

## Phil Hoge

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**From:** ECY RE SEPA REGISTER <separegister@ecy.wa.gov>  
**Sent:** Tuesday, April 23, 2024 10:11 AM  
**To:** Phil Hoge  
**Cc:** Casey Dunbar  
**Subject:** FW: LRN2024-00004 Notice of Environmental Review, Notice of Application & Notice of Future Public Hearings

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Hello,

Ecology received this Notice of Environmental Review, Notice of Application & Notice of Future Public Hearings. **Is the County Adopting the DNS from SEPA Record 201806536 at this time?**

If you are adopting the prior DNS, you need to Adopt and issue the DNS and the SEPA Checklist to satisfy SEPA requirements. Here is a template that may be helpful. Since this is a GMA action, there should be a 14-day comment period per WAC 197-11-340(2)(a). Casey would enter this through SRS with the proposal type DNS, with subtype Adopt.

### WAC 197-11-340

#### Determination of nonsignificance (DNS).

(1) If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determination of nonsignificance (DNS) substantially in the form provided in WAC **197-11-970**. If an agency adopts another environmental document in support of a threshold determination (Part Six), the notice of adoption (WAC **197-11-965**) and the DNS shall be combined or attached to each other.

(2) When a DNS is issued for any of the proposals listed in (2)(a), the requirements in this subsection shall be met. The requirements of this subsection do not apply to a DNS issued when the optional DNS process in WAC **197-11-355** is used.

**(a) An agency shall not act upon a proposal for fourteen days after the date of issuance of a DNS if the proposal involves:**

- (i) Another agency with jurisdiction;
- (ii) Demolition of any structure or facility not exempted by WAC **197-11-800** (2)(f) or **197-11-880**;
- (iii) Issuance of clearing or grading permits not exempted in Part Nine of these rules;
- (iv) A DNS under WAC **197-11-350** (2), (3) or **197-11-360**(4); or

**(v) A GMA action.**

(b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the department of ecology, and affected tribes, and each local agency or political subdivision

whose public services would be changed as a result of implementation of the proposal, and shall give notice under WAC [197-11-510](#).

(c) Any person, affected tribe, or agency may submit comments to the lead agency within fourteen days of the date of issuance of the DNS.

(d) The date of issue for the DNS is the date the DNS is sent to the department of ecology and agencies with jurisdiction and is made publicly available.

(e) An agency with jurisdiction may assume lead agency status only within this fourteen-day period (WAC [197-11-948](#)).

(f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(3)(a) The lead agency shall withdraw a DNS if:

(i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(ii) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or

(iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(b) Subsection (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also WAC [197-11-070](#)).

Please let me know if you have further questions or feel free to reach out to Sarah at SEPA Help who also reviewed the NOA. [sepahelp@ecy.wa.gov](mailto:sepahelp@ecy.wa.gov).

Thank you,

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**From:** ECY RE CRO SEPA Coordinator

**Sent:** Wednesday, April 17, 2024 3:56 PM

**To:** 'Casey Dunbar' <Casey.Dunbar@co.yakima.wa.us>

**Subject:** RE: LRN2024-00004 Notice of Environmental Review, Notice of Application & Notice of Future Public Hearings

Hi Casey,

Can you please submit this DNS (subtype-Adopt) through SRS? It appears that the related record is [201806536](#).

[SEPA Handbook](#)- Page 24 has more information about adopting a DNS.

- **Adoption / Determination of Nonsignificance** is used for existing DNS and environmental checklist, NEPA environmental assessment, or documented categorical exclusion is adopted for a new proposal using the combined adoption / DNS template. The agency must follow DNS procedures including a comment period, distribution, and public notice.

When adopting a document, a copy must be available for review — although the lead agency is not required to recirculate copies with the adoption notice, except to agencies with jurisdiction that have not already received them. Agencies are encouraged to distribute copies of adopted or incorporated SEPA documents to agencies with expertise or interest in the proposal, as well as affected tribal governments. Include the SEPA determination whenever possible since

Thank you,

**Amber Johnson** (she/her)

Administrative Assistant 3

Shorelands & Environmental Assistance Program

**Department of Ecology | Central Region Office**

Ph. 509-723-5677 | [amber.johnson@ecy.wa.gov](mailto:amber.johnson@ecy.wa.gov)

**Hours:** Monday-Thursday 7am-5:30pm

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**From:** Casey Dunbar <[Casey.Dunbar@co.yakima.wa.us](mailto:Casey.Dunbar@co.yakima.wa.us)>

**Sent:** Wednesday, April 17, 2024 7:51 AM

**To:** ECY RE CRO SEPA Coordinator <[crosepa@ecy.wa.gov](mailto:crosepa@ecy.wa.gov)>; [jessica@yakama.com](mailto:jessica@yakama.com); [ccamuso@yakama.com](mailto:ccamuso@yakama.com); [THPO@yakama.com](mailto:THPO@yakama.com); Yakama SEPA <[enviroreview@yakama.com](mailto:enviroreview@yakama.com)>; [nichole.pebeahsy@bia.gov](mailto:nichole.pebeahsy@bia.gov); [r10-nepa@epa.gov](mailto:r10-nepa@epa.gov); Health District E-Mail <[HealthDistrict.E-mail@co.yakima.wa.us](mailto:HealthDistrict.E-mail@co.yakima.wa.us)>; Bright, Robert D CIV USARMY ID-READINESS (USA) <[robert.d.bright10.civ@army.mil](mailto:robert.d.bright10.civ@army.mil)>; Torrey, Elizabeth M (DFW) <[Elizabeth.Torrey@dfw.wa.gov](mailto:Elizabeth.Torrey@dfw.wa.gov)>; Downes, Scott G (DFW) <[Scott.Downes@dfw.wa.gov](mailto:Scott.Downes@dfw.wa.gov)>; DAHP SEPA <[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)>; Gonseth, Paul <[GonsetP@wsdot.wa.gov](mailto:GonsetP@wsdot.wa.gov)>

**Subject:** LRN2024-00004 Notice of Environmental Review, Notice of Application & Notice of Future Public Hearings

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External Email

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**Casey Dunbar**

SHE/HER/MS.

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