



SEPA Policy Updates

Alex Smith
Executive Director
October 13, 2026



Today's Presentation

Advisory Only – No Action Required

- Why the 2015 SEPA Resolution needs updating
- Proposed changes to the SEPA Policy
- Comparison to other jurisdictions
- Summary and next steps

Why Update the 2015 SEPA Resolution

- It is good governance to regularly review and update policies, including the SEPA Policy
- SEPA and Ecology guidance have changed since 2015 – we want to align with governing law
 - For example – in 2016 Ecology withdrew the 2011 Climate Change Guidance that was incorporated in our 2015 SEPA policy
- The proposed edits follow state SEPA requirements step-by-step
 - Reduces confusion by eliminating differing procedural timelines and makes it easier for staff and the public to track

Proposed Changes

Comments and Public Notice

- **Proposal:** *14-day comment period for Determinations of Nonsignificance and Mitigated Determinations on Nonsignificance**
 - Aligns with SEPA Regulations (WAC 197-11-340(2)(c))
 - Aligns with comment periods at other ports and at the Cities of Olympia, Lacey and Tumwater.
- **Proposal:** *Give the Port discretion to respond in writing to comments*
 - SEPA requires the Port to consider all comments that are submitted and reconsider its determination in light of them
 - Aligns with other ports and the Cities of Olympia, Lacey and Tumwater

* For an EIS, SEPA requires a thirty day public comment period and requires a response to comments

Other Jurisdictions

Public Comment – DNS & MDNS

Port	Comment Period	Written Response Required?
Port of Olympia (2015 Resolution)	21 days	Yes
City of Olympia	14 days	No
City of Lacey	14 days	No
City of Tumwater	14 days	No
Port of Tacoma	14 days	No
Port of Seattle	14 days	No
Port of Everett	14 days	No
Port of Olympia (proposed)	14 days	No

Most

ports and jurisdictions simply adopt the 14-day comment period in the SEPA rules

Unusual

To provide for more time

Categorical Exemptions

New Section 10 – Adopts WAC 197-11-800 Exemptions

- **Proposal:** *List routine Port activities that are exempt from SEPA Review, including:*
 - Budget adoption; planning and research; tariffs
 - Qualifying leases; borrowing and bond financing
 - Preliminary planning documents with no environmental use standards
 - Administrative, fiscal, and personnel actions
- Provides clarity to staff and the public on Port actions that are categorically exempt
- Simply calls out areas with authorized exemptions; does not broaden them



Service and Climate Appendix

- **Proposal:** *Simplify service on the Port*
 - Each SEPA determination will call out the email address of the Responsible Official
 - 2015 SEPA Resolution directed service to sepa@portolympia.com or mailing address
- **Proposal:** *Remove the Climate Appendix*
 - The Appendix consisted of guidance Ecology has since withdrawn.
 - Climate remains a required element of environmental review under SEPA (WAC 197-11-444(1)(b)(iii))

Proposed Changes

Appeals and Reconsideration

■ **Proposal:** *Eliminate Administrative Appeals*

- Appeals go directly to Superior Court
- Same standard of review at Superior Court
- Removes possibility of “orphan” SEPA appeals.
- Eliminates \$750 Port appeal fee (Superior Court appeal fee is \$230)

■ **Proposed Process Improvements:**

- Use of a "notice of action" to establish a clear timeline for appeals
- New informal reconsideration option
 - To allow Port to fix issues through an informal process

Other Ports

Administrative Appeals

Port	Admin. Appeal?	Path to Challenge
Olympia (2015 Resolution)	Yes	Final DNS, MDNS, or final EIS; hearing examiner, then court
Seattle	Yes	MDNS or final EIS only; hearing examiner, then court
Kingston	No	Judicial review
Port Angeles	No	Judicial review
Tacoma	No	Judicial review
Longview	No	Judicial review
Everett	No	Judicial review
Olympia (proposed)	No	Judicial review

Most

ports we reviewed offer no administrative appeal (Seattle is the exception)

Optional

State law says agencies "may provide for" an appeal

Summary

- The proposed changes align Port procedures with state law and other jurisdictions
- The changes are based on current SEPA laws and guidance
- They provide clarity for staff and the public
- They recognize limits to staff capacity and Port resources
- They only change process – not the substantive requirements the Port is required to follow under SEPA.

Questions and Comments