

RESOLUTION NO. 2025-04

**A RESOLUTION** of the Port Commission of the Port of Longview (Port), Cowlitz County, Longview, Washington, revising and adopting the Port's policies and procedures under the State Environmental Policy Act (SEPA or Act herein) Chapter 43.21C RCW and its implementing rules Chapter 197-11 WAC (SEPA Rules) for determining and considering the environmental impact of actions taken by the Port and repealing Resolution No. 2014-6 along with all prior resolutions pertaining to the same subject matter.

**WHEREAS**, the State Environmental Policy Act of 1971 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 provides in RCW 43.21C.120 that all public and municipal corporations of the State of Washington are directed to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of SEPA into the various programs under their jurisdiction for implementation, and that said rules, ordinances or resolutions must be consistent with rules and guidelines adopted under RCW 43.21C.110; and

**WHEREAS**, the Port Commission has established policies and procedures implementing SEPA through the adoption of Resolution No. 76-8, which were amended through the adoption of Resolution No. 78-11, which were amended through the adoption of Resolution No. 84-49 and which were amended through the adoption of Resolution No. 2014-6; and

**WHEREAS**, the Port is required to adopt SEPA policies and procedures that are consistent with the rules adopted by the Department of Ecology (WAC 197-11) and may adopt by reference any or all of these rules; and

**WHEREAS**, the Port has provided public notice and opportunity for public comment during regularly scheduled meetings on August 13, 2025 and August 27, 2025;

**NOW, THEREFORE, BE IT RESOLVED** by the Port Commission of the Port of Longview, Washington, as follows:

**PORT SEPA ENVIRONMENTAL ADMINISTRATION REGULATIONS**

PART ONE: Purpose, Authority, and Intent

PART TWO: General Requirements

PART THREE: Categorical Exemptions and Threshold Determination

PART FOUR: Environmental Impact Statement (EIS)

PART FIVE: Commenting

PART SIX: Using Existing Environmental Documents

PART SEVEN: SEPA and Agency Decisions  
PART EIGHT: Definitions  
PART NINE: Categorical Exemptions  
PART TEN: Agency Compliance  
PART ELEVEN: Forms  
PART TWELVE: Repeal of Prior Port SEPA Rules

**PART ONE  
PURPOSE AND AUTHORITY**

**SECTION 010 AUTHORITY.**

This Resolution is adopted pursuant to the directives of 43.21C RCW and Chapter 197-11 WAC, and is intended to implement those provisions. As required in RCW 43.21C.095, the SEPA Rules shall be given substantial deference in the interpretation of SEPA.

**SECTION 020 PURPOSE AND INTENT.**

1. The purpose of this Resolution is to provide Port policies and regulations implementing Chapter 43.21C RCW, the State Environmental Policy Act of 1971 (SEPA), with some modifications and additions relevant to Port operations, which are consistent with the SEPA rules. Many sections of Chapter 197-11 WAC are adopted verbatim except as provided herein. Each provision adopted by reference in this Resolution is found in the statewide rules, Chapter 197-11 WAC, and should therefore be used in conjunction with this resolution.
2. SEPA provides the framework for agencies like the Port to consider the environmental consequences of a proposal before taking action. SEPA review is required for any proposal that involves a governmental "action" as defined in the SEPA Rules (WAC 197-11-704), and is not categorically exempt (WAC 197-11-800 through 890). Project actions involve an agency decision on a specific project or projects, such as the adoption of a new comprehensive scheme of harbor improvements (CSHI).
3. This Resolution addresses compliance with SEPA processes. Use of National Environmental Policy Act of 1969 (NEPA) documents is governed by WAC 197-11-610.
4. The provisions of this Resolution, Chapter 197-11 WAC and the SEPA must be read together as a whole in order to comply with the spirit and letter of the law. The Port adopts by reference the purposes and policies of SEPA as set forth in RCW 43.21C.010 and 43.21C.020.
5. The intent of this Resolution is to govern compliance by all Port departments/divisions, committees, and Port Commission with the procedural and substantive requirements of SEPA.
6. This Resolution contains the Port's SEPA procedures, which spell out the environmental review process under SEPA. This Resolution also contains the Port's SEPA policies, which provide

the basis for rejecting or imposing mitigating conditions on proposals as a result of SEPA. Additionally, this Resolution provides guidance to Port of Longview staff when the Port is acting as a project proponent.

SECTION 030 APPLICATION OF SEPA TO PORT ACTIVITIES.

1. SEPA itself does not have any permit requirements.
2. SEPA review occurs before the Port takes an "action."
3. SEPA review is required for any proposal that involves a governmental "action" as defined in the SEPA Rules and is not categorically exempt (WAC 197-11-800 through 890). Project actions involve an agency decision on a specific project, such as a construction project, or programs such as the adoption of a CSHI.
4. SEPA supplements, or "overlays" the Port's regular planning and decision-making. The exact nature and timing of the SEPA process can vary for each type of governmental action and/or each individual proposal.
5. SEPA provides a basic process for studying and responding to a proposal's environmental impacts, especially at the planning stages.

SECTION 040 POLICY FOR IMPLEMENTING SEPA.

1. The policies and goals set forth in SEPA are supplementary to existing Port authority.
2. The Port shall to the fullest extent possible:
  - a. Interpret and administer the policies, regulations, and laws of the State of Washington in accordance with the policies set forth in SEPA, WAC 197-11, and these Port SEPA rules.
  - b. Find ways to make the SEPA process more useful to decision makers and the public.
  - c. Prepare environmental documents that are concise, clear, and to the point, and are supported by evidence that the necessary environmental analyses have been made.
  - d. Initiate the SEPA process early in conjunction with other Port planning and operations to avoid delay and duplication.
  - e. Integrate the requirements of SEPA with existing Port planning procedures and practices, so that such procedures run concurrently rather than consecutively.

- f. Encourage public involvement in decisions that significantly affect environmental quality.
- g. Identify reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

## **PART TWO GENERAL REQUIREMENTS**

### **SECTION 050 PURPOSE.**

This Part contains basic requirements that apply uniformly to the SEPA process. As used in this Resolution, the term "State rules" shall mean and refer to the rules adopted by the Washington State Department of Ecology and set forth in WAC Chapter 197-11. As used in this Resolution, the term "Port SEPA rules" shall mean and refer to the provisions of this Resolution.

### **SECTION 060 ADOPTION OF STATE RULES BY REFERENCE.**

The State rules set forth in WAC 197-11-040 through 197-11-100 are hereby adopted by reference. Those rules include:

1. WAC 197-11-040 Definitions
2. WAC 197-11-050 Lead agency
3. WAC 197-11-055 Timing of the SEPA process
4. WAC 197-11-060 Content of environmental review
5. WAC 197-11-070 Limitation on actions during SEPA review
6. WAC 197-11-080 Incomplete or unavailable information
7. WAC 197-11-090 Supporting documents
8. WAC 197-11-100 Information required of applicants

### **SECTION 070 RESPONSIBILITY FOR PORT'S COMPLIANCE WITH SEPA.**

1. The agency with the main responsibility for complying with SEPA's procedural requirements for a given proposal is known as the "lead agency" for that proposal. A lead agency is selected for each particular proposal. The Port will typically be the lead agency for its

proposals and public projects, including projects proposed by private parties or tenants, on Port properties.

Additional State rules on determination of lead agency for different types of proposals as well as for specific proposals are in WAC 197-11-922 through 197-11-938, which are hereby adopted by reference. Those rules include:

- a. WAC 197-11-922 Lead agency rules
- b. WAC 197-11-924 Determining the lead agency
- c. WAC 197-11-926 Lead agency for government proposals
- d. WAC 197-11-928 Lead agency for public and private proposals
- e. WAC 197-11-930 Lead agency for private projects with one agency with jurisdiction
- f. WAC 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city
- g. WAC 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies
- h. WAC 197-11-936 Lead agency for private projects requiring licenses from more than one state agency
- i. WAC 197-11-938 Lead agencies for specific proposals

2. Rules for interagency agreements are in WAC 197-11-942 through 197-11-944. Rules for asking the Department of Ecology to resolve lead agency disputes are in WAC 197-11-946. Rules for the assumption of lead agency status by another agency with jurisdiction are in WAC 197-11-948. These rules are hereby adopted by reference. Those rules include:

- a. WAC 197-11-942 Agreements on lead agency status
- b. WAC 197-11-944 Agreements on division of lead agency duties
- c. WAC 197-11-946 DOE resolution of lead agency disputes
- d. WAC 197-11-948 Assumption of lead agency status

3. The SEPA Responsible Official for the Port under WAC 197-11-910 is the Chief Executive Officer, who is responsible for undertaking the Port's obligations under SEPA.

4. The Responsible Official may delegate his or her responsibilities under SEPA orally or in writing to another Port staff member with the authority to carry them out.

5. The Port when acting in the capacity of the lead agency shall be the only agency responsible for complying with the threshold determination procedures of WAC 197-11-300 through 197-11-390 as adopted by reference and as contained herein, and the Responsible Official of the Port or designee shall be responsible for the supervision, or actual preparation, of draft EISs pursuant to WAC 197-11-400 through 197-11-455 as adopted by reference, including the circulation of such statements and the conduct of any public hearings required by this Resolution. The Responsible Official or designee shall also prepare or supervise preparation of any required final EIS pursuant to WAC 197-11-360 through 197-11-460 as adopted by reference.

6. The office that routinely handles SEPA matters at the Port is:

Planning and Environmental Services  
10 International Way  
Longview, WA 98632  
(360) 425-3305

7. SEPA documents required by these rules shall be retained by the Port and made available in accordance with Ch. 42.56 RCW (Public Records Act) except if an exemption applies. The documents shall be available for public inspection, and copies provided in accordance with RCW 42.56. The Port may charge for copies in the manner provide by the Public Records Act and for the cost of mailing, consistent with adopted Port fees for such service.

8. Federal agencies are directed to cooperate with state and local agencies to the fullest extent possible in order to reduce duplication between federal NEPA and state and local requirements. The Responsible Official shall make an effort to coordinate environmental review requirements with applicable federal agencies, including combining documents, and conducting joint scoping processes, public meetings, and hearings as directed and encouraged by this Resolution.

#### SECTION 080 SEPA AND PROPOSAL PROCESSING FEES.

1. **Non-Port SEPA Reimbursement.** It is the policy of the Port that the financial costs associated with processing projects proposed by private parties or tenants on Port properties that, but for the proponent's proposal, would not have been incurred by the Port shall be the responsibility of the non-Port proponent. These costs and associated fees can include, but are not limited to, the services of professionals, staff and consultants for proposal review legal work; environmental review; Port administration and planning; and engineering services. Some of these services are provided by Port in-house staff and some on a consulting basis. It is the policy of the Port that non-Port applicants establish a Cost Reimbursement Agreement in

accordance with this policy to provide ongoing reimbursement to the Port for professionals, staff and consultant services associated with, necessitated by, and incurred with the processing of a non-Port applicant's project proposal. Non-Port applicants shall also be responsible for payment of and shall reimburse the Port for any legal attorneys' fees and cost incurred by the Port in defense of SEPA determinations or project approvals in the event of an appeal of the SEPA determination or Port-issued project approvals brought by any party.

2. Non-Port Environmental Checklist Fee. Non-port proposals that require submission of an Environmental Checklist to the Port shall be charged a \$750 SEPA Environmental Checklist fee for review of the checklist and issuance of a Threshold Determination.

3. Invoice Procedures. Unless otherwise established in a Cost Reimbursement Agreement executed in accordance with this Resolution, the Port will submit its invoices and associated backup materials to the Applicant within forty-five (45) days of the Port's receipt of invoices for costs and fees as described in Section 080(1) above, including without limit fees and costs incurred for the services of professionals, staff and consultants for proposal review legal work; environmental review; Port administration and planning; and engineering services.

4. Payment Procedure. Payments made by the Applicant pursuant to this Resolution shall be made payable to Port of Longview, attention: Accounts Receivable.

#### SECTION 090 TIMING.

1. In conjunction and compliance with WAC 197-11-055, the responsible official has discretion to decide the appropriate time for reviewing the environmental impacts of Port proposals on an individual, case-by-case basis. For purposes of this Section, the terms "final threshold determination" and "final environmental impact statement" shall include any documents prepared under Part Six below, such as adoption notices that are used to meet environmental review requirements on a proposal.

2. The SEPA process shall be integrated with Port activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential environmental issues.

3. The Responsible Official or designee shall prepare the threshold determination and or environmental impact statement (EIS), if required, as soon as possible after the principal features of a proposal and its environmental impacts can be reasonably identified.

4. A proposal exists when the Responsible Official or designee is presented with a project or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated. The fact that proposals may require future Port or other permitting approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

5. The environmental process shall commence upon receipt by the Responsible Official or designee of an environmental document. The Responsible Official or designee may also organize environmental review in phases as specified in WAC 197-11-060(5).

6. Appropriate consideration of environmental information shall be completed before the Responsible Official or designee commits to a particular course of action (WAC 197-11-070).

7. If the Port's only action on a proposal is, a decision on a written approval to an applicant based upon submission of detailed project plans and specifications, the applicant may request in writing that the Port conduct the environmental review under SEPA prior to the submission of detailed plans and specifications. The Port shall initiate review of the proposal at the conceptual stage, if requested. The Port may require additional environmental review of detailed plans and specifications at a later date.

#### **SECTION 100 SUPPORTING DOCUMENTS.**

1. All supporting documents cited in environmental documents regarding a particular proposal shall be considered part of the Port's record of SEPA compliance if the preparation and circulation of such supporting documents comply with the requirements in these rules for incorporation by reference and the use of supporting documents (see Part Six).

2. Supporting documents shall be made available at the Port office named in Section 070(6) above, unless otherwise noted. Economic, business, technical, or other studies, reports, or analyses may be prepared, included in, or appended to environmental documents even though not required under SEPA.

### **PART THREE CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATION**

#### **SECTION 110 PURPOSE.**

This Part provides rules for:

1. Administering categorical exemptions for proposals that would not have probable significant adverse impacts;
2. Deciding whether a proposal has a probable significant adverse impact and thus requires an environmental impact statement, or alternatively a determination on nonsignificance, or mitigated determination of nonsignificance;
3. Providing a way to review and mitigate nonexempt proposals through the threshold determination; and

4. Integrating SEPA into early planning to insure appropriate consideration of SEPA's policies and to eliminate duplication and delay.

**SECTION 120 ADOPTION OF STATE RULES BY REFERENCE.**

The State rules set forth in WAC 197-11-300 through 197-11-390 are hereby adopted by reference. Those rules include:

1. WAC 197-11-305 Categorical exemptions.
2. WAC 197-11-310 Threshold determination required.
3. WAC 197-11-315 Environmental checklist.
4. WAC 197-11-330 Threshold determination process.
5. WAC 197-11-335 Additional information.
6. WAC 197-11-340 Determination of Nonsignificance (DNS).
7. WAC 197-11-350 Mitigated DNS.
8. WAC 197-11-360 Determination of significance (DS)/initiation of scoping.
9. WAC 197-11-390 Effect of threshold determination.

**SECTION 130 CATEGORICAL EXEMPTIONS.**

1. Proposals which fit within any of the provisions of Part Nine of 197-11 WAC and these rules are categorically exempt from threshold determination and EIS requirements except as provided in WAC 197-11-305.
2. In determining whether a proposal is exempt, the Port shall make an effort to be certain that the proposal is properly defined and that all governmental licenses required in connection with the proposal are identified (WAC 197-11-060).
3. City/county SEPA procedures should also be reviewed to determine if the proposal is located in an environmentally sensitive area as provided in WAC 197-11-908.
4. The Port of Longview adopts the respective exempt levels for minor new construction as allowed under WAC 197-11-800(1)(d) for non-fully planning GMA counties pursuant to the authority of WAC 197-11-800(1)(c) unless a different applicable exempt level is established by law.

5. If a proposal includes exempt and nonexempt actions, the proposal is not exempt and requires environmental review; however, the exempt aspects of such a proposal may proceed prior to conducting environmental review, if the requirements of WAC 197-11-070 are met (WAC 197-11-305(1)(b)). An example of such a proposal would be the acquisition of a property right option or approval of bond financing, which would not have an adverse environmental impact or limit the choice of reasonable alternatives.

6. A decision that a proposed action is categorically exempt need not be documented (WAC 197-11-305(2)). However, a SEPA Exemption form may be placed in the Port's files.

7. Whenever the Port establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, under WAC 197-11-800(1)(c).

#### **SECTION 140 MITIGATED DNS.**

1. Mitigation measures may be included in, or added to, a proposal, so that environmental impacts, which might otherwise be significant, are eliminated. Mitigation measures may also serve to reduce or mitigate impacts. Changes or clarifications do not require a new environmental checklist if the clarifications or changes are stated in writing in documents that are attachments to, or incorporate by reference, the documents previously submitted; an addendum may also be used (WAC 197-11-350(4) and Part Six of these rules).

2. Mitigation measures that are included in a decision on the underlying proposal must be documented. Public notice is not required by law when the Port clarifies or changes features of its own proposals subject to an MDNS under WAC 197-11-350(5), public and agency notice and a 14-day waiting period are required for MDNSs on proposals by other applicants pursuant to WAC 197-11-340(2)(a)(iv). If the Port's decision-making authority changes the proposal or mitigation measures contained in an MDNS, the description of the proposal or mitigation measures stated in the underlying proposal decision document shall supersede those in the MDNS.

### **PART FOUR ENVIRONMENTAL IMPACT STATEMENT (EIS)**

#### **SECTION 150 PURPOSE.**

This Part contains the rules for preparing an environmental impact statement (EIS).

#### **SECTION 160 ADOPTION OF STATE RULES BY REFERENCE.**

State rules set forth in WAC 197-11-400 through 197-11-460 are hereby adopted by reference. Those rules include:

1. WAC 197-11-400 Purpose of an EIS.
2. WAC 197-11-402 General requirements.
3. WAC 197-11-405 EIS types.
4. WAC 197-11-406 EIS timing.
5. WAC 197-11-408 Scoping.
6. WAC 197-11-410 Expanded scoping.
7. WAC 197-11-420 EIS preparation.
8. WAC 197-11-425 Style and size.
9. WAC 197-11-430 Format.
10. WAC197-11-435 Cover letter or memo.
11. WAC 197-11-440: EIS contents.
12. WAC 197-11-442 Contents of EIS on nonproject proposals.
13. WAC 197-11-443 EIS contents when prior nonproject EIS.
14. WAC 197-11-444 Elements of the environment.
15. WAC 197-11-448 Relationship of EIS to other considerations.
16. WAC 197-11-450 Cost-benefit analysis.
17. WAC 197-11-455 Issuance of DEIS.
18. WAC 197-11-460 Issuance of FEIS.

**SECTION 170 SCOPING.**

1. The Responsible Official shall decide the scoping method and deadline for a given proposal, consistent with WAC 197-11-408. Special attention should be given to writing scoping notices in plain English and avoiding technical jargon.

2. Scoping techniques may vary by proposal, and may utilize commenting by telephone. If a consultant is preparing an EIS, the consultant's contract should provide for possible changes in the scope of the EIS based upon the scoping process.

**SECTION 180 ADDITIONAL SCOPING.**

The expanded scoping provisions in WAC 197-11-410 may be used without formally designating the process as "expanded scoping." In keeping with the intent of the State rules, the Responsible Official is encouraged to be innovative, and shall have very broad discretion in developing creative scoping methods. A scoping process may also be used before a threshold determination is made, or at any other time in the SEPA process, to assist in identifying impacts and alternatives, including mitigation measures. If so, the form of the scoping notice shall be revised accordingly, so that agencies and members of the public may understand the purpose and process being used.

**SECTION 190 PREPARATION OF EIS.**

An EIS may be prepared by Port staff, consultants on contract to the Port, or other private entities under the direction of the Responsible Official. If an applicant's consultant is preparing the EIS, the applicant shall consult with the Responsible Official prior to final selection of a consultant. The Responsible Official shall have authority and discretion in connection with the preparation of the EIS as set forth in WAC 197-11-420.

**SECTION 200 DETERMINATION OF ADVERSE IMPACTS.**

Determination of the significance of a potential impact of a project is made on a case-by-case basis depending on the facts of the specific proposal. Accordingly, there is no uniform standard for determining "significance". As with any potential impact to the built or natural environment, with respect to greenhouse gas emissions from a project and to the possible effects of climate change on a proposal, any decision by the Port of whether there is an adverse environmental impact from a proposal will be made, when appropriate, on a case-by-case basis by the responsible official in consultation with qualified experts regarding greenhouse gasses and potential effects on climate change.

**PART FIVE  
COMMENTING**

**SECTION 210 PURPOSE.**

This Part provides rules for:

1. Notice and public availability of environmental documents, especially environmental impact statements;

2. Consultation and comment by agencies and members of the public on environmental documents;
3. Public hearings and meetings; and
4. Lead agency response to comments and preparation of final environmental impact statements.

**SECTION 220 ADOPTION OF STATE RULES BY REFERENCE.**

The State rules set forth in WAC 197-11-500 through 197-11-570 are hereby adopted by reference. Those rules include:

1. WAC 197-11-500 Purpose of this part.
2. WAC 197-11-502 Inviting comment.
3. WAC 197-11-504 Availability and cost of environmental documents.
4. WAC 197-11-508 SEPA Register.
5. WAC 197-11-510 Public notice.
6. WAC 197-11-535 Public hearings and meetings.
7. WAC 197-11-545 Effect of no comment.
8. WAC 197-11-550 Specificity of comments.
9. WAC 197-11-560 FEIS response to comments.
10. WAC 197-11-570 Consulted agency costs to assist lead agency.

**SECTION 230 PORT SEPA COMMENTS TO OTHER AGENCIES.**

The office named in Section 070(6) above shall be responsible for coordinating and preparing Port comments to other agencies on the environmental documents of other agencies. This office shall also be responsible for coordinating consultation requests under SEPA from other agencies to the Port. The Responsible Official or designee shall sign written comments from the Port and may establish deadlines for responses from offices within the Port in order to meet commenting deadlines established by law or by other agencies in their requests.

**SECTION 240 COSTS FOR PORT ENVIRONMENTAL DOCUMENTS.**

For copies of any environmental document made available by the Port, the Port will normally charge its actual cost of printing or its regular per page copying charge. However, no charge will be made for circulation of documents to other agencies to which the provision of such documents is required by law. The Port may, if requested, reduce or waive charges for an environmental document provided to a public interest organization. The Port may also, in its discretion, make documents available without charge to other parties. The Responsible Official may establish internal policies or procedures regarding such costs, or make determinations on an individual basis.

#### SECTION 250 REQUIRED PUBLIC NOTICE.

The Port must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearing(s), if any, will be held. The Port shall employ reasonable methods such as:

1. Publish notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
2. Provide notice in the same manner as required for the announcement of regular Port Commission meetings;
3. Furnish notice to anyone who has specifically requested to be notified about the particular proposal or about the type of proposal being considered;
4. Notify the local news media where the proposal is located when an EIS is available (for EISs only);
5. Post on the Port's webpage; and
6. File the documents required by WAC 197-11-508 with the Washington State Department of Ecology for publication of notice in the SEPA Register.

#### SECTION 260 ADDITIONAL OPTIONAL NOTICE.

For any environmental documents or public hearings or meetings, the Port, in its discretion, may:

1. Notify the news media orally or by press release, including trade journals;
2. Post a notice on the main bulletin board, if any, at the Port's administrative offices;
3. Post the property, for site-specific proposals;

4. Post a notice on the main bulletin board, if any, at the city or county council or planning department where the proposal is located;
5. Post on the Port's webpage;
6. Create or maintain a mailing list for a particular proposal or type of proposal, which may include the identification of citizen and public interest organizations, and send notice to those on the mailing list; and/or
7. Use other reasonable methods appropriate to a particular proposal.

**SECTION 270 NOTICE FOR APPEALS.**

For judicial appeals, the Port may use the notice procedures for the Notice of Action set forth in RCW 43.21C.080, or such other notice procedures as are provided in Part Seven below.

**PART SIX  
USING EXISTING ENVIRONMENTAL DOCUMENTS**

**SECTION 280 PURPOSE.**

This Part contains criteria for determining whether an environmental document must be used unchanged, and describes when existing documents may be used to meet all or part of the Port's responsibilities under SEPA.

**SECTION 290 ADOPTION OF STATE RULES BY REFERENCE.**

The State rules set forth in WAC 197-11-600 through 197-11-640 are hereby adopted by reference. Those rules include:

1. WAC 197-11-600 When to use existing environmental documents.
2. WAC 197-11-610 Use of NEPA documents.
3. WAC 197-11-620 Supplemental environmental impact statement—Procedures.
4. WAC 197-11-625 Addenda—Procedures.
5. WAC 197-11-630 Adoption—Procedures.
6. WAC 197-11-635 Incorporation by reference—Procedures.
7. WAC 197-11-640 Combining documents.

**SECTION 300 ADDENDA.**

1. If monitoring reports are part of mitigation commitments, the required monitoring report(s) may be labeled as an addendum to the original environmental document (DNS or EIS).
2. If subsequent environmental design detail or other environmental analysis is necessary or desirable, and an SEIS is not required (WAC 197-11-600(3)(b)), then an addendum may be used to conduct or document the analysis. An addendum may be used to add to any kind of environmental document, and may be used at any time in the SEPA process.

**PART SEVEN  
SEPA AND AGENCY DECISIONS**

**SECTION 310 PURPOSE.**

The purpose of this Part is to:

1. Ensure the use of concise, high quality environmental documents and information in making decisions.
2. Integrate the SEPA process with other laws and decisions.
3. Encourage actions that preserve and enhance environmental quality, consistent with other essential considerations of State policy.
4. Provide basic, uniform principles for the exercise of substantive authority and appeals under SEPA.

**SECTION 320 ADOPTION OF STATE RULES BY REFERENCE.**

The State rules set forth in WAC 197-11-650 through 197-11-680 are hereby adopted by reference. Those rules include:

1. WAC 197-11-650 and 655 Purpose of this part and implementation.
2. WAC 197-11-660 Substantive authority and mitigation.
3. WAC 197-11-680 Appeals.

**SECTION 330 PORT DECISION DOCUMENT.**

1. After making a decision on any proposal that is not exempt under SEPA, the Port shall make available to the public a document that states the decision. The document shall state the mitigation measures, if any, that will be implemented as part of the decision, including any

monitoring of environmental impacts. The document may be a resolution, letter, or other document used by the Port to convey its decision. The document decision may be combined with other Port documents, or may reference relevant portions of environmental documents (WAC 197-11-660(1)(b)).

2. To the extent the Port conditions or denies proposals under the authority of SEPA, the underlying proposal decisional document required by the preceding paragraph shall cite the Port SEPA policy adopted herein or shall cite to other policies, plans, rules or resolutions formally designated by the Port that is the basis for conditioning or denying the proposal.

#### SECTION 340 PORT SEPA POLICIES.

The Port hereby adopts by reference the state environmental policy as set forth in SEPA (RCW 43.21C.020). In order to carry out that policy, it is the Port's continuing responsibility to use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs, and resources to the end that the Port District, the State, and its citizens may:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. Preserve important historic, cultural, and natural aspects of our national heritage;
5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depleting resources;
8. Manage public waterways and adjacent lands, fisheries, and other natural resources wisely; and
9. Mitigate probable adverse environmental impacts resulting from proposals, particularly significant adverse environmental impacts, to the extent of the Port's authority, guided by the policies stated above and in SEPA, and by the Port's other statutory responsibilities.

10. The Port also hereby adopts by reference its CSHI, which has been adopted pursuant to Chapter 53.20 RCW, its Strategic Business Plan, and Climate Action Strategy, and amendments thereto, as a basis for the exercise of substantive authority under SEPA.

**SECTION 350 APPEALS.**

1. 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.

2. Because there are no administrative appeals, a person is not required to request reconsideration of a SEPA determination by the Port prior to instituting a judicial appeal (i.e., filing a lawsuit).

3. The Port may, in its discretion, file a Notice of Action for any proposal pursuant to RCW 43.21C.080. The Port may also utilize any other procedure allowed by RCW 43.21C.075, WAC 197-11-680, or any other applicable law.

4. The Port's Final SEPA Decision shall be appealable to the Superior Court for the State of Washington. Any court action to set aside, enjoin, review, or otherwise challenge the decision of the Port shall be filed with Superior Court and served on the Port within 21 days of the date of the Port's written final decision issued.

**PART EIGHT  
DEFINITIONS**

**SECTION 360 PURPOSE.**

This Part defines terms used in WAC and these rules.

**SECTION 370 ADOPTION OF STATE RULES BY REFERENCE.**

The definitions and usage set forth in WAC 197-11-700 through 197-11-799 are hereby adopted by reference.

**SECTION 380 ADDITIONAL DEFINITIONS.**

The following additional definitions are hereby adopted:

1. **Commission.** "Commission" means the Port Commission of the Port of Longview, Cowlitz County, Washington. The Port Commission is responsible for final Port decision making, except to the extent that certain decisions or types of decisions may be lawfully delegated to Port staff.

6. Port. "Port" means the Port of Longview, Cowlitz County, Washington. Unless specified, "Port" may refer to the Port Commission or staff.
7. Port Offices. "Port Offices" means administrative subdivisions of the Port.
8. Port SEPA Rules. "Port SEPA Rules" or "these rules" refer to and mean the provisions of this Resolution, which establish policies and procedures for compliance by the Port with the requirements of SEPA and WAC 197-11, together with any amendments thereto.
9. Preferred Alternative. "Preferred Alternative" means a preference for a particular alternative course of action, at the time the preference is expressed. A preferred alternative is not an action or decision within the meaning of WAC 197-11-070.
10. Responsible Official. The "Responsible Official" means the Port's Chief Executive Officer or designee. The Responsible Official's duties may be delegated to appropriate staff persons. The Responsible Official or designee shall approve and is responsible for the Determination of Environmental Significance and the adequacy of an Environmental Impact Statement.
11. RCW. "RCW" means the Revised Code of Washington.
12. State Rules or SEPA Rules. "State Rules or SEPA Rules" means WAC Chapter 197-11 adopted by the Department of Ecology, as it now exists and may be hereafter amended.
13. Staff. "Staff," "staff member," or "Port staff" means the employees of the Port, and not the Port Commissioners.
14. WAC. "WAC" means the Washington Administrative Code.

## **PART NINE CATEGORICAL EXEMPTIONS**

### **SECTION 390 PURPOSE**

The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

### **SECTION 400 ADOPTION OF STATE RULES BY REFERENCE.**

The State rules set forth in WAC 197-11-800, 197-11-880 and 197-11-890 are hereby adopted by reference. Those rules include:

1. WAC 197-11-800. Categorical exemptions.

2. WAC 197-11-880 Emergencies.
3. WAC 197-11-890. Petitioning the Department of Ecology to change exemptions.

SECTION 410 EXEMPT ACTIVITIES OF THE PORT OF LONGVIEW.

Activities of the Port which are categorically exempt from the threshold determination and EIS requirements of SEPA, and the Port SEPA rules include, but are not limited to, the following:

1. The Adoption of the Port Budget. The Port's annual budget is solely a financial plan and does not authorize any capital project. Major project action must be separately and specifically authorized by appropriate Commission action. Because the adoption of the Port budget does not include any final decision by the Commission to undertake a major action, the adoption of the Port's budget is categorically exempt from the threshold determination and EIS requirements pursuant to WAC 197-11-800(14)(c).
2. Planning and Research. All planning and research activities of the Port which do not commit the Port to proceed with any proposal are included in the definition of "information collection and research" set forth in WAC 197-11-800(17). As such, these activities are categorically exempt from the threshold determination and EIS requirements.
3. Tariffs. The adoption, approval and promulgation of Port Tariffs are categorically exempt from the threshold determination and EIS requirements pursuant to WAC 197-11-800(14)(i).
4. Assessment and Collection of Taxes. The assessment and collection of all taxes by the Port of Longview are categorically exempt from the threshold determination and EIS requirements pursuant to WAC 197-11-800(14)(b).

SECTION 420 EXEMPTION FOR EMERGENCY ACTION.

In accordance with WAC 197-11-880, actions which 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 and safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this Resolution.

The Responsible Official or designee shall determine on a case-by-case basis emergency actions, which satisfy the general requirements of this section. No public notice is required for this determination, and it is not appealable. Exempt emergency actions of the Port shall include, but not be limited to, the following:

1. Emergency dredging and disposal of dredged materials essential for safe passage of vessels;

2. Emergency construction or related activities required for safe passage of vehicles or vessels; and
3. Emergency repairing of buildings, structure, and facilities required for the protection of persons or property.

**PART TEN  
AGENCY COMPLIANCE**

**SECTION 430 ADOPTION OF STATE RULES BY REFERENCE.**

The State rules set forth in WAC 197-11-914 through 197-11-955 are hereby adopted by reference. Those rules include:

1. WAC 197-11-914 SEPA fees and costs.
2. WAC 197-11-916 Application to ongoing actions.
3. WAC 197-11-917 Relationship to chapter 197-10 WAC.
4. WAC 197-11-918 Lack of agency procedures.
5. WAC 197-11-920 Agencies with environmental expertise.
6. WAC 197-11-950 Severability.
7. WAC 197-11-955 Effective date.

**SECTION 440 TRANSITION TO NEW RULES.**

Environmental Impact Statements prepared by the Port after the effective date of this Resolution shall follow the format and requirements of Part Four above. Environmental documents and notices issued prior to the effective date of this Resolution, including draft, final or supplemental EISs, do not require revision or re issuance to meet the requirements of this Resolution or the new State rules (WAC 197-11-916).

**SECTION 450 REVISION OF SEPA POLICIES OR PROCEDURES.**

The Port may amend its SEPA rules from time to time, as may be necessary or convenient. The Responsible Official may provide additional guidance and procedures to carry out this Resolution.

**SECTION 460 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 such provision to other persons or circumstances shall not be affected.

**PART ELEVEN  
FORMS**

**SECTION 470 ADOPTION OF FORMS BY REFERENCE.**

The forms set forth in the following sections of WAC 197-11 are hereby adopted by reference, except for those portions thereof relating to administrative appeals:

1. WAC 197-11-960 Environmental checklist.
2. WAC 197-11-965 Adoption notice.
3. WAC 197-11-970 Determination of non-significance (DNS).
4. WAC 197-11-980 Determination of significance and scoping notice (DS).
5. WAC 197-11-985 Notice of assumption of lead agency status.
6. WAC 197-11-990 Notice of action.

**PART TWELVE  
REPEAL OF PRIOR PORT SEPA RULES**

**SECTION 480 REPEAL OF PRIOR PORT SEPA RULES.**

Resolution No. 76-8, Resolution No. 78-11, and Resolution No. 84-49, and Resolution No. 2014-6 of the Port of Longview are hereby repealed.

**SECTION 490 RESOLUTION FOR ADOPTION.**

This Resolution shall be effective for all SEPA documents filed with the Port after the Commission's adoption of this Resolution.

ADOPTED by the Board of Commissioners of the Port of Longview at a public meeting held this \_\_\_ day of August 2025.



\_\_\_\_\_  
Allan Erickson, Commissioner



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Evan Jones, Commissioner



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Jeff Wilson, Commissioner