

WAC 197-11-560 FEIS response to comments. (1) The lead agency shall prepare a final environmental impact statement whenever a DEIS has been prepared, unless the proposal is withdrawn or indefinitely postponed. The lead agency shall consider comments on the proposal and shall respond by one or more of the means listed below, including its response in the final statement. Possible responses are to:

- (a) Modify alternatives including the proposed action.
- (b) Develop and evaluate alternatives not previously given detailed consideration by the agency.
- (c) Supplement, improve, or modify the analysis.
- (d) Make factual corrections.
- (e) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons that support the agency's response and, if appropriate, indicate those circumstances that would trigger agency reappraisal or further response.

(2) All substantive comments received on the draft statement shall be appended to the final statement or summarized, where comments are repetitive or voluminous, and the summary appended. If a summary of the comments is used, the names of the commenters shall be included (except for petitions).

(3) In carrying out subsection (1), the lead agency may respond to each comment individually, respond to a group of comments, cross-reference comments and corresponding changes in the EIS, or use other reasonable means to indicate an appropriate response to comments.

(4) If the lead agency does not receive any comments critical of the scope or content of the DEIS, the lead agency may so state in an updated fact sheet (WAC 197-11-440(2)), which shall be circulated under WAC 197-11-460. The FEIS shall consist of the DEIS and updated fact sheet.

(5) If changes in response to comments are minor and are largely confined to the responses described in subsections (1)(d) and (e) of this section, agencies may prepare and attach an addendum, which shall consist of the comments, the responses, the changes, and an updated fact sheet. The FEIS, consisting of the DEIS and the addendum, shall be issued under WAC 197-11-460, except that only the addendum need be sent to anyone who received the DEIS.

(6) An FEIS shall be issued and circulated under WAC 197-11-460.

[Statutory Authority: RCW 43.21C.110. WSR 84-05-020 (Order DE 83-39), § 197-11-560, filed 2/10/84, effective 4/4/84.]