



Environmental Technical Advisory
Committee Regular Meeting Thursday
May 16, 2024, 3:00 PM
Chamber Conference Room, City Hall
280 Madison Ave N
Bainbridge Island, WA

The Environmental Technical Advisory Committee will hold this meeting in person, in the City Hall Chamber Conference Room, 280 Madison Ave N, Bainbridge Island, WA
It is recommended that attendance be in person, but it is also accessible via the Zoom meeting platform.

<https://bainbridgewa.zoom.us/j/82237251377>

Webinar ID: 822 3725 1377
Or iPhone one-tap: US: +12532158782 Or Telephone: +1 253 215
8782 or +1 669 900 9128 or +1 346 248 7799

Agenda for May 16, 2024, ETAC Meeting

Call to Order / Roll Call / Conflict of Interest Disclosure - 3:00 PM

Members: Melanie Keenan, Malcolm Gander, Dylan Frazer, Ben Harrison, and Brian Harmon

Council Liaison: Clarence Moriwaki

COBI Staff: Patricia Charnas – Director of Planning & Community Development
Renee Argetsinger - PCD Administrative Specialist

Approval of Agenda – May 16, 2024 - (5 min)

Approval of Minutes – April 18, 2024 - (10 min)

Council Liaison Report – Clarence Moriwaki - (5 min)

COBI Staff Comments - (5 min)

Chair Report – Melanie Keenan - (5 min)

1. Management Plan (GWMP): Discussion of 4/24/24 Presentation by Public Works Director (C. Wierzbicki) on Status of Groundwater Model, which is a component of the forthcoming GWMP, Appendix A (20 min)

- The GWMP Subcommittee, which includes 2 ETAC members, was expecting to see numbers for recharge and pumping based on established hydrogeologic principals, prior to the 4/24/24 GWMP update.
- Council, Staff and EA Consultants need appropriate parameters for Recharge and Pumping **before running scenarios.**
- There is adequate science for determining reasonable recharge values, and there is adequate historic well production data for estimating future pumping parameters.
- Since 2000, when the population was ~20,000 people, by 2022 there was a ~20% increase in population to about 24,000, and this increase caused an approximately 90% increase in consumption, i.e., an almost doubling of consumption - the increase is not linear.
- Per capita (per person) numbers do not adequately account for historic increases in water demand and resulting pumping
- COBI staff and their modeling contractor requested historic data from the ETAC chairperson (a volunteer), and the chairperson provided the data.

- EA did not account for lower recharge values from the updated 2016 USGS Kitsap Peninsula Reporting, differences in the recharge rates used in the 2011 BI model (20.45"/yr) versus the 2016 Kitsap model (11.31"/yr). Charlie Kratzer (former ETAC chair, current TAC member) communication with Matthew Bachmann, former USGS GW modeler, suggested the lower recharge rates from the Kitsap model are probably closer to reality. Represents more recent data, using a more generalized method, over a longer average time period

- Recharge Parameters: Staff and EA Consultants did not adequately consider accepted climate change science when estimating decreases for aquifer recharge. The proposed 15% increase to 15% decrease for recharge is not in keeping with available studies.

- Recharge Parameters: COBI's contractor must consider all complex climate change impacts; just plugging an increase of annual precipitation into a regression equation in Bidlake and Payne is not reasonable. It ignores the impact of more intense storms, and increase in impervious area, and changes in land cover in general which will increase runoff and decrease infiltration.

- Precipitation & Recharge: Kitsap Peninsula varies in annual precipitation amounts: South Kitsap 80", North Kitsap 20-25", Bainbridge annual precipitation is approximately 38".
<https://www.kpud.org>

- It is difficult to justify an increase of recharge in the future with a 178% increase in population.

2. **SEPA Environmental Impact Statement (EIS) for Comprehensive Plan Update, Winslow Subarea Plan, EA Consultants, Appendix B (20 min)**
3. **Next Meeting Planning (5 min)**
4. **For the Good of the Order (5 min)**
5. **Public Comment (5 min)**
6. **Adjournment**



Environmental Technical Advisory
Committee Regular Meeting Thursday
April 18, 2024, 3:00 PM
Chamber Conference Room, City Hall
280 Madison Ave N
Bainbridge Island, WA

Minutes for April 18, 2024, ETAC Meeting

Call to Order / Roll Call / Conflict of Interest Disclosure - 3:10 PM

Members Present: Melanie Keenan, Malcolm Gander, Ben Harrison,
Absent: Dylan Frazer, and Brian Harmon

Council Liaison: Clarence Moriwaki - present

COBI Staff: Patricia Charnas – Director of Planning & Community Development
Renee Argetsinger - PCD Administrative Specialist

Approval of Agenda – April 18, 2024 - Harrison/Gander - unanimously approved

Approval of Minutes – March 21, 2024 - Gander/Harrison - unanimously approved

Council Liaison Report – Clarence Moriwaki - Approval of work plan was done by City Council last Tuesday.

COBI Staff Comments – Director Charnas offered a status report on the EIS for Comp Plan and Winslow Subarea Plan. The current focus for the department is on meeting the requirements of SB5290 and HB1293.

Chair Report – Melanie Keenan – provided details of the changes made to the ETAC work plan. Discussion followed about the ETAC role and policy.

1. **Finalized Work Plan** will be submitted to City Council (CC) by Melanie (ETAC Lead) at 4/16/24 CC Study Session.
Discussion only.
2. **Groundwater Management Plan (GWMP), Subcommittee Update** regarding ongoing analysis of the BI Groundwater Modeling updates by COBI's consultant EA, and highlights from the last GWMP Subcommittee meeting on April 8.
Discussion only.
3. **Wyckoff Superfund Site construction plans. Discussion only.**
4. **PFAS Maximum Contaminants Levels (MCLs) for drinking water set by EPA. Discussion only.**
5. **Next Meeting Planning - GWMP. Discussion only.**
6. **For the Good of the Order** - Update regarding the PSE outage: about 1000 customers affected, power went out twice during this meeting.
7. **Public Comment** – No public comment was made.
8. **Adjournment** at 4:26 PM

Dear Council,

RE: Groundwater Management Plan and Model Update Concerns.

The GWMP update you received Tuesday night did not adequately convey the Subcommittee's outstanding questions and concerns yet to be resolved for reasonable parameters for future **Decreases in Recharge and Increases in Pumping**, to correspond with estimated population growth numbers for low, medium and high scenarios. The Subcommittee was expecting to see numbers for recharge and pumping based on established hydrogeologic principals prior to this GWMP update. The last March 21, 2024, Technical Advisory Committee meeting did not have concurrence with parameters.

Council, Staff and EA Consultants **need appropriate parameters for Recharge and Pumping before running scenarios**. The goal for the GW Model Update is to utilize inputs based on proper interpretation of the Best Available Science to obtain reasonable statistical model outputs for future water planning and management.

There is adequate science for determining reasonable recharge values, and historic data for estimating future pumping parameters.

The work to date to calibrate the model is appreciated. However, Staff does not have the necessary expertise to finalize parameters. EA's proposed numbers for recharge and pumping were not complete, and were presented with flawed assumptions of USGS modeling and UW CIG reporting. Perhaps another EA hydrogeologist can weigh in on the GW Model Update to help resolve outstanding concerns.

PUMPING Parameters

Finalized numbers for pumping were not presented at the last April 8, 2024, GWMP Subcommittee meeting. We discussed using historic pumping data to help inform future water demands. Similar to how population numbers for the 3 scenarios were calculated.

1. I provided a limited summary of annual pumping data from the top 20 producing COBI and KPUD water system wells on the Island. Attachment B, excerpts from my February 2024 memo concerning scenario, recharge, and pumping recommendations. The increases in pumping have been greater than the increases in population year over year, see table and graphs. Review of historic data for population growth and resulting pumping increases is required to adequately account for pumping estimates more than modeling exercises are currently addressing, e.g., 20,400 people in 2000 used about 300 million gallons of water from KPUD+COBI, ~ 24,000 people in 2022 used about 570 million gallons from KPUD+COBI
A ~20% increase in population caused approximately 90% increase in consumption, i.e., an almost doubling of consumption-the increase is not linear.

We were hopeful that COBI and EA would have better access to well data than a volunteer citizen like myself using public records requests to compile historic water use and pumping to calculate future parameters. This data compilation would have been necessary for COBI to complete previous model updates and scenario runs, and required Water System Reporting.

2. Reviewing historic increases in water demand for residential vs. commercial was agreed upon. Utilizing per capita (per person) numbers does not adequately account for historic increases in water demand and resulting pumping. There will be significant increases in services and commercial use, resulting in greater water demands necessary to accommodate the proposed population growth.

3. The highest pumping demand occurs in the summer months on Bainbridge Island. Projected climate change science with longer warmer dryer summer months will further increase pumping demands.

RECHARGE Parameters

Staff and EA Consultants did not adequately considered accepted climate change science when estimating decreases for aquifer recharge. The proposed 15% increase to 15% decrease for recharge is not in keeping with available studies.

1. Aspect utilized a 20% recharge reduction for both the 2016 and 2023 Model updates. A 20% recharge reduction is widely accepted for this region. The Aspect model runs indicate concerning reductions of 15 - 58% in stream flow which is fed by groundwater. Ongoing monitoring of streams on the island also documents a decrease in stream flow. Recharge is an important parameter when managing the Island's finite Sole Source Aquifer groundwater supply.

From Aspect April 2023:

Recharge: Aquifer recharge from precipitation for the new simulation period (2013 – 2021) was determined using the same methods for the prior model update (Aspect, 2015b). Recharge was calculated from PRISM precipitation data (PRISM Climate Group, 2022) and the appropriate monthly recharge fraction from a USGS investigation of precipitation and aquifer recharge for till-mantled basins in the Puget Sound (Bidlake and Payne, 2001).

Change in Recharge due to Climate Change: The UW Climate Impacts Group (Mauger, et al., 2015) simulated future changes in precipitation and runoff for representative hydrologic basins across Washington. Their modeling analysis indicates that by the year 2100, winter runoff is expected to increase in the Puget Sound area by up to 20 percent (which contributes to a reduction in recharge rates) due to more frequent, high- intensity (i.e., heavy) rain events. Warmer temperatures overall will also increase the evapotranspiration rates.

2. UW Climate Impacts Group studies and statistics utilizing multiple modeling reports.

a. Longer warmer dryer summer months = less recharge.

b. Less rain events with increased intensity will result in more runoff = less recharge.

Simply using potential increases in annual precipitation does not adequately account for the more complex regional climate change predictions for less recharge.

c. Increase in population and resulting development will increase impervious surfaces on the Island = less recharge. Historic aerial photos documents increased development with more impervious surfaces. Many of the services required to accommodate projected growth will be located outside of the Winslow Subarea, in other Service Centers and areas zoned for industrial use, despite efforts to concentrate population growth downtown.

3. 2011 and 2016 USGS Modeling Reports.

a. EA utilized a graph from the 2011 USGS Bainbridge Island GW Model reporting, figure 36 (page 76) to extrapolate recharge parameters, which represent 4 future dates from CIG forecasts – 2016, 2023, 2029, and 2035. The CIG forecasts were from a 2010 report.

Currently the latest forecasts are in the 2015 CIG State-of-the-Knowledge report (which the 2023 Aspect Model update used).

b. EA did not account for lower recharge values from the updated 2016 USGS Kitsap Peninsula Reporting, differences in the recharge rates used in the 2011 BI model (20.45"/yr) versus the 2016 Kitsap model (11.31"/yr). Charlie Kratzer (former ETAC chair, current TAC member) communication with Matthew Bachmann, former USGS GW modeler, suggested the lower recharge rates from the Kitsap model are probably closer to reality. Represents more recent data, using a more generalized method, over a longer average time period.

c. EA must consider all complex climate change impacts, just plugging an increase of annual precipitation into a regression equation in Bidlake and Payne is not reasonable. It ignores the impact of more intense storms, and increase in impervious area, and changes in land cover in general which will increase runoff and decrease infiltration.

d. Kitsap Peninsula varies in annual precipitation amounts, South Kitsap 80", North Kitsap 20-25", Bainbridge annual precipitation is approximately 38". <https://www.kpud.org>

e. Difficult to justify an increase of recharge in the future with a 178% increase in population.

Please review Charlie Kratzer's April 5, 2024 letter (Attachment B) on behalf of the Suquamish Tribe, member of TAC, included as part of the GWMP subcommittee agenda for more details.

Thank you for your time.

Melanie Keenan LG, LHG
ETAC Chair, GWMP Subcommittee Member

Attachment A

Scenario Recommendations: Use the calibrated model to simulate the possible effects of increased groundwater pumping and changes to recharge due to changes in land use and climactic conditions between 2024 and 2124 under **Minimal, Expected, and Maximum impact conditions**. Based on USGS 2011 BI GW Model Report Scenario selection for evaluating water resources.

Tasks: Calculating Historic Population Growth and annual pumping increases for the top 20 producing wells on BI for proposed GW Model Scenario runs. Adequately account for changes in land use and climate change projections.

Reference USGS projected population and pumping calculations for 2011 report for minimal, expected and maximum impact conditions. 2006 COBI Water System Plan (WSP) and other COBI resources 1995-2024, Washington State Office of Financial Management (OFM).

<https://ofm.wa.gov/washington-data-research/population-demographics>

United States Census Bureau

<https://www.census.gov/quickfacts/table/PST045216/53035,53>

Task 1: Determine historic average annual growth rate for each year, to calculate a minimal, expected population growth range. Compare to Office of Commerce projected growth numbers for the 20-year horizon, and growth numbers assigned to Bainbridge by Kitsap County (name of the group?). Compare to projected population numbers used by Aspect to increase pumping 50%. How does this compare to EA numbers presented at March 11, 2024 subcommittee meeting for projected growth?

TABLE 2-1

City of Bainbridge Island Historical Population 1994 to 2004

Year	Population	Annual Growth Rate
1995	16,341	--
1996	17,009	4.1%
1997	17,663	3.8%
1998	18,342	3.8%
1999	19,479	6.2%
2000	20,308	4.3%
2001	20,740	2.1%
2002	20,920	0.9%
2003	21,350	2.1%
2004	21,760	1.9%
Average Annual Growth Rate 1995-2004		3.2%

Source: Washington State Office of Financial Management (OFM).

Bainbridge Island Historical Population

Year	Population	Change	Annual Growth Rate = % Change
1960	6404		
1970	8494	+ 2090 -10 yr	+ 33%
1980	12,314	+ 3820 - 10 yr	+ 45%
1990	15,850	+ 3536 - 10 yr	+ 29%
2000	20,308	+ 4458 - 10 yr	+ 28%
2001 est.	20,432	+124	+0.6%
2002	20,740	+308	+1.5%
2003	20,920	+180	+0.9%
2004	21,350	-430	+2%
2005	21,760	+410	+1.9%
2006	22,200	+440	+2%
2007	22,600	+400	+1.8%
2008	23,080	+480	+2.1%
2009	23,180	+100	+0.5%
2010	23,035	+145 (+ 2717-10 yr)	+0.6% (+ 13.3-10 yr)
2011 est.	23,194	+159	+0.7%
2012 est.	23,353	+159	+0.7%
2013 est.	23,512	+159	+0.7%
2014 est.	23,671	+159	+0.7%
2015 est.	23,830	+159	+0.7%
2016 est.	23,989	+159	+0.7%
2017 est.	24,148	+159	+0.7%
2018 est.	24,307	+159	+0.7%
2019 est.	24,466	+159	+0.7%
2020 est.	24,625	+159 (+1800 -10 yr)	+0.7% (+7.8% - 10yr)
2021 est.	24,560	-65	- 0.3%
2022 est.	24,494	- 66	- 0.3%
2023 est.	24,310	-184	- 0.8%
2024 est.	24,126	-184 (-368 since 2022)	-0.8% (-1.5% since 2022)

2001 thru 2010 <http://www.ofm.wa.gov/pop/default.asp>

Average Annual Growth Rate % from 2000-2024 (estimates) = $18.7/24 = 0.8\%$

Expected Scenario 20 year Population Growth = +0.8% annual growth starting 2024 at 24,126 = average increase 193/year x 20 years = +3,860 people in 2044.

Total Expected Population 2044 = 27,986.

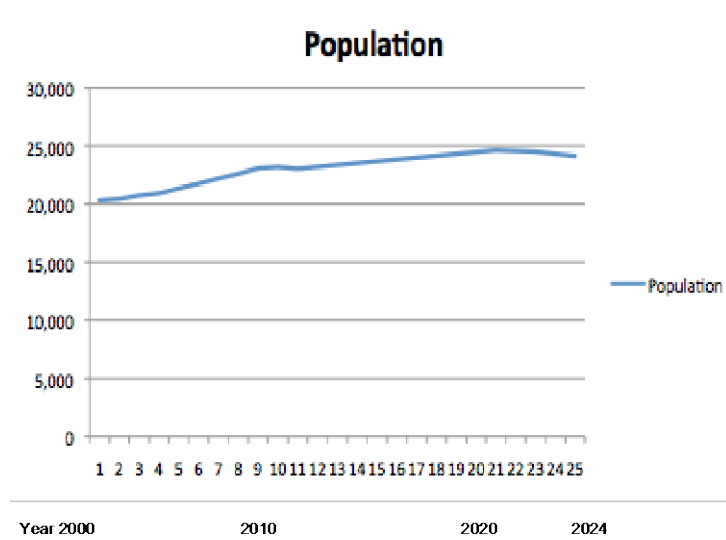
0.8 % annual increases for remaining 80 years instead of proposed 1% (EA recommended).

Task 2: Calculate estimated historic annual pumping for top 20 producing wells on BI for COBI and KPUD water systems (represents approx. 60% of BI water use). Compare percentage of pumping increases to increases in population for **Minimal, Expected, Maximum Impact Scenarios** etc. Data indicates increase population by 50% = increase pumping greater than 50%, increase population 200%, increase pumping greater than 200%. Estimate annual pumping for the remaining 30% of Small Water Systems and Private Exempt Wells on BI. There are limited results with conservation measures to reduce water use and pumping.

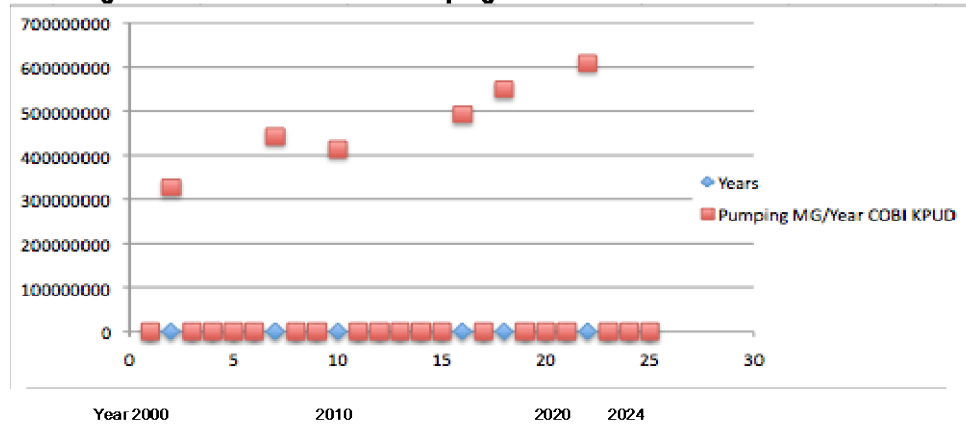
BI Wells	Date Installed
1. Fletcher Bay PW	1978
2. South Bainbridge #8 (add year installed)	1998
3. North Bainbridge #9	1992
4. Sands Road #2	1991
5. Sands Road #1	1992
6. South Bainbridge #7	1991
7. North Bainbridge #7	1982
8. Head of Bay #3	1974
9-11. Island Utilities #1-3 (no data except for 2020)	
12. North Bainbridge #3	1986
13. Head of Bay #2	1971
14. Taylor Road	1994
15. Head of Bay #1A	1983
16. Harbor Crest	1983
17. Head of Bay #4	1983
18. Head of Bay #6	1983
19. Hidden Cove	1985
20. Commodore (well no longer producing)	1954

Data 95% complete for selected years – difficulties obtaining public records as volunteer citizen. COBI and EA consultants should have access to annual well pumping and population data, and should be able to graph BI annual increases in pumping reflecting increases associated with growth and population for scenario projections. **Increases in population directly correlate with increases in pumping.** See graphs below.

Year	Population	Annual Pumping Million Gallons/year
1990	15,850	
2000	20,308	
2001	20,432	327
2006	22,200	443
2009	23,180	414
2010	23,035	
2015	23,830	493
2017	24,148	550
2020	24,625	
2021	24,560	609
2024	24,126	



Bainbridge Island COBI and KPUD Pumping Increases 2000-2024



Task 3. Adequately represent projected changes in land use and climate change impacts based on peer reviewed reporting such as UW CIG and best science. Sea level rise, increased temperatures, longer drier summer months, less rain events with increased intensity with more runoff and less recharge, projected increases in population and development resulting in increased impervious areas and less undisturbed recharge areas resulting in less recharge, and increased pumping with increase in population.

Attachment B



April 5, 2024

Chris Wierzbicki
Director of Public Works
City of Bainbridge Island
280 Madison Avenue North Bainbridge Island, WA 98110

RE: City of Bainbridge Island's Groundwater Management Plan - March 21, 2024 Technical Advisory Committee

Dear Mr. Wierzbicki:

Thank you for inviting the Suquamish Indian Tribe of the Port Madison Reservation ("Suquamish Tribe" or "Tribe") to be a part of the Technical Advisory Committee (TAC) for the City of Bainbridge Island (COBI) development of a Groundwater Management Plan (GWMP).

The Tribe is a federally recognized Indian Tribe and pursuant to the 1855 Treaty of Point Elliott, the Tribe reserved the right to fish and gather shellfish at its "usual and accustomed" (U&A) fishing grounds and stations in Puget Sound. The Tribe's U&A extends well beyond the Port Madison Reservation boundaries and includes the marine waters of Puget Sound from the northern tip of Vashon Island to the Fraser River in Canada, including Haro and Rosario Straits, the streams draining into the western side of Puget Sound and Hood Canal. The Tribe's aboriginal homeland includes the entire area of the Kitsap Peninsula including Bainbridge Island.

Since time immemorial the Suquamish people have lived, gathered plants, collected ceremonial and spiritual items, hunted, and fished these lands and waters. Suquamish Tribal members have exercised their treaty right to harvest shellfish from time immemorial. The Tribe harvested shellfish prior to the Rafeedie Decision (*United States v. Washington*, 898 F. Supp. 1453 (W.D. Wash. 1995) (recognizing the Tribe's treaty right to harvest shellfish)) and up to the present.

The quality and quantity of surface and groundwater inputs to marine waters of the Kitsap Peninsula affects the health of fish and shellfish, and the ability to consume and harvest these food resources. Climate change is exacerbating the impact of existing problems by increasing precipitation in winter and extended drought events in summer.

The Tribe has the following comments on the information presented by COBI's consultant, EA Engineering, at the March 21st TAC meeting for the development of a GWMP for COBI.

(1) Climate change impacts on recharge

The impact of climate change on future recharge is more complicated than simply looking at possible changes in annual precipitation. Other important factors that cannot be overlooked include, but are not limited to, changes in land use and impervious surfaces, intensity/duration/timing of rainfall events, increased temperatures and length of growing season. In general, most research has shown that an increase in the growing season combined with more intense storms and more impervious areas will lead to less recharge.

Since directly measuring infiltration/recharge is difficult, an insight to changes in infiltration can be gathered from changes in the portion of rainfall that doesn't infiltrate (runoff). For this, the 2021 King County Surface Water Manual (<https://kingcounty.gov/en/dept/dnrp/nature-recreation/environment-ecology-conservation/stormwater-surface-water-management/surface-water-design-manual/surface-water-design-manual-2021>) provides guidance on estimating runoff using the Rational Method where runoff is directly proportional to changes in rainfall intensity and runoff coefficients. As forested land is cleared for residential development the runoff coefficient increases, from a value of 0.10 for dense forest to 0.25 for lawns to 0.90 for pavement and roofs.

In addition to a larger percentage of rainfall running off due to land use changes, the 2015 University of Washington Climate Impacts Group report (<https://cig.uw.edu/projects/climate-change-in-puget-sound-state-of-knowledge/>) projects the number of high intensity storms to increase from 2 days per year to 7 days per year. The definition of high intensity storms is the frequency of exceeding the historical 99th percentile of 24-hour precipitation (see page 2-16).

Given the projected 100-year population increase on Bainbridge Island of 178% along with the concomitant change in runoff coefficient and the projected increase in frequency of intense storms, it seems that considering a scenario with a significant reduction in recharge is warranted. Thus, the Tribe suggests that the scenario of a 20% decrease in recharge in 100 years should still be considered.

(2) Groundwater interactions with streamflows

While the groundwater model does not directly account for streamflows in specific creeks, the water balance results do show the overall amount of groundwater discharging to streams in the 12 surface water basins of Bainbridge Island. The current initial model results show there to be potentially substantial decreases in these groundwater discharges in the future. The Tribe is concerned over this potential result, especially on some of the more significant salmon-bearing streams such as Springbrook Creek, Manzanita Creek, and Murden Creek.

The Tribe appreciates the ability to work cooperatively with the City of Bainbridge Island and to submit these comments on the direction of the GWMP. If you have questions or comments regarding the comments provided please do not hesitate to contact me.

Sincerely,

Charlie Kratzer, Hydrologist/Water Resources Coordinator Ecosystem Recovery Program, Natural Resources Department

Cc: Alison O'Sullivan, Ecosystem Recovery Program Manager

<https://mrsc.org/explore-topics/environment/regulations/state-environmental-policy-act>

State Environmental Policy Act (SEPA)

This page provides a general overview of the Washington State Environmental Policy Act (SEPA) , including relevant court decisions and examples of local code provisions.

Overview

The State Environmental Policy Act (SEPA), Washington State's most fundamental environmental law, was enacted in 1971 as [chapter 43.21C RCW](#).

SEPA's basic policy of maintaining and improving environmental quality is implemented primarily through extensive procedural requirements designed to ensure that governmental agencies give proper consideration of environmental matters in making decisions on actions, whether proposed by private parties or the governmental entities themselves, that may impact the environment.

Certain land use actions are "categorically exempt" and do not require SEPA review. See [WAC 197-11-720](#) and [WAC 197-11-800](#).

For proposals requiring SEPA review – whether "project actions" such as the construction or alteration of public buildings, infrastructure, or private projects, or "non-project actions" such as the development of plans, ordinances, programs, or administrative rules – the lead government agency must make a "threshold determination" to determine whether the project is likely to have any significant adverse environmental impact. The procedural requirements governing this environmental review process are contained in detailed regulations enacted by the Department of Ecology in [chapter 197-11 WAC](#).

The threshold determination process will result in either a Determination of Nonsignificance (DNS) or a Determination of Significance (DS).

If the lead agency issues a Determination of Significance, preparation of a detailed environmental impact statement (EIS) will be required. Under state law, lead agencies must "aspire" to prepare the final EIS in as expeditious a manner as possible without compromising the integrity of the analysis. Specifically, state law calls upon lead agencies to prepare the final EIS within two years for the most complex decisions and to "far outpace" that timeframe for more straightforward decisions ([RCW 43.21C.0311](#)).

SEPA also allows for "planned actions" in which an EIS can be prepared in advance for a specific geographic area before individual projects are proposed, which then facilitates

the environmental review of subsequent individual development projects. For more information, see our page [Planned Action](#).

As the agency responsible for implementing state regulations, the Department of Ecology maintains a wealth of information for local governments regarding SEPA on their website. In particular, we recommend you review the following resources:

- [New SEPA Housing Exemptions – Guidance on Implementing SSB 5412](#) (2023)
- [SEPA Handbook](#) (2018) — Detailed PDF handbook on the SEPA process
- [SEPA Guide for Lead Agencies](#) — Information for local governments and state agencies leading the SEPA review process
- [SEPA Frequently Asked Questions](#)
- [SEPA Document Templates](#)
- [SEPA Training](#)

Statutes and Administrative Regulations

- [Ch. 43.21C RCW](#) — State Environmental Policy Act
- [Ch. 197-11 WAC](#) — SEPA Rules

Examples of Codes, Policies, and Procedures

City Codes

- [Bainbridge Island Municipal Code Ch. 16.04](#)

<https://www.codepublishing.com/WA/BainbridgeIsland/html/BainbridgeIsland16/BainbridgeIsland1604.html>

Chapter 16.04 ENVIRONMENTAL POLICY¹

Sections:

Part I. Authority

16.04.010 Authority.

Part II. General Requirements

16.04.020 Purpose of this part and adoption by reference.

16.04.030 Additional definitions.

- 16.04.040** Designation of responsible official.
- 16.04.050** Lead agency determination and responsibilities.
- 16.04.053** Transfer of lead agency status to a state agency.
- 16.04.055** Additional considerations in time limits applicable to the SEPA process.
- 16.04.058** Additional timing considerations.

Part III. Categorical Exemptions and Threshold Determinations

- 16.04.065** Purpose of this part and adoption by reference.
- 16.04.070** Flexible thresholds for categorical exemptions.
- 16.04.080** Use of exemptions.
- 16.04.090** Environmental checklist.
- 16.04.100** Threshold determination (DNS, mitigated DNS, optional DNS and DS).

Part IV. Environmental Impact Statement (EIS)

- 16.04.110** Purpose of this part and adoption by reference.
- 16.04.120** Preparation of EIS – Additional considerations.
- 16.04.125** Additional elements to be covered in an EIS.

Part V. Commenting

- 16.04.128** Adoption by reference.
- 16.04.130** Public notice.
- 16.04.140** Designation of official to perform consulted agency responsibilities for the city.

Part VI. Using Existing Environmental Documents

- 16.04.150** Purpose of this part and adoption by reference.

Part VII. SEPA and Agency Decisions

16.04.155 Purpose of this part and adoption by reference.

16.04.160 Substantive authority.

16.04.170 Appeals.

16.04.173 Notice/statute of limitations.

Part VIII. Definitions

16.04.175 Purpose of this part and adoption by reference.

Part IX. Categorical Exemptions

16.04.180 Adoption by reference.

Part X. Agency Compliance

16.04.185 Purpose of this part and adoption by reference.

16.04.190 Critical areas.

16.04.200 Fees.

Part XI. Forms

16.04.205 Adoption by reference.

Part I. Authority

16.04.010 Authority.

A. The city adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW [43.21C.120](#), and the SEPA rules, WAC [197-11-904](#).

B. This chapter contains this city's SEPA procedures and policies.

C. The SEPA rules, Chapter [197-11](#) WAC, must be used in conjunction with this chapter. (Ord. 92-06 § 1, 1992)

Part II. General Requirements

16.04.020 Purpose of this part and adoption by reference.

This part contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter [197-11](#) of the Washington Administrative Code (WAC) by reference:

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review – Reliance on existing plans, laws and regulations.
197-11-164	Planned actions – Definition and criteria.
197-11-168	Ordinances or resolutions designating planned actions – Procedures.
197-11-172	Planned actions – Project review.

(Ord. 98-37 § 1, 1998; Ord. 92-06 § 1, 1992)

16.04.030 Additional definitions.

In addition to those definitions contained within WAC [197-11-700](#) through [197-11-799](#), when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

A. “SEPA rules” means Chapter [197-11](#) WAC adopted by the Department of Ecology.

B. “Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance (DNS) procedures).

C. “City department” means any division, subdivision or organizational unit of the city established by ordinance, rule or order. (Ord. 92-06 § 1, 1992)

16.04.040 Designation of responsible official.

A. For those proposals for which the city is the lead agency, the responsible official shall be the director of planning and community development or any other such person as the director may designate in writing.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules that were adopted by reference in BIMC [16.04.020](#).

C. The city shall retain all documents required by the SEPA rules (Chapter [197-11](#) WAC) and make them available in accordance with Chapter [42.17](#) RCW. (Ord. 92-06 § 1, 1992)

16.04.050 Lead agency determination and responsibilities.

A. If the city receives an application for or initiates a proposal that involves a nonexempt action, the city shall determine the lead agency for that proposal under WAC [197-11-050](#) and [197-11-922](#) through [197-11-940](#), unless the lead agency has been previously determined or the city is aware that another agency is in the process of determining the lead agency.

B. When the city is not the lead agency for a proposal, the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The city shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC [197-11-600](#). In some cases, the city may conduct supplemental environmental review under WAC [197-11-600](#).

C. If the city receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC [197-11-922](#) through [197-11-940](#), it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 14 days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC [197-11-946](#) within the 14-day time period. Any such petition on behalf of the city may be initiated by the responsible official.

D. The city is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC [197-11-942](#) and [197-11-944](#); provided, that the responsible official and any city department that will incur responsibilities as the result of such agreement approve the agreement.

E. The city, in making a lead agency determination for a private project, shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses?). (Ord. 98-37 § 2, 1998; Ord. 92-06 § 1, 1992)

16.04.053 Transfer of lead agency status to a state agency.

For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC [197-11-936](#) shall be the lead agency and the city shall be an agency with jurisdiction. To transfer lead agency duties, the responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal. (Ord. 92-06 § 1, 1992)

16.04.055 Additional considerations in time limits applicable to the SEPA process.

Time estimates contained in this section (expressed in calendar days) shall apply when the city processes licenses for all private projects and those governmental proposals

submitted to the city by other agencies. The actual time may vary with the complexity of the project, availability of staff, cooperation of agencies with jurisdiction or expertise, etc. Time periods for making threshold determinations shall commence upon payment of fees.

A. Categorical Exemptions. The city will normally identify whether an action is categorically exempt within seven days of receiving a completed application.

B. Threshold Determinations. When the city is lead agency for a proposal, the following threshold determination timing requirements apply:

1. If a DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application (RCW [36.70B.110](#)). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.
2. If the city is lead agency and project proponent or is funding a project, the city may conduct its review under SEPA and may allow appeals of procedural determinations prior to submitting a project permit application.
3. If an open record predecision hearing is required, the threshold determination shall be issued at least 15 days before the open record predecision hearing (RCW [36.70B.110](#) (6)(b)).
4. The optional DNS process in WAC [197-11-355](#) may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required (refer to WAC [197-11-355](#)(4)). (Ord. 98-37 § 3, 1998; Ord. 92-06 § 1, 1992)

16.04.058 Additional timing considerations.

A. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

B. In addition to the environmental documents, an applicant shall submit the following information for early environmental review:

1. Site plan as required by the zoning code.
2. Other information as the responsible official may determine. (Ord. 92-06 § 1, 1992)

Part III. Categorical Exemptions and Threshold Determinations

16.04.065 Purpose of this part and adoption by reference.

This part contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for integrating SEPA environmental analysis with project review and for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference, as supplemented in this part:

WAC

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of non-significance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

(Ord. 98-37 § 4, 1998; Ord. 92-06 § 1, 1992)

16.04.070 Flexible thresholds for categorical exemptions.

A. Categorical exemptions are adopted by reference under Section [16.04.180](#). The city establishes the following exempt levels for minor new construction under WAC [197-11-800](#)(1)(b) based on local conditions:

1. For residential dwelling units in WAC [197-11-800](#) (1)(b)(i): four units.
2. For agricultural structures in WAC [197-11-800](#) (1)(b)(ii): 10,000 square feet.
3. For office, school, commercial, recreational, service or storage buildings in WAC [197-11-800](#) (1)(b)(iii): 4000 square feet and 20 parking spaces.
4. For parking lots in WAC [197-11-800](#) (1)(b)(iv): 20 parking spaces.
5. For landfills and excavations in WAC [197-11-800](#)(1)(b)(v): 100 cubic yards.

B. The city shall send the new exempt levels established under this section to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC [197-11-800](#) (1)(c). (Ord. 92-06 § 1, 1992)

16.04.080 Use of exemptions.

A. Upon receiving an application for a license or, in the case of governmental proposals, initiating the proposal, the city shall determine whether the license and/or the proposal is exempt. The city’s determination that a proposal is exempt shall be final and not

subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter shall apply to the proposal.

B. In determining whether or not a proposal is exempt, the city shall make certain the proposal is properly defined and shall identify the governmental licenses required. WAC [197-11-060](#). If a proposal includes exempt and nonexempt actions, the city shall determine the lead agency, even if the license application that triggers the city's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city shall not give authorization for:
 - a. Any nonexempt action;
 - b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of alternatives.
 2. The city may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
 3. The city may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.
- D. 1. Short subdivision of lands previously subdivided under an exemption from the SEPA rules shall not be exempt from environmental review.
2. Proposed short subdivision of land that is adjacent to previous short subdivisions or adjacent to land on which a subdivision is pending shall not be exempt if adjacent subdivisions share any improvements or access easements. In such cases, the proposed short plat will be considered physically or functionally related regardless of ownership. (Ord. 92-06 § 1, 1992)

16.04.090 Environmental checklist.

A. A completed environmental checklist (or a copy), in the form provided in WAC [197-11-960](#), shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; provided, that a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency.

B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the applicant shall complete the environmental checklist for that proposal.

C. The city may require that it or a consultant of the city's choosing, and not the private applicant, shall complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

1. The city has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

Prior to the hiring of such consultant, the applicant, the city and the consultant shall enter into a three-party agreement under which the applicant pays the consultant directly for services rendered. (Ord. 92-06 § 1, 1992)

16.04.100 Threshold determination (DNS, mitigated DNS, optional DNS and DS).

A. As provided in this section and in WAC [197-11-350](#), the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. Early Notice.

1. An applicant may request in writing early notice of whether a DS is likely under WAC [197-11-350](#). The request must:
 - a. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the city is lead agency; and
 - b. Precede the city's actual threshold determination for the proposal.
2. The responsible official should respond to the request for early notice within 15 working days. The response shall:
 - a. Be written;
 - b. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific areas of concern that are leading the city to consider a DS; and
 - c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

C. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

D. When an applicant submits a changed or clarified proposal along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC [197-11-340](#)(2).
2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot storm water retention pond at Y location" are adequate.
4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

E. A mitigated DNS is issued under WAC [197-11-340](#)(2), requiring a 14-day comment period and public notice or issued under the optional DNS process, WAC [197-11-355](#).

F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any issued license or permit.

G. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC [197-11-340](#) (3)(a) (withdrawal of DNS).

H. Optional DNS Process.

1. When the responsible official has a reasonable basis for determining significant adverse environmental impacts are unlikely for a proposal, the city may use a single integrated comment period to obtain comments on the notice of application

and the likely threshold determination for the proposal. If the process is used, an second comment period will typically not be required when the DNS is issued.

2. If the city uses the optional process, the responsible official shall comply with the requirements of WAC [179-11-355](#), combining the SEPA notice with the notice of application and providing on 14-day comment period for the application and SEPA determination.

I. The city's written response under subsection B of this section, Early Notice, shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (Ord. 98-37 § 5, 1998; Ord. 92-06 § 1, 1992)

Part IV. Environmental Impact Statement (EIS)

16.04.110 Purpose of this part and adoption by reference.

This part contains the rules for preparing environmental impact statements. The city adopts the following sections by reference, as supplemented by this part:

WAC

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on non-project proposals.
197-11-443	EIS contents when prior non-project EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

(Ord. 92-06 § 1, 1992)

16.04.120 Preparation of EIS – Additional considerations.

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the city under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter [197-11](#) WAC.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.) (Ord. 92-06 § 1, 1992)

16.04.125 Additional elements to be covered in an EIS.

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

A. Economy;

B. Social policy analysis;

C. Cost-benefit analysis;

D. Such other elements as may be required by the responsible official. (Ord. 92-06 § 1, 1992)

Part V. Commenting

16.04.128 Adoption by reference.

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this part:

WAC

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

(Ord. 92-06 § 1, 1992)

16.04.130 Public notice.

A. Whenever the city issues a DNS under WAC [197-11-340](#)(2) or [197-11-355](#), or a DS under WAC [197-11-360](#)(3) the city shall give public notice as follows:

1. When possible, public notice requirements under SEPA should be combined with notice requirements for an application. This notice shall state whether a DS or a DNS was issued and when all comments are due. (For example, if the timing for notice requirements for a subdivision or construction project coincide with the timing requirements under SEPA, then the city shall combine information on the application notice and have one time frame for all comments.) The city will use whichever notice requirements are greater except when issuing a DNS under the optional DNS process, in which case the requirements of WAC [197-11-355](#) shall be met.
2. The city shall give notice of a DNS or DS by using all of the following means:
 - a. Posting the property for site-specific proposals or mailing to property owners within 500 feet of the proposal if the project is site-specific, or both, as determined by the responsible official. For posting, the applicant shall supply and erect an eight-square-foot notice board on all site-specific projects on all adjacent rights-of-way or in accordance with requirements set forth by the office of planning and community development; and
 - b. Publishing notice in the city's legal newspaper; and
 - c. Notifying public or private groups which have expressed interest in writing for a certain proposal or in the type of proposal being considered; and
 - d. Sending notice to agencies as directed by the responsible official (either general lists or lists for specific proposals for subject areas); and
 - e. Any other reasonable method calculated to inform the public and other agencies or required by statute or ordinance, as determined by the responsible official.
3. Whenever the city issues a DS under WAC [197-11-360](#)(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC [197-11-408](#) and in the public notice.

B. Whenever the city issues a DEIS under WAC [197-11-455](#)(5) or a SEIS under WAC [197-11-620](#), notice of the availability of those documents shall be given by indicating the availability of the DEIS in any public notice required for a nonexempt license and all of the following methods:

1. Posting the property for site-specific proposals or mailing to property owners within 500 feet of the proposal, if the project is site-specific, or both, as determined by the responsible official. For posting, the applicant shall supply and erect an eight-

square-foot notice board on all site-specific projects in accordance with requirements set forth by the office of planning and community development; and

2. Publishing notice in the city's legal newspaper; and
3. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered; and
4. Sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas); and
5. Any other reasonable method calculated to inform the public and other agencies or required by statute or ordinance, as determined by the responsible official.

C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

D. Notice of public hearings shall be published no later than 15 days before the hearing. Notices shall be mailed to owners of property within 500 feet of the site and posted as described in this section.

E. The city shall require an applicant to complete the public notice requirements for the applicant's proposal at the applicant's expense, compensate the city for costs of carrying out the public notice requirements on behalf of the applicant, or provide services or materials to assist the city in carrying out the public notice requirements. (Ord. 2011-13 § 4, 2011; Ord. 98-37 § 6, 1998; Ord. 95-43 § 1, 1995; Ord. 92-06 § 1, 1992)

16.04.140 Designation of official to perform consulted agency responsibilities for the city.

A. The responsible official shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. The responsible official shall be responsible for the city's compliance with WAC [197-11-550](#) whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate city departments. (Ord. 92-06 § 1, 1992)

Part VI. Using Existing Environmental Documents

16.04.150 Purpose of this part and adoption by reference.

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections by reference:

WAC

- [197-11-600](#) When to use existing environmental documents.
- [197-11-610](#) Use of NEPA documents.
- [197-11-620](#) Supplemental environmental impact statement – Procedures.
- [197-11-625](#) Addenda – Procedures.
- [197-11-630](#) Adoption – Procedures.
- [197-11-635](#) Incorporation by reference – Procedures.
- [197-11-640](#) Combining documents.

(Ord. 92-06 § 1, 1992)

Part VII. SEPA and Agency Decisions

16.04.155 Purpose of this part and adoption by reference.

This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections by reference:

WAC

- [197-11-650](#) Purpose of this part.
- [197-11-655](#) Implementation.
- [197-11-660](#) Substantive authority and mitigation.
- [197-11-680](#) Appeals.

(Ord. 92-06 § 1, 1992)

16.04.160 Substantive authority.

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city of Bainbridge Island.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
2. Such conditions are in writing; and
3. The conditions or mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in subsection D of this section.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and
2. A finding is made that no reasonable mitigation measures are capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document.

D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall 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 state and its citizens may:
 - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - d. Preserve important historic, cultural, and natural aspects of our national heritage;
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

3. The city adopts by reference the policies, plans, rules, or regulations in the following statutes, regulations, provisions, and documents to the extent such policies, plans, rules, or regulations are not inconsistent with the policies listed in subsections D.1 and D.2 of this section and are not inconsistent with the city of Bainbridge Island comprehensive plan:
- a. Bainbridge Island Municipal Code, including all other chapters contained in BIMC Title [16](#), Environment, and BIMC Title [18](#), Zoning;
 - b. All subarea plans for Bainbridge Island or areas of Bainbridge Island as currently in effect, and as amended or adopted in the future;
 - c. Washington Shoreline Management Act, Chapter [90.58](#) RCW, and Chapter [173-26](#) WAC;
 - d. Bainbridge Island shoreline master program, effective July 30, 2014 (adopted by Ordinance No. 2014-04), and as amended thereafter;
 - e. Washington Water Pollution Control Act, Chapter [90.48](#) RCW, and implementing regulations thereof;
 - f. Bainbridge Island Metropolitan Park and Recreation District 2014 comprehensive plan for parks, recreation and open space, and as amended thereafter;
 - g. Kitsap County board of health regulations that relate to environmental protection;
 - h. Washington Growth Management Act, Chapter [36.70A](#) RCW, and implementing regulations thereof;
 - i. Washington Forest Practices Act, Chapter [76.09](#) RCW, and Forest Practices Rules, WAC Title [222](#);
 - j. Bainbridge Island comprehensive plan, as updated in 2017, including all city functional plans and special purpose district plans adopted by reference therein, and as amended thereafter;
 - k. Bainbridge Island Climate Impact Assessment (EcoAdapt, July 2016);
 - l. Bainbridge Island Groundwater Model: Aquifer System Carrying Capacity Assessment (Aspect Consulting, March 2016);
 - m. Review Findings and Recommendations and Critical Aquifer Recharge Area Assessment (Aspect Consulting, December 2015);
 - n. Hydrogeological Assessment of Groundwater Quantity, Quality, and Production (Aspect Consulting, December 2015);

- o. City of Bainbridge Island Level II Assessment (Kato & Warren, Inc., and Robinson & Noble, Inc., December 2000);
- p. Stream Benthos and Hydrologic Data Evaluation for the City of Bainbridge Island (King County, December 2015);
- q. Bainbridge Island Wildlife Corridor Network, 2000, and as amended thereafter;
- r. Bainbridge Island Open Space Study, 2008, and as amended thereafter. (Ord. 2017-08 § 1, 2017; Ord. 92-06 § 1, 1992)

16.04.170 Appeals.

A. Any person may appeal the issuance of:

- 1. A determination of nonsignificance;
- 2. A determination of significance;
- 3. A final environmental impact statement; and
- 4. Any decision of a non-elected official which conditions or denies a proposal or action on the basis of SEPA, except for permits or variances issued pursuant to Chapter [16.12](#). No other SEPA appeal shall be allowed.

B. Except for an appeal of a determination of significance (DS), there shall be no more than one administrative SEPA appeal proceeding.

C. An appeal must be filed in writing with the responsible official within 14 calendar days from the date of the determination, or 21 calendar days from the date of the determination, when the determination is subject to a SEPA public comment period as required under WAC [197-11-340](#). The appeal shall identify the decision, contain a summary of the grounds for the appeal and be accompanied by an appeal fee in an amount established by resolution of the city council. Following receipt of the appeal and the fee, the responsible official shall transmit a copy of the appeal to the hearing examiner.

D. The appeal shall be heard by the hearing examiner at a public hearing, notice of which shall be published once and mailed to the appellant and delivered to the responsible official at least 15 days before the public hearing.

E. At the public appeal hearing, the hearing examiner shall consider all relevant evidence and take testimony on oath. The public hearing shall be tape recorded. Upon completion of the public hearing, the hearing examiner shall enter findings of fact, conclusions of law and a decision, giving substantial weight to the decision of the responsible official.

F. The decision of the hearing examiner is final unless an appeal is filed with the superior court.

G. The city shall give official notice under WAC [197-11-680](#)(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. If there is no time period for appealing the underlying government action and a notice of action under RCW [43.21C.080](#) is used, appeal shall be commenced within the time period specified by RCW [43.21C.080](#). (Ord. 98-37 § 7, 1998; Ord. 95-43 § 2, 1995; Ord. 92-06 § 1, 1992)

16.04.173 Notice/statute of limitations.

A. The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW [43.21C.080](#) for any action.

B. The form of the notice shall be substantially in the form provided in WAC [197-11-990](#). The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW [43.21C.080](#). (Ord. 92-06 § 1, 1992)

Part VIII. Definitions

16.04.175 Purpose of this part and adoption by reference.

This part contains uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference, as supplemented by BIMC [16.04.040](#):

WAC

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-721	Closed record appeal.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of non-significance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.

<u>197-11-740</u>	Environment.
<u>197-11-742</u>	Environmental checklist.
<u>197-11-744</u>	Environmental document.
<u>197-11-746</u>	Environmental review.
<u>197-11-748</u>	Environmentally sensitive area.
<u>197-11-750</u>	Expanded scoping.
<u>197-11-752</u>	Impacts.
<u>197-11-754</u>	Incorporation by reference.
<u>197-11-756</u>	Lands covered by water.
<u>197-11-758</u>	Lead agency.
<u>197-11-760</u>	License.
<u>197-11-762</u>	Local agency.
<u>197-11-764</u>	Major action.
<u>197-11-766</u>	Mitigated DNS.
<u>197-11-768</u>	Mitigation.
<u>197-11-770</u>	Natural environment.
<u>197-11-772</u>	NEPA.
<u>197-11-774</u>	Non-project.
<u>197-11-775</u>	Open record hearing.
<u>197-11-776</u>	Phased review.
<u>197-11-778</u>	Preparation.
<u>197-11-780</u>	Private project.
<u>197-11-782</u>	Probable.
<u>197-11-784</u>	Proposal.
<u>197-11-786</u>	Reasonable alternative.
<u>197-11-788</u>	Responsible official.
<u>197-11-790</u>	SEPA.
<u>197-11-792</u>	Scope.
<u>197-11-793</u>	Scoping.
<u>197-11-794</u>	Significant.
<u>197-11-796</u>	State agency.
<u>197-11-797</u>	Threshold determination.
<u>197-11-799</u>	Underlying governmental action.

(Ord. 98-37 § 8, 1998; Ord. 92-06 § 1, 1992)

Part IX. Categorical Exemptions

16.04.180 Adoption by reference.

The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including BIMC [16.04.070](#) (Flexible thresholds), BIMC [16.04.080](#) (Use of exemptions), and BIMC [16.04.190](#) (Critical areas):

WAC

<u>197-11-800</u>	Categorical exemptions.
<u>197-11-880</u>	Emergencies.
<u>197-11-890</u>	Petitioning DOE to change exemptions.

(Ord. 98-20 § 13, 1998; Ord. 92-06 § 1, 1992)

Part X. Agency Compliance

16.04.185 Purpose of this part and adoption by reference.

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference, as supplemented by BIMC [16.04.050](#) through [16.04.053](#) and this part:

WAC

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

(Ord. 98-20 § 13, 1998; Ord. 92-06 § 1, 1992)

16.04.190 Critical areas.

A. The responsible official shall designate critical areas under the standards of WAC [197-11-908](#) and shall file maps designating such areas, together with the exemptions from the list in WAC [197-11-908](#) that are inapplicable in such areas, with the city clerk and the Department of Ecology, Headquarters Office, Olympia, Washington. The critical area designations shall have full force and effect of law as of the date of filing.

B. The city shall treat proposals located wholly or partially within a critical area as other nonexempt proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.

C. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. (Ord. 98-20 § 13, 1998; Ord. 92-06 § 1, 1992)

16.04.200 Fees.

The city shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee as established by resolution of the city council from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. When the city completes the environmental checklist at the applicant's request or under BIMC 16.04.090.C, an additional cost plus a percent as established by resolution of the city council shall be collected.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city will charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
2. The responsible official may determine that the city will contract directly with a consultant of the city's choice for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant.
3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subdivision 1 or 2 of this subsection which remain after incurred costs are paid.

C. The city will collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

D. The city shall not collect a fee for performing its duties as a consulted agency.

E. The city will charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter [42.17](#) RCW. (Ord. 92-06 § 1, 1992)

Part XI. Forms

16.04.205 Adoption by reference.

The city adopts the following forms and sections by reference:

WAC

[197-11-960](#) Environmental checklist.

[197-11-965](#) Adoption notice.

[197-11-970](#) Determination of non-significance (DNS).

[197-11-980](#) Determination of significance and scoping notice (DS).

[197-11-985](#) Notice of assumption of lead agency status.

[197-11-990](#) Notice of action.

(Ord. 92-06 § 1, 1992)

1

Prior legislation: Ords. 84-23 and 88-16.

The Bainbridge Island Municipal Code is current through Ordinance 2023-31, passed December 12, 2023.

Disclaimer: The City Clerk's Office has the official version of the Bainbridge Island Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.bainbridgewa.gov/>

City Telephone: (206) 842-2545

[Code Publishing Company](#)

WAC 197-11-400

Purpose of EIS.

(1) The primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.

(2) An EIS shall provide impartial discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

(3) Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision making process.

(4) The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It shall be used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

[Statutory Authority: RCW **43.21C.110**. WSR 84-05-020 (Order DE 83-39), § 197-11-400, filed 2/10/84, effective 4/4/84.]

WAC 197-11-440

EIS contents.

(1) An EIS shall contain the following, in the style and format prescribed in the preceding sections.

(2) **Fact sheet.** The fact sheet shall include the following information in this order:

(a) A title and brief description (a few sentences) of the nature and location (by street address, if applicable) of the proposal, including principal alternatives.

(b) The name of the person or entity making the proposal(s) and the proposed or tentative date for implementation.

(c) The name and address of the lead agency, the responsible official, and the person to contact for questions, comments, and information.

(d) A list of all licenses which the proposal is known to require. The licenses shall be listed by name and agency; the list shall be as complete and specific as possible.

(e) Authors and principal contributors to the EIS and the nature or subject area of their contributions.

(f) The date of issue of the EIS.

(g) The date comments are due (for DEISs).

(h) The time and place of public hearings or meetings, if any and if known.

(i) The date final action is planned or scheduled by the lead agency, if known. Agencies may indicate that the date is subject to change. The nature or type of final agency action should be stated unless covered in subsection (a) above.

(j) The type and timing of any subsequent environmental review to which the lead agency or other agencies have made commitments, if any.

(k) The location of a prior EIS on the proposal, EIS technical reports, background data, adopted documents, and materials incorporated by reference for this EIS, if any.

(l) The cost to the public for a copy of the EIS.

(3) **Table of contents.**

(a) The table of contents should list, if possible, any documents which are appended, adopted, or serve as technical reports for this EIS (but need not list each comment letter).

(b) The table of contents may include the list of elements of the environment (WAC **197-11-444**), indicating those elements or portions of elements which do not involve significant impacts.

(4) **Summary.** The EIS shall summarize the contents of the statement and shall not merely be an expanded table of contents. The summary shall briefly state the proposal's objectives, specifying the purpose and need to which the proposal is responding, the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environmental choices to be made among alternative courses of action and the effectiveness of mitigation measures. The summary need not mention every subject discussed in the EIS, but shall include a summary of the proposal, impacts, alternatives, mitigation measures, and significant adverse impacts that cannot be mitigated. The summary shall state when the EIS is part of a phased review, if known, or the lead agency is relying on prior or future environmental review (which should be generally identified). The lead agency shall make the summary sufficiently broad to be useful to the other agencies with jurisdiction.

(5) **Alternatives including the proposed action.**

(a) This section of the EIS describes and presents the proposal (or preferred alternative, if one or more exists) and alternative courses of action.

(b) Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

(i) The word "reasonable" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative.

(ii) The "no-action" alternative shall be evaluated and compared to other alternatives.

(iii) Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts either directly, or indirectly through requirement of mitigation measures.

(c) This section of the EIS shall:

(i) Describe the objective(s), proponent(s), and principal features of reasonable alternatives. Include the proposed action, including mitigation measures that are part of the proposal.

(ii) Describe the location of the alternatives including the proposed action, so that a lay person can understand it. Include a map, street address, if any, and legal description (unless long or in metes and bounds).

(iii) Identify any phases of the proposal, their timing, and previous or future environmental analysis on this or related proposals, if known.

(iv) Tailor the level of detail of descriptions to the significance of environmental impacts. The lead agency should retain any detailed engineering drawings and technical data, that have been submitted, in agency files and make them available on request.

(v) Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action. The amount of space devoted to each alternative may vary. One alternative (including the proposed

action) may be used as a benchmark for comparing alternatives. The EIS may indicate the main reasons for eliminating alternatives from detailed study.

(vi) Present a comparison of the environmental impacts of the reasonable alternatives, and include the no action alternative. Although graphics may be helpful, a matrix or chart is not required. A range of alternatives or a few representative alternatives, rather than every possible reasonable variation, may be discussed.

(vii) Discuss the benefits and disadvantages of reserving for some future time the implementation of the proposal, as compared with possible approval at this time. The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.

(d) When a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. This subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan that was adopted after review under SEPA. Further, alternative sites may be evaluated if other locations for the type of proposed use have not been included or considered in existing planning or zoning documents.

(6) Affected environment, significant impacts, and mitigation measures.

(a) This section of the EIS shall describe the existing environment that will be affected by the proposal, analyze significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts. Elements of the environment that are not significantly affected need not be discussed. Separate sections are not required for each subject (see WAC **197-11-430(3)**).

(b) General requirements for this section of the EIS.

(i) This section shall be written in a nontechnical manner which is easily understandable to lay persons whenever possible, with the discussion commensurate with the importance of the impacts. Only significant impacts must be discussed; other impacts may be discussed.

(ii) Although the lead agency should discuss the affected environment, environmental impacts, and other mitigation measures together for each element of the environment where there is a significant impact, the responsible official shall have the flexibility to organize this section in any manner useful to decision makers and the public (see WAC **197-11-430(3)**).

(iii) This subsection is not intended to duplicate the analysis in subsection (5) and shall avoid doing so to the fullest extent possible.

(c) This section of the EIS shall:

(i) Succinctly describe the principal features of the environment that would be affected, or created, by the alternatives including the proposal under consideration. Inventories of species should be avoided, although rare, threatened, or endangered species should be indicated.

(ii) Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment, such as storage, handling, or disposal of toxic or hazardous material.

(iii) Clearly indicate those mitigation measures (not described in the previous section as part of the proposal or alternatives), if any, that could be implemented or might be required, as well as those, if any, that agencies or applicants are committed to implement.

(iv) Indicate what the intended environmental benefits of mitigation measures are for significant impacts, and may discuss their technical feasibility and economic practicability, if there is concern about whether a mitigation measure is capable of being accomplished. The EIS need not analyze mitigation measures in detail unless they involve substantial changes to the proposal causing significant adverse impacts, or new information regarding significant impacts, and those measures will not be subsequently analyzed under SEPA (see WAC 197-11-660(2)). An EIS may briefly mention nonsignificant impacts or mitigation measures to satisfy other environmental review laws or requirements covered in the same document (WAC 197-11-402(8) and 197-11-640).

(v) Summarize significant adverse impacts that cannot or will not be mitigated.

(d) This section shall incorporate, when appropriate:

(i) A summary of existing plans (for example: Land use and shoreline plans) and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(ii) Energy requirements and conservation potential of various alternatives and mitigation measures, including more efficient use of energy, such as insulating, as well as the use of alternate and renewable energy resources.

(iii) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(iv) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(e) Significant impacts on both the natural environment and the built environment must be analyzed, if relevant (WAC 197-11-444). This involves impacts upon and the quality of the physical surroundings, whether they are in wild, rural, or urban areas. Discussion of significant impacts shall include the cost of and effects on public services, such as utilities, roads, fire, and police protection, that may result from a proposal. EISs shall also discuss significant environmental impacts upon land and shoreline use, which includes housing, physical blight, and significant impacts of projected population on environmental resources, as specified by RCW 43.21C.110 (1)(d) and (f), as listed in WAC 197-11-444.

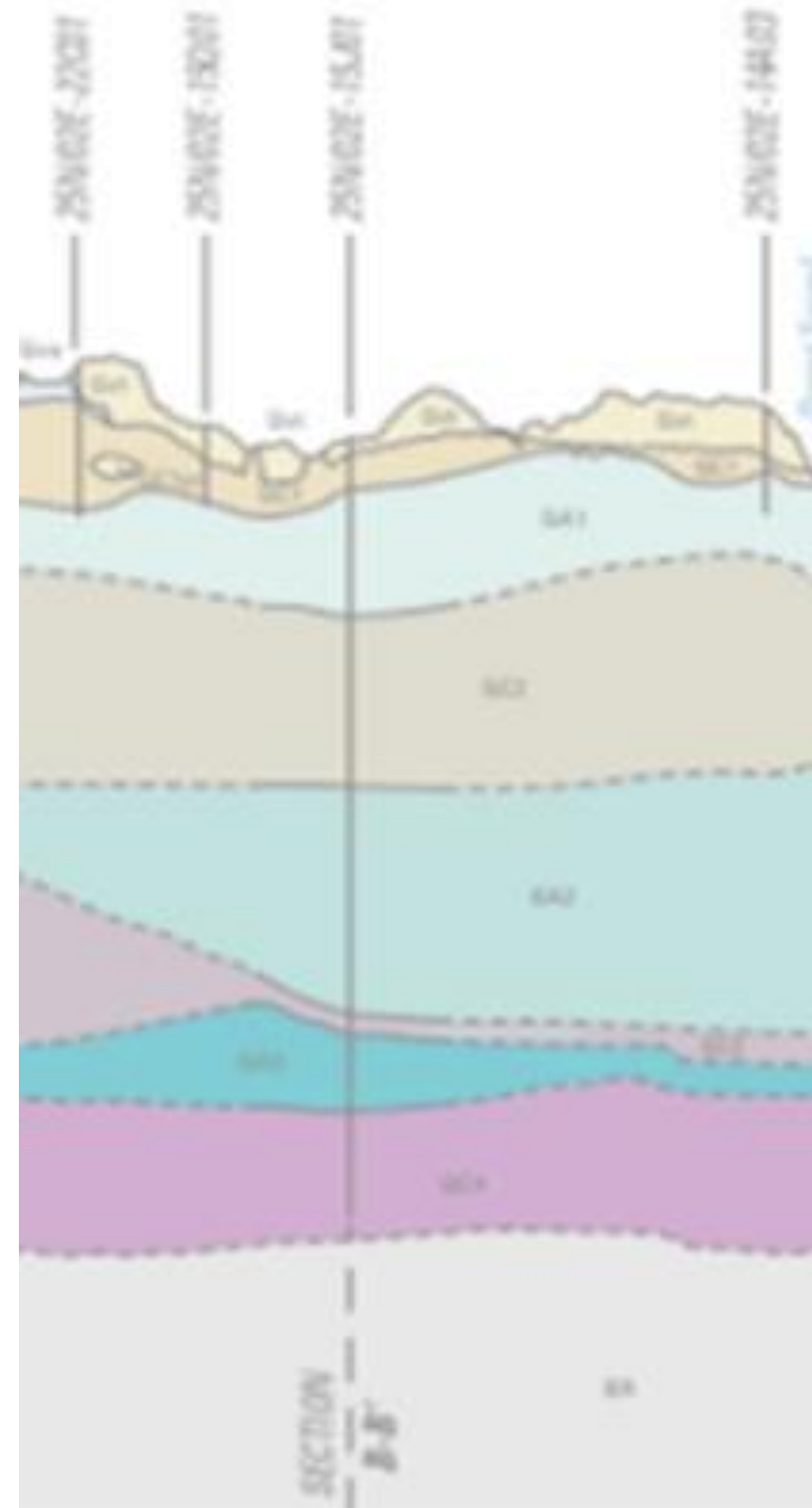
(7) **Appendices.** Comment letters and responses shall be circulated with the FEIS as specified by WAC 197-11-560. Technical reports and supporting documents need not be circulated with an EIS (WAC 197-11-425(4) and 197-11-440 (2)(k)), but shall be readily available to agencies and the public during the comment period.

(8) **(Optional)** The lead agency may include, in an EIS or appendix, the analysis of any impact relevant to the agency's decision, whether or not environmental. The inclusion of such analysis may be based upon comments received during the scoping process. The provision for combining documents may be used (WAC 197-11-640). The EIS shall comply with the format requirements of this part. The decision whether to include such

information and the adequacy of any such additional analysis shall not be used in determining whether an EIS meets the requirements of SEPA.

[Statutory Authority: RCW **43.21C.110**. WSR 84-05-020 (Order DE 83-39), § 197-11-440, filed 2/10/84, effective 4/4/84.]

Groundwater Management Plan Update – April 23, 2024



Agenda

1. Since 3/12 Council update:
 - Held Technical Advisory Committee meeting 3/21
 - Held Sub-Committee meeting 4/8
2. Review / authorize final draft modeling scenarios
3. Next steps

Technical Advisory Committee (TAC) Meeting 3/21/24

Members include:

- Kitsap Public Health
- State Department of Ecology
- US Geological Survey
- Suquamish Tribe
- Kitsap Public Utility District

Agenda/discussion included:

- Overview of modeling scenario approach
- Primary discussion focus on re-charge scenario

Groundwater Sub-Committee Meeting 4/8/24

Agenda/discussion included:

- Overview of final draft modeling scenarios
- General agreement on modeling scenarios in this presentation
- Committee follow-up on details:
 - Population relationship to groundwater pumping
 - Clarification on basis for recharge

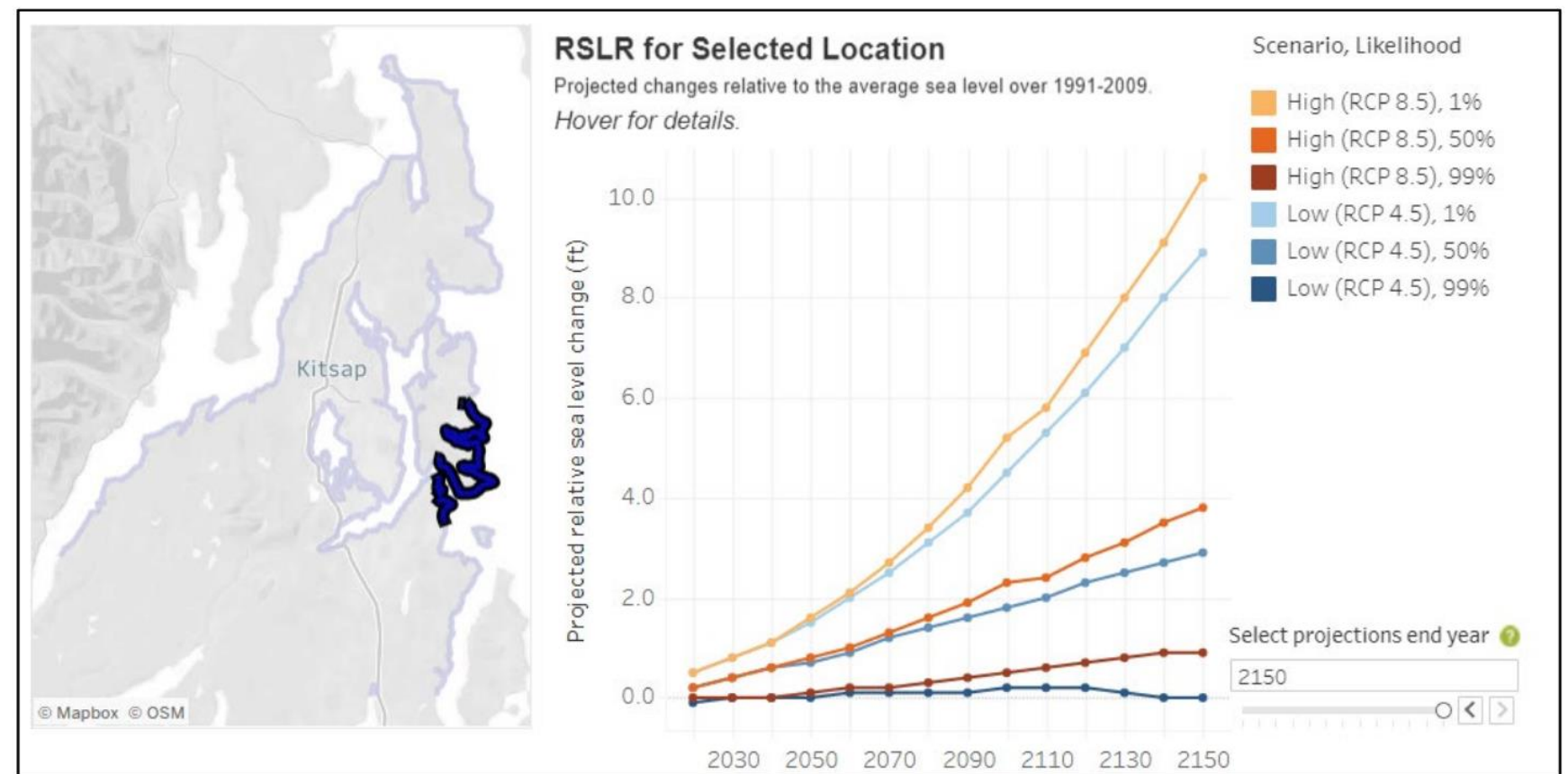
100-year Groundwater Modeling Scenario Planning - Recap

- Comparison scenario** – Compare 2024 calibrated model with 2022 model
- Baseline scenario** – Current conditions projected into the future
- Sea-Level Rise Stress Sensitivity Scenarios** – Baseline + low/high sea-level rise
- Recharge Stress Sensitivity Scenarios** – Baseline + low/high recharge
- Pumping Stress Sensitivity Scenarios** – Baseline + low/high population growth
- Prediction Scenarios** – Combination of Baseline + stresses (basis for planning)

100-year Groundwater Modeling Scenario Planning

Sea-Level Rise Stress Sensitivity Scenarios

- Baseline + low sea level rise (2.8 ft in 100 yrs)
- Baseline + high sea level rise (6.9 ft in 100 yrs)



Projected Sea Level Rise near Bainbridge Island associated with various Emission Scenarios

100-year Groundwater Modeling Scenario Planning

Recharge Stress Sensitivity Scenarios

Approach

- Baseline +15% recharge (low stress)
- Baseline -15% recharge (high stress)

Notes

- Some debate at TAC meeting regarding approach and values
- Consultant team / prevailing science indicates more precipitation and recharge in future
- +/- 15% substantiated by merging of UW climate model and USGS findings

100-year Groundwater Modeling Scenario Planning

Pumping Stress Sensitivity Scenarios – Based on Population Growth

Low growth based on lowest 30-year rate:

- 100-year population = 46,380 (84%)

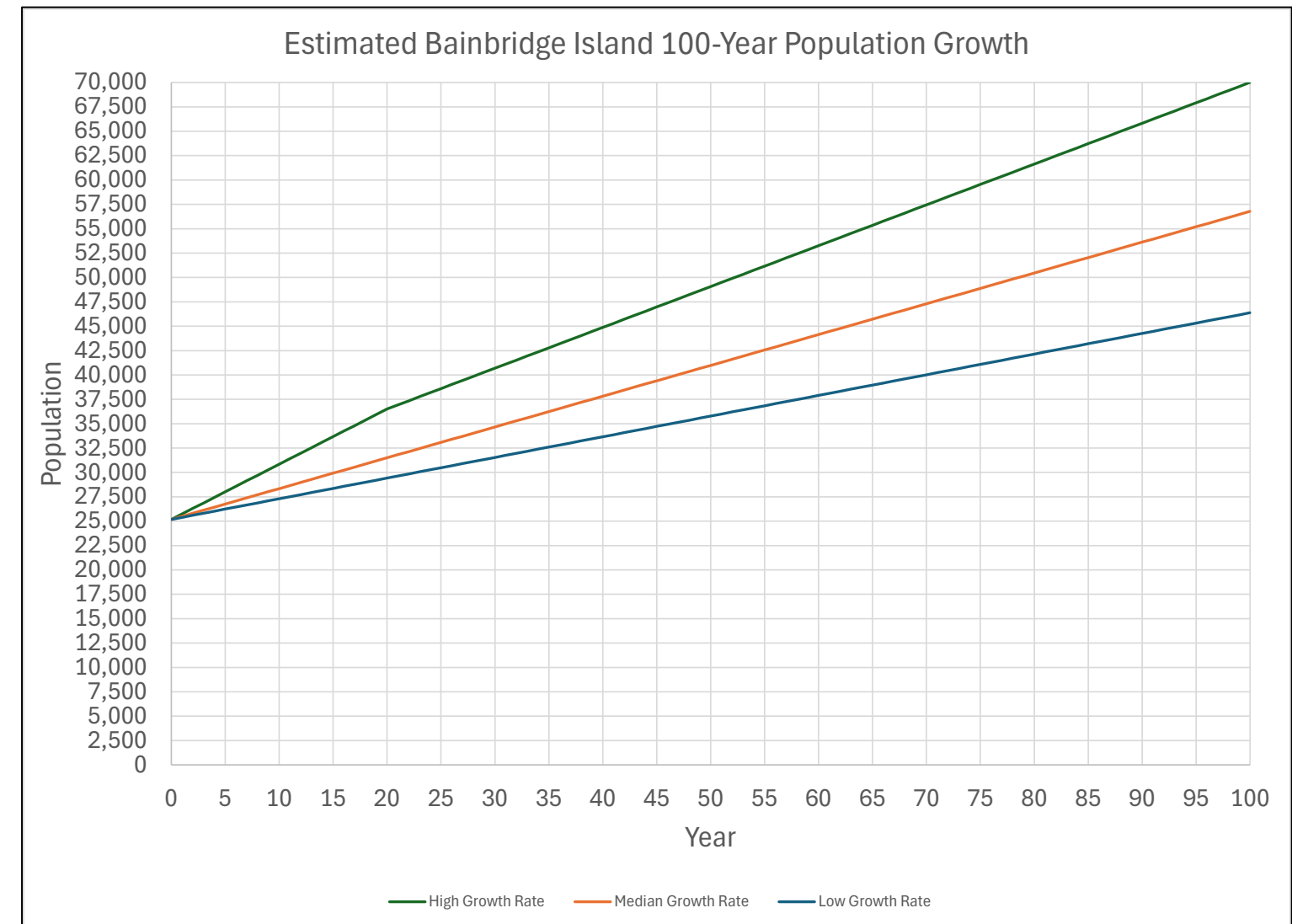
Med. growth based on highest 30-year rate:

- 100-year population = 56,780 (125%)

High growth based on 20-year Sub-Area plan projection + med. growth rate:

- 100-year population = 70,010 (178%)

Confirm population vs. pumping relationship with sub-committee



100-year Groundwater Modeling Scenario Planning

Prediction Scenarios – Combination of Baseline + stresses (basis for planning)

- Combination of lowest stress outcomes
- Combination of highest stress outcomes
- Combination of stresses with highest sensitivity analysis

Schedule / Next Steps

- April 23rd - City Council authorization of modeling scenarios
- Late April– Final modeling check-in with sub-committee
- May – Perform modeling
Online public engagement
- June – Report-out to sub-committee and Council on modeling results
- July-Aug – Develop management recommendations

Groundwater Management Plan Update

Q&A

