

PORT OF OLYMPIA COMMISSION
Resolution 2026-XX

A Resolution of the Commission of the Port of Olympia, Thurston County, Washington, revising and adopting the Port’s policies and procedures under the State Environmental Policy Act and implementing rules, Chapter 43.21C RCW and Chapter 197-11 WAC, and superseding the Port’s current State Environmental Policy Act policies and procedures found in Resolution 2015-12.

WHEREAS, the State Environmental Policy Act (“SEPA”) sets forth an environmental policy for Washington state and requires that the environmental impacts of proposals be analyzed and, where appropriate, mitigated; and

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

WHEREAS, RCW 43.21C.110 directs the Department of Ecology (“Ecology”) to adopt and amend uniform statewide rules for implementing SEPA, and Ecology has promulgated Chapter 197-11 Washington Administrative Code (WAC) (“SEPA Rules”); and

WHEREAS, RCW 43.21C.120 directs public and municipal corporations, including port districts, to adopt rules, ordinances, or resolutions integrating SEPA policies and procedures into programs under their jurisdiction, consistent with rules adopted under RCW 43.21C.110; and

WHEREAS, the Port has provided public notice and opportunity for public comment on this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Port Commission of the Port of Olympia, Washington hereby adopts the Port SEPA Environmental Administrative policies and procedures contained herein.

1. Adoption of SEPA Rules

The Port of Olympia hereby adopts by reference WAC 197-11-010 through 197-11-990, except as specifically provided in this Resolution. This Resolution constitutes the Port’s agency SEPA procedures under WAC 197-11-902, 197-11-904, and 197-11-906. Where a permissive, optional, or guidance provision adopted by reference conflicts with a specific Port procedure in this Resolution, the Port procedure controls to the extent permitted by WAC 197-11-906. The Responsible Official will determine whether to apply optional state SEPA provisions.

2. Authority

The Port adopts this Resolution pursuant to RCW 43.21C.120 and WAC 197-11-902, 197-11-904, and 197-11-906, and establishes these regulations to implement Chapter 43.21C RCW and Chapter 197-11 WAC.

3. Purpose, Applicability, and Intent

- 3.1 The purpose of this Resolution is to provide Port policies and regulations implementing Chapter 43.21C RCW, the State Environmental Policy Act, which are consistent with the SEPA Rules.
- 3.2 This Resolution is applicable to all Port of Olympia departments/divisions, committees, and the Port Commission.
- 3.3 The intent of this Resolution is to govern compliance by all Port departments/divisions, committees, and the Port Commission with the procedural and substantive requirements of Chapter 43.21C RCW, the State Environmental Policy Act.
- 3.4 This Resolution is not intended to govern compliance by the Port with respect to the National Environmental Policy Act of 1969 (“NEPA”). Situations in which the Port is required by federal law or regulations to perform some element of compliance with NEPA will be governed by the applicable federal statutes and regulations and not by this Resolution.

4. Substantive Environmental Policies

The substantive environmental policies of the Port of Olympia are the policies set forth in the following documents and statutes: the Port’s Comprehensive Scheme of Harbor Improvements, as it is now identified and as it may be renamed or amended in the future, including all of its elements; Port of Olympia Environmental Policies; and Chapter 43.21C RCW. Port of Olympia Environmental Policies are available upon request from the Port of Olympia and may also be posted on the Port’s website.

5. Additional Definitions

In addition to those definitions contained within WAC 197-11-700, the following terms will have the following meanings, unless the context indicates otherwise:

- 5.1 “Department” means any division or organizational unit of the Port.
- 5.2 “SEPA Rules” means WAC Chapter 197-11 adopted by the Department of Ecology, as it now exists and may be hereafter amended.
- 5.3 “Responsible Official” means the Port’s Executive Director or designee. The Responsible Official’s duties may be delegated to appropriate staff, but the Responsible Official will approve and is responsible for all Determinations of Nonsignificance (“DNS”), Mitigated Determinations of Nonsignificance (“MDNS”), Determinations of Significance (“DS”), and the adequacy of any Environmental Impact Statement (“EIS”).

- 5.4 “Port of Olympia Environmental Policies” means those environmental policies approved by the Port Commission.

6. Timing of the SEPA Process

- 6.1 The Port will integrate SEPA review with Port activities at the earliest practicable time. The timing and content of environmental review will follow WAC 197-11-055 and WAC 197-11-060, as adopted by reference in Section 1.
- 6.2 The Responsible Official will prepare any required threshold determination or Environmental Impact Statement when the principal features of a proposal and its probable environmental impacts can reasonably be identified, consistent with WAC 197-11-055.

7. Public Notice

- 7.1 Public Notice Methods. When public notice is required under this Resolution or the SEPA Rules, the Responsible Official will use one or more of the following methods to inform the public that an environmental document is being prepared or is available:

- (i) Publishing notice in a newspaper of general circulation within the area in which the proposal is located;
- (ii) Posting notice on the Port of Olympia website;
- (iii) Sending notice via email to the Port of Olympia’s SEPA mailing list and to persons who have requested notification of Port activities.

The Responsible Official will select the method or methods reasonably calculated to inform the public under the circumstances, consistent with WAC 197-11-510.

- 7.2 Notice and Distribution for DNS and MDNS Determinations.

- 7.2.1 When a DNS or MDNS is issued under WAC 197-11-340(2), the Responsible Official will provide public notice using one or more of the methods in Section 7.1.
- 7.2.2 In addition to public notice, when a DNS or MDNS is issued under WAC 197-11-340(2), the Responsible Official will send the determination and the environmental checklist directly to the Department of Ecology, agencies with jurisdiction, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, as required by WAC 197-11-340(2)(b).

- 7.2.3 The date of issuance for a DNS or MDNS is the date the determination is sent to the Department of Ecology and agencies with jurisdiction and is made publicly available, as provided in WAC 197-11-340(2)(d).
- 7.3 Notice and Distribution for Determinations of Significance and Environmental Impact Statements.
- 7.3.1 When a determination of significance (DS) is issued, the Responsible Official will provide public notice using one or more of the methods in Section 7.1 and will circulate the DS to the applicant, agencies with jurisdiction and expertise, affected tribes, and to the public, as required by WAC 197-11-360(3).
- 7.3.2 The Responsible Official will circulate draft and final EISs to those agencies and persons required by WAC 197-11-455 and WAC 197-11-460. Public notice of the availability of draft and final EISs will be provided using one or more of the methods in Section 7.1.
- 7.3.3 Parties who submit comments on a project's environmental determination or draft EIS will receive notice of the availability of any subsequent draft or final EIS for that project.
- 7.4 Notice of Judicial Review. Notice of judicial review will be provided as set forth in Section 9 of this Resolution.

8. Public Comments

- 8.1 Public comments on a DNS or MDNS for which public notice and comment are required under WAC 197-11-340(2) must be submitted within fourteen (14) calendar days from the date the determination is issued. Comments may be submitted via email to the email address identified on the applicable SEPA determination, decision, or notice, and may also be submitted to the Responsible Official by any written method.
- 8.2 The Responsible Official will consider all timely written comments received on a DNS or MDNS issued under WAC 197-11-340(2) and will reconsider the determination in accordance with WAC 197-11-340(2)(f). The Responsible Official may respond to comments in writing, either individually or cumulatively, within a reasonable time after the close of the public comment period.
- 8.3 Public comments and any written responses by the Responsible Official will be part of the Port's SEPA administrative record and will be available for public inspection in accordance with Chapter 42.56 RCW. The Port may post comments and responses on the Port's website and may notify commenters of the availability of the Port's response by email or other reasonable method. The Port's issuance of a response to comments will not restart the public comment or judicial challenge period pursuant to WAC 197-11-706.

- 8.4 If the Responsible Official determines that an EIS is required, public comment and responses to comment on EIS scoping and Draft EIS (“DEIS”) documents will be prepared and submitted pursuant to Chapter 197-11 WAC.

9. Appeals

- 9.1 No Administrative Appeals. There shall be no administrative appeals of Port SEPA determinations, including appeals of any conditions or denials by the Port under RCW 43.21C.060. The Port eliminates such appeals pursuant to WAC 197-11-680(2).
- 9.2 No Exhaustion of Administrative Remedies. Because there are no administrative appeals, a person is not required to request reconsideration or exhaust an administrative remedy before filing a judicial appeal under SEPA.
- 9.3 Informal Reconsideration. Any person may request, either orally or in writing, the Responsible Official to reconsider a SEPA determination during the applicable comment period. The Responsible Official may reconsider the determination and provide a written response. A request for reconsideration is not a formal appeal under RCW 43.21C.075 or WAC 197-11-680 and does not toll any applicable appeal or other deadline.
- 9.4 Judicial Review. Judicial review shall be brought in Thurston County Superior Court when that court has jurisdiction. When a statute or ordinance establishes a time limit for challenging the underlying governmental action, judicial review of accompanying SEPA determinations must be commenced within that same time period. When no such time limit applies — as will often be the case for nonproject actions of the Port, including adoption or amendment of plans, policies, and programs — the Responsible Official should evaluate whether to file a Notice of Action under RCW 43.21C.080 to establish a twenty-one-day judicial challenge period. The Port may also use any other procedure allowed by RCW 43.21C.075 or WAC 197-11-680. A request for informal reconsideration under Section 9.3 does not toll any applicable deadline. A judicial challenge does not stay the Port's action unless a court orders a stay.
- 9.5 Computation of Time. In computing any period of time related to public comment or allowed by this Resolution, the date of the act or event from which the designated period begins to run shall not be included. The last day of the designated period will be included and will terminate at 5:00 p.m.; if the last day is a Saturday, Sunday, or legal holiday as defined in RCW 1.16.050, the designated period will run until 5:00 p.m. on the next business day.
- 9.6 Service on the Port. Where this Resolution provides for submittal of documents or payment of fees to the Port, service will be effective if made by one of the following methods:

- (i) Email to the Responsible Official at the email address identified on the applicable SEPA determination, decision, or notice, by 5:00 p.m. on the applicable deadline.
- (ii) Personal delivery at the Port of Olympia's Administrative Offices, by 5:00 p.m. on the applicable deadline.

10. Categorical Exemptions

- 10.1 Adoption of Exemptions. The Port adopts by reference all categorical exemptions in WAC 197-11-800 through -890, subject to WAC 197-11-305 and all applicable exceptions and limitations. The Port will also apply all applicable statutory exemptions in Chapter 43.21C RCW.
- 10.2 Flexible Thresholds. The Port adopts and shall apply any flexible threshold for categorical exemptions that may be adopted by the city or county in which the proposal is located.
- 10.3 Exempt Activities of the Port. Examples of activities of the Port that are categorically exempt from threshold-determination and EIS requirements include, but are not limited to, the following:
 - (i) Adoption of the Port budget. The Port's annual budget is a financial plan and does not authorize a capital project. Major project actions must be separately and specifically authorized by Commission action. Budget adoption is categorically exempt under WAC 197-11-800(14)(c).
 - (ii) Planning and research activities that do not commit the Port to proceed with a proposal are categorically exempt as information collection and research under WAC 197-11-800(17).
 - (iii) The adoption, approval, and promulgation of Port tariffs are categorically exempt under WAC 197-11-800(14)(i).
 - (iv) Leases or contracts that do not authorize a change in use and do not otherwise commit the Port to a nonexempt action are categorically exempt, subject to WAC 197-11-305 and WAC 197-11-070.
 - (v) Borrowing of funds, issuance of bonds, and related financing agreements and approvals are categorically exempt under WAC 197-11-800(14)(d). Environmental review, if required, must be completed before approval of construction or another nonexempt action.
 - (vi) Planning documents, studies, and similar activities that do not contain standards controlling use or modification of the environment, do not govern the development of a series of connected actions, and do not constitute the adoption

or amendment of a comprehensive land use plan or zoning ordinance. Such documents do not qualify as nonproject actions under WAC 197-11-774.

- (vii) Administrative, fiscal, and personnel activities of the Port, including hiring, termination, and other personnel actions; revenue-raising actions such as rates, charges, and fees; and other internal administrative actions that do not directly alter the physical environment are categorically exempt under WAC 197-11-800(14)(a) and (b).

- 10.4 Documentation. A decision that a proposal is categorically exempt need not be documented under WAC 197-11-305(2). The Port may note the exemption in its files, including by noting the exemption in a register or SEPA exemption form.

11. Emergencies

Actions that must be undertaken immediately, or within a time too short to allow full compliance with this Resolution, to avoid an imminent threat to public health or safety, prevent an imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation, are exempt under WAC 197-11-880. The Responsible Official or designee will determine on a case-by-case basis whether an action qualifies.

12. Port SEPA Public Information Responsibilities

- 12.1 The Port will retain all SEPA documents in accordance with applicable records retention schedules and Chapter 42.56 RCW. Copies will be provided upon request, and the Port may charge fees as permitted by Chapter 42.56 RCW.
- 12.2 The Port will submit environmental documents to the Department of Ecology for the statewide SEPA register as required by WAC 197-11-508.
- 12.3 The Responsible Official will maintain a list of agencies and organizations for use in scoping and circulation of environmental documents.

13. Critical Areas

The Port will respect “critical areas” and modified categorical exemption criteria adopted and displayed by local governments, pursuant to the Growth Management Act, Chapter 36.70A RCW, and WAC 197-11-908, within the jurisdiction where the Port activity is located.

14. Lead Agency – Responsibilities

The Port, when acting as the lead agency, will perform the responsibilities assigned to the lead agency and Responsible Official under WAC 197-11-300 through 197-11-390 and WAC 197-11-400 through 197-11-460, as adopted by reference in Section 1. The Responsible Official will supervise or prepare required draft and final EISs, coordinate their circulation, and conduct any public hearings required by the SEPA Rules or this Resolution.

15. Severability

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 will not be affected.

16. Repealer

All prior Port Resolutions dealing with compliance to the State Environmental Policy Act and Chapter 197-11 WAC are hereby repealed by the adoption of this Resolution.

17. Effective Date

This Resolution will be effective for all SEPA determinations issued subsequent to Commission adoption of this Resolution.

ADOPTED by the Port of Olympia Commission on this _____ day of _____, 2026.

President

Vice-President/Commissioner

Secretary/Commissioner

Commissioner

Commissioner
