

2.8.2. DNS Comment Period

With the exception of projects for which the optional DNS process is used⁴², if any of the following criteria applies to the proposal, a 14-day comment period is required for the DNS prior to agency action.

- There is another agency with jurisdiction (license, permit, or other approval to issue).
- The proposal includes demolition of a structure not exempt under WAC 197-11-800(2)(f) or 197-11-880.
- The proposal requires a non-exempt clearing and grading permit.
- The proposal is changed or mitigation measures have been added under WAC 197-11-350 that reduce significant impacts to a nonsignificant level (mitigated DNS).
- The DNS follows the withdrawal of a determination of significance (DS) for the proposal. (This applies even if the DNS and the withdrawal are issued together.)
- The proposal is a GMA action.

If a comment period is not required, the lead agency is not required by SEPA to provide public notice or circulate the DNS⁴³. The lead agency may simply add the DNS to the project file, so that it will be available for review if requested. Agencies may also choose to send the DNS and checklist for the proposal to the Department of Ecology's SEPA Unit for inclusion in the SEPA Register. (See **Additional Resources** in Appendix C for additional information on the SEPA Register.)

2.8.3. Public Notice and Circulation of a DNS

If a comment period is required for a DNS, public notice and circulation requirements must be met. This ensures agencies with jurisdiction, affected tribes, and concerned citizens know about the proposal and have an opportunity to participate in the environmental analysis and review.

⁴² See discussion on page 94.

⁴³ Agencies using the Optional DNS Process are required to send the DNS to the Dept. of Ecology, agencies with jurisdiction, and any persons who had requested it, though a comment period is not required.