impact statement on any project or action:

- (1) changes in the existing level of air, water or noise pollution;
- (2) use or impact on resources such as lakes, rivers, streams, marine water, and other shorelines:
- (3) effect on wildlife habitats, fish and wildlife, unique and fragile vegetation;
- (4) intensity of land use, population distribution and requirement for public services and facilities:
- (5) relocation of persons;
- (6) the Port's comprehensive plan, relevant zoning codes, building standards, and similar documents;
- (7) effect on public areas, including historical or cultural resources;
- (8) the health or safety of the general public;
- (9) direct or indirect effect on natural resources.

(b) In determining whether an environmental impact statement is required, the following considerations should be taken into account:

- (1) the overall, cumulative direct and indirect impact of the action proposed and of further actions contemplated as a result of this action;
- (2) the importance of the action in terms of precedent for action in much larger cases or for other foreseeable similar actions and individually limited but cumulatively significant;
- (3) the conflicts of the action with adopted national, state, regional, or local plans or policies;
- (4) the possibility of reasonable and appropriate alternatives to the action that would have less adverse environmental impact.

SECTION 5. CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS.

(a) Environmental impact statements required by this resolution shall follow the content, format and style, as nearly as practical, recommended by the State Department of Ecology.

SECTION 6. PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

(a) The General Manager or his designated representative is authorized to utilize the expertise of all appropriate Port personnel, and may, subject to existing limitations on contract authorities, contract with consultants and other experts outside of the Port to assist him in the determination and consideration of environmental impacts and in the preparation of environmental impact statements.

SECTION 7. DRAFT ENVIRONMENTAL IMPACT STATEMENTS;
PREPARATION TIME LIMITS.

Prior to making a final environmental impact statement, the responsible official shall consult with and obtain the comments of the public and any appropriate local, state, federal, or other agencies.

Consultation may be accomplished by circulating a draft environmental impact statement and allowing a reasonable comment period of thirty (30) days for reply.

SECTION 8. DECLARATIONS OF NO SIGNIFICANT IMPACT.

(a) Where investigations and findings so indicate, a specific proposed action may be found to be not major or to have no significant effect on the quality of the environment. The declaration shall be part of a regular project report. The responsible official may, but is not required, to circulate the declaration for review and comment.

SECTION 9. CATEGORICAL EXEMPTIONS.

(a) Responsible officials shall request of the General Manager a categorical exemption from the requirement for a further determination of significance, the preparation of an impact statement or the preparation of a declaration of no significant impact in the case of action categories which the responsible official believes, after coordination with the Environmental Specialist, do not potentially have a significant effect on the quality of the environment. Actions that vary by name or technical identification, yet have similar physical and socio-economic effects, can be grouped together for purposes of establishing action categories.

(b) It is anticipated that categorical exemptions will be determined appropriate for actions of the following nature:

- (i) actions on permits or leases or renewals of permits or leases of a routine nature;
- (ii) actions consisting of the repair, maintenance or minor alteration or existing public or private structures, utilities, facilities or mechanical equipment;
- (iii) actions consisting of the construction and location of single small structures and facilities;
- (iv) actions consisting of minor alterations in the use of land;
- (v) actions consisting of basic data collection and research;
- (vi) actions consisting of inspection and enforcement; and
- (vii) other similar actions.

SECTION 10. USE OF IMPACT STATEMENTS IN REVIEW PROCESSES OF PORT; EMERGENCIES.

(a) The responsible officials of each Port department coordinating with the Environmental Specialist shall determine, subject to review of the General Manager, at what stage in the development and review of a proposed action the determination of environmental significance will be made and an environmental impact statement prepared, if one is required. The proposal should be at a sufficient stage of contemplation or planning that its principal features can be reliably identified in terms of alternative locations, size, quantities and types of natural resources involved, changes in land use, and

SECTION 10. (a) (continued)

general areas of the community and population that may be affected. The consideration of environmental impact should begin at the earliest feasible time.

(b) When required to be prepared, the environmental impact statement or declaration of no significant impact shall accompany a proposed action through the existing review processes. The responsible official and other Port decision makers shall give appropriate consideration to the environmental impact statement or declaration of no significant impact, along with social, economic and technical considerations, in making a decision on the proposed action. As new information relating to the environmental impact of a proposed action is acquired, the responsible official coordinating with the Environmental Specialist may supplement the final environmental impact statement or declaration of no significant impact. If the responsible official determines that the nature of the proposed action has substantially changed from the time at which he prepared a final impact statement, the responsible official coordinating with the Environmental Specialist may revise the impact statement and, if he determines that it is necessary, recirculate it to the appropriate agencies for their review and comments.

(c) Where emergency circumstances make it necessary to take immediate action with significant environmental impact, the responsible official shall consult with the General Manager who shall have the power to approve of necessary alternative arrangements which need not be subject to all the provisions of this resolution.

SECTION 11. FURTHER DEPARTMENTAL PROCEDURES; REGULATIONS BY GENERAL MANAGER.

(a) The General Manager shall have authority to approve, disapprove, or modify the procedures of Port departments developed pursuant to this resolution to insure their consistency with this resolution and to make orders and regulations relating to the implementation by Port departments of the State Environmental Policy Act and this resolution.

(b) The Environmental Specialist shall maintain and periodically update a public master list indicating:

SECTION 11. (b) (continued)

- (1) actions for which a final environmental impact statement has been published;
- (2) actions for which an environmental impact statement is in progress;
- (3) actions for which a declaration of no significant impact has been prepared; and
- (4) actions for which a categorical exemption has been approved.

(c) Every Port department should periodically review its own procedures and revise them as necessary to improve implementation of the State Environmental Policy Act. In addition, each department should monitor the cost of preparing environmental impact statements and the time required for decisions on actions for which environmental impact statements are required, measured from the time of original application or initiation to final decision on the action.

SECTION 12. APPLICATION TO EXISTING ACTIONS.

To the maximum extent practicable, the requirements in this resolution relating to the preparation of environmental impact statements or declarations of no significant impact should be applied to proposed actions initiated prior to the effective date of the complete resolution where final Port approval has not occurred prior to the effective date of the complete resolution. In those cases where a declaration of no significance or an environmental impact statement is prepared pursuant to this resolution, such declaration or statement shall accompany the action through the remainder of the existing review process.

SECTION 13. SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

ADOPTED by the Port Commission of the Port of Seattle this _____
day of _____, 1974, and duly authenticated in open session
by the signatures of the Commissioners voting in its favor and the seal of the
Commission.

Henry R. Follins
Mark D. Foster
Jack P. Bledsoe
Carl Bredenkamp

Port Commission