

June 1, 2015

CITY COUNCIL STUDY SESSION ITEM

SUBJECT:

City Council scoping letter comments on Energize Eastside Phase I EIS.

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POLICY ISSUES:

State Law/Growth Management Act:

The City has the authority to regulate land use and, under the Growth Management Act (GMA), the requirement to consider the location of existing and proposed utilities and potential utility corridors in land use planning. The City must also plan for the provision of essential public facilities such as utilities consistent with the goals and objectives of its Comprehensive Plan, taking into consideration the public service obligation of the utility involved.

Comprehensive Plan:

The Utilities Element Comprehensive Plan policies for non-managed utilities at UT-72 through UT-75 describe a framework for implementing the electric service system; requiring siting analysis; identifying tools to avoid, minimize and mitigate the impacts of new and expanded electric utility facilities; and providing highly reliable electric service for Bellevue customers.

This framework supports official City Council comment on the proposed Energize Eastside project through the EIS scoping process. Energize Eastside is an electrical utility facilities project to build approximately 18 miles of new 230kV transmission lines from Renton to Redmond through Bellevue.

DIRECTION NEEDED FROM COUNCIL:

- Action
- Discussion
- Information

Council is being asked to review, comment on and approve the Council scoping letter for submission during the EIS Phase 1 scoping period (April 30 to June 15, 2015.) Council may direct the scoping letter submission by motion.

Council's request for a written response to questions raised at the May 4, 2015, Study Session presentation of the Independent Technical Analysis is attached for reference; we do not plan to

make a presentation surrounding those answers, but provide them with this memo to ensure that all stakeholders have a chance to see the responsive information. The draft scoping letter included as Attachment 1 is the topic of tonight's Study Session.

BACKGROUND ANALYSIS:

Regulatory Background of Scoping

Scoping is a process defined by the State Environmental Policy Act (SEPA) to determine the content, or "scope," of an EIS. Scoping follows the SEPA lead agency's "determination of significance," the official decision that a proposed project may have significant environmental impacts and requires an EIS to assess these impacts. Issuance of the determination of significance (known as a DS) begins the formal scoping process. The City's Development Services Department (DSD) is the SEPA lead agency for this proposal through a sponsored and coordinated inter-jurisdictional approach and agreement to the EIS review process with Renton, Redmond, Newcastle, and Kirkland.

Scoping identifies the elements of the environment which may be impacted by a project, possible alternatives, and mitigation measures. The process allows input on these issues from the public, other agencies, and Indian tribes. Information gathered during scoping is used to determine what studies will be conducted during preparation of the EIS and what alternatives the studies will evaluate.

The state regulations governing the scoping process are contained in Section 197-11 of the Washington Administrative Code (WAC). This section, known as the "SEPA Rules," implements the State Environmental Policy Act, Chapter 43.21C of the Revised Code of Washington. Because the Energize Eastside project integrates planning under the Washington State Growth Management Act with SEPA environmental review, it follows the requirements of WAC 197-11-210, which the City of Bellevue has adopted by reference as part of its Environmental Procedures Code (Chapter 22.02 of the Bellevue Municipal Code).

For the proposed Energize Eastside project the City chose to use the "expanded scoping" process. Expanded scoping is defined in WAC 197-11-410, which states that its use is intended to promote interagency cooperation, public participation, and innovative ways to streamline the SEPA process. There are no specified procedural requirements for the methods, techniques, or documents that may be used in an expanded scoping process in order to allow the SEPA lead agency to provide maximum flexibility to meet these purposes. However, the regulations offer some examples of ways that lead agencies can use expanded scoping to encourage and assist public participation. The City actively undertook several of these methods, including:

- Lengthening the time period allowed for submission of scoping comments;
- Using meetings and/or workshops to provide information and invite feedback on the project and the EIS scope;
- Distributing questionnaires and information packets about the project; and
- Consulting with other agencies while the EIS is being prepared, rather than waiting for them to submit their comments on a completed document.

City Roles and Responsibilities

Bellevue has been designated as the lead agency for purposes of environmental review, amongst the cities through which the Energize Eastside 220 kV proposed transmission line will run. The City's Environmental Coordinator has been designated pursuant to City Code (BCC 22.02.025) as the responsible SEPA official, and therefore holds decision-making authority over the environmental review. Due to the broad-ranging nature of this project and its potential for substantial environmental impacts, the Environmental Coordinator has previously determined that an Environmental Impact Statement must be prepared.

The City of Bellevue, on behalf of its citizens, also has an interest in the scope and thoroughness of the environmental review, and therefore it is appropriate that City representatives provide comments to the Environmental Coordinator on those topics. To that end, City staff (other than those involved in the environmental review as the regulatory authority) have prepared a draft scoping letter for Council's consideration to be submitted to the Environmental Coordinator. See Attachment 1.

This draft identifies various issues raised so far by Councilmembers during Study Session review and briefings. These issues include:

- Alternative infrastructure, alternatives to a wired solution and alternative alignments for the proposal;
- Elements of the environment and environmental health; and
- Neighborhood impacts of visual, vegetation, safety and reliability.

In addition, the *Ask the Stakeholder* component of the Independent Technical Analysis (ITA) identified issues by stakeholders which were outside of the ITA scope of services. These issues are being separately submitted to the Phase 1 scoping process by City staff. A copy of this material is in the Council Document Library (it was also included as Appendix D to the ITA).

Environmental Impact Statement (EIS)

EIS Process

The EIS process will unfold over two phases, with specific points of planned public engagement. The EIS is not intended to challenge the need for the project, and the EIS is not a permit. The EIS process is an analysis of the proposal resulting in documentation and disclosure of potential impacts and potential mitigation measures.

EIS Phase I

The first phase of the EIS will consider various viable solutions that could be implemented to meet the stated need. Background information to help frame scoping comments will be in the form of a 'scoping document library'.

Following scoping, and in consideration of background information and public comment on solutions for the stated need that should be considered in an EIS, the EIS consultant in collaboration with City staff will research and analyze a reasonable range of viable solution alternatives culminating in the issuance of a Draft Environmental Impact Statement (DEIS). A

preferred solution will be identified as part of the Phase I DEIS and carried forward for consideration as part of the Phase II analysis.

EIS Phase II

The second phase of the EIS begins with a second and new scoping period after issuance of the Phase I DEIS. Council may submit a comment letter for this second phase as well. In light of that opportunity, the draft scoping letter presented for discussion tonight is tailored to the issues related to the Phase I review. Phase II of the EIS process is a project-level review analyzing environmental impacts associated with solution alternatives carried forward from Phase I and identifying project-specific design alternatives and associated mitigation. Scoping comments will again be solicited during this phase with a focus on the potential impacts of the solutions under consideration.

Similar to Phase I following scoping, the EIS consultant, in collaboration with City staff, will research and analyze a reasonable range of viable construction alternatives culminating in the issuance of a Supplemental Draft Environmental Impact Statement (SDEIS). Comment on the SDEIS will be taken and Final Environmental Impact Statement (FEIS) issued that includes both the Phase I and Phase II work. The FEIS will inform decisions on any permits requested by PSE for a project, as well as drafting any conditions that would be attached to those future permits and ultimately regulate development of the proposed electrical facility through construction and long-term operations.

The scoping period for Phase II of the EIS process is anticipated to begin in winter 2016 with SDEIS issuance anticipated in summer 2016 and FEIS issuance anticipated in fall 2016.

ATTACHMENTS

1. Draft City Council Scoping Letter
2. What we've heard so far from the EIS Scoping meetings
3. Memo on Independent Technical Analysis May 4th written questions and answers

AVAILABLE IN THE COUNCIL DOCUMENT LIBRARY

1. Appendix D – Independent Technical Analysis – Ask the Consultant comments
2. 2013 PSE Integrated Resource Plan – Appendix H – Demand Forecasts