



Washington State Environmental Policy Act (SEPA) Handbook

Shorelands and Environmental Assistance Program

Washington State Department of Ecology

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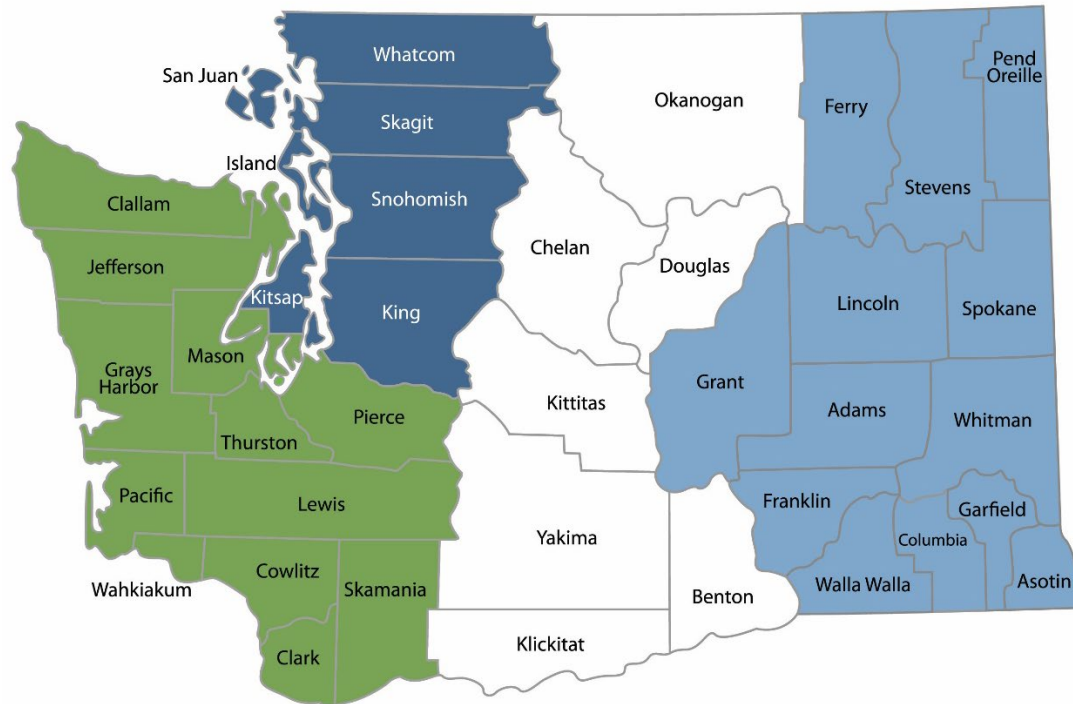
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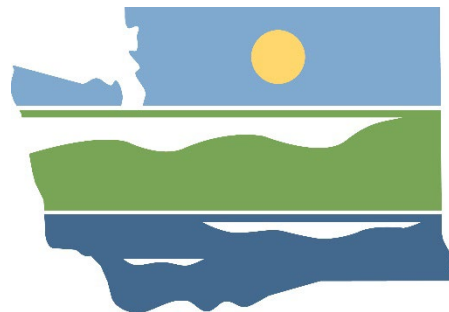
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2025 Update

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State of Washington

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Chapter 1. SEPA Background

History

First enacted in 1971, the State Environmental Policy Act (SEPA), found in the [Revised Code of Washington \(RCW\) Chapter 43.21C](#), provided Washington State's basic environmental charter. Before SEPA, the public voiced concern that government decisions did not consider environmental impacts. State and local agencies had no regulatory framework enabling them to address environmental issues. SEPA, modeled after the National Environmental Policy Act of 1969, was created to fill this need. It gives agencies the tools to both consider and mitigate for environmental impacts of proposals. SEPA also includes provisions for engagement with the public, tribes, and interested agencies before any agency actions are taken or permits issued.

Purpose and Intent

SEPA may be the most powerful legal tool for protecting the environment of the state. The policies and goals in SEPA supplement those in existing authorizations of all branches of government of this state, including state agencies, counties, cities, districts, and public corporations. Government actions may be conditioned or denied pursuant to SEPA.

SEPA is intended to ensure environmental values are considered during decision-making by state and local agencies. When SEPA was enacted, the legislature identified four primary purposes ([RCW 43.21C.010](#)):

- To declare a state policy which will encourage productive and enjoyable harmony between humankind and the environment.
- To promote efforts which will prevent or eliminate damage to the environment and biosphere.
- To stimulate the health and welfare of human beings.
- To enrich the understanding of the ecological systems and natural resources important to the state and nation.

To implement these purposes, the SEPA Rules ([WAC 197-11-030](#)) direct agencies to:

- Consider environmental information (impacts, alternatives, and mitigation) before committing to a particular course of action.
- Identify and evaluate probable impacts, alternatives, and mitigation measures, emphasizing important environmental impacts and alternatives (including cumulative, short-term, long-term, direct, and indirect impacts).
- Encourage public involvement in decisions.
- Prepare environmental documents that are concise, clear, and to the point.
- Integrate SEPA with existing agency planning and licensing procedures, so that the procedures run concurrently rather than consecutively.

- Integrate SEPA with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and seek to resolve potential problems.

The environmental review process in SEPA (Figure 1) is designed to work with other regulations to provide a comprehensive review of a proposal. While other regulations focus on particular aspects of a proposal, SEPA requires the identification and evaluation of probable impacts for all elements of the environment. Combining the review processes of SEPA and other laws reduces duplication and delay by combining study needs, combining comment periods and public notices, and allowing agencies, applicants, and the public to consider all aspects of a proposal at the same time. Step by Step Guide #1 provides an overview of the SEPA review process with references to the state SEPA rules (the WAC).

SEPA also gives agencies the authority to condition or deny a proposal based on the agency's adopted SEPA policies and environmental impacts identified in a SEPA document. This is called SEPA substantive authority ([RCW 43.21C.060](#), [WAC 197-11-660](#)). More information on this can be found in Chapter 7, Using SEPA in Decision Making.

SEPA Rules

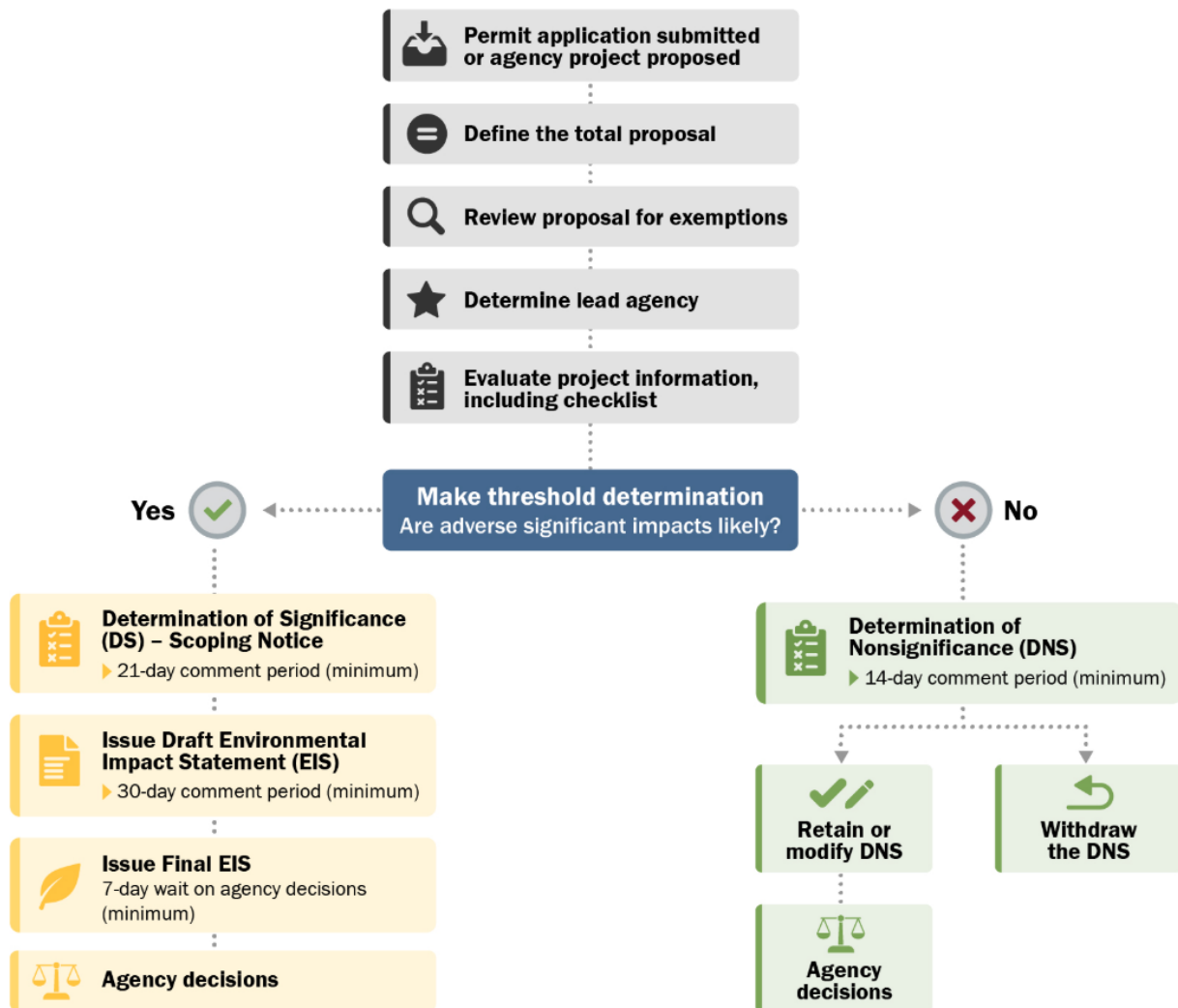
The SEPA Rules, found in [Washington Administrative Code \(WAC\) Chapter 197-11](#) provide the specific procedural steps and basis for implementing SEPA. These rules establish uniform requirements for all agencies when taking an action (WAC 197-11-704).

The foundation of SEPA is transparency in agency decision making. Lead agencies and applicants seek review on proposed actions from other agencies and interested parties early in the development stage to receive input on environmental and regulatory consideration outside their expertise. The early feedback helps agencies and applicants develop proposals with less environmental consequences and can also lead to more consistency with regulatory requirements.

Agency Adoption of SEPA Policies and Procedures

SEPA Procedures provide lead agencies requirements as well as optional procedures to adopt into agency code establishing how to conduct a SEPA environmental review. There are several sections within the Statute and Rule where a lead agency has the discretion to use their own policies and procedures or rely on the default provisions provided.

Figure 1. State Environmental Policy Act process



Each lead agency is required to adopt SEPA Policies and Procedures consistent with [RCW 43.21C.120](#). The law requires that, at a minimum, each lead agency shall include the following information in their procedures:

- SEPA policies.
- Procedures to integrate SEPA into existing decision-making procedures .
- Requirements for consistency with [WAC 197-11-900](#) thru [918](#).
- Identifies a process, timing and content for agency procedures.

If an agency has not adopted SEPA Procedures, then the SEPA rules identify minimum or “default” procedures that apply.

Agency Actions

SEPA environmental review is required for any state or local agency decision that meets the definition of an “action” and is not categorically exempt ([WAC 197-11-704](#)). Actions are divided into two categories, “project actions” and “nonproject actions.”

Project actions are agency decisions to license, fund, or undertake a specific project. For example, projects include construction or alteration of:

- Public buildings such as city or county offices, jail facilities, public libraries, and school buildings.
- Public facilities such as water and sewer lines, electrical lines, and roads.
- Private projects such as subdivisions, shopping centers, other commercial buildings, and industrial facilities.

Nonproject actions are agency decisions on policies, plans, and programs. For example, nonproject proposals could include adoption or amendment of:

- Rules, ordinances, or regulations that will regulate future projects, such as water quality rules, critical area ordinances, and other state and local regulations.
- Comprehensive plans and zoning codes.
- Capital budgets.
- Road and highway plans.

When deciding if a project requires SEPA review, remember that an “agency action” includes not only a license, but also an agency decision to fund or undertake a proposal. Refer to [WAC 197-11-704](#) for a complete definition of an agency action and [WAC 197-11-760](#) for the definition of license.

Although not included in the SEPA Rules, for larger and more complicated projects, agencies should consider offering a pre-application opportunity for the applicant to discuss a proposal with agency staff prior to submitting a permit application or environmental checklist. The applicant and agency can discuss existing regulations that would affect the proposal, the steps and possible timeline for project review, and other information that may help the applicant submit a complete application.

SEPA Case Law and Legislative Updates

Ecology provides regular updates on recent SEPA case law and information on recent changes to the [SEPA law and rules](https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-laws-rules)¹ on the Ecology website.

¹ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-laws-rules>

Step by Step Guide 1: Overview of the SEPA Process

✓ Step 1: Determine if SEPA is required

- Identify all agency “actions” ([WAC 197-11-704](#))
- Define the entire proposal ([WAC 197-11-060](#))
- Check for SEPA exemptions in the state rules ([WAC 197-11-305](#), [WAC 197-11-800](#) through 880)
- Check for SEPA exemptions in state law (RCW [43.21C](#))
- Determine if an existing document can be used to meet the SEPA requirements ([WAC 197-11-600](#))

✓ Step 2: Determine the lead agency

- The agency responsible for the environmental analysis and procedural steps under SEPA ([WAC 197-11-758](#)), Rules for determining lead agency for different types of proposals ([WAC 197-11-922](#) through [WAC 197-11-944](#))

✓ Step 3: Identify likely impacts to the environment

- Determine if environmental checklist is complete ([WAC 197-11-310](#), [WAC 197-11-335](#))
- Evaluate probable impacts ([WAC 197-11-752](#), [WAC 197-11-782](#))
- Identify and review any documents that analyze probable impacts of the proposal ([WAC 197-11-335](#))
- Identify any existing or related SEPA documents ([WAC 197-11-600](#))
- Identify likely significant adverse environmental impacts ([WAC 197-11-330](#), [WAC 197-11-794](#)) to consider for threshold determination.

✓ Step 4: Evaluate actions or mitigation measures that could reduce impacts

- Identify actions or mitigation required by development regulations, and other local and state laws ([WAC 197-11-330](#), [WAC 197-11-350](#))
- Consider voluntary mitigation submitted by an applicant as part of the proposal, including clarifications or changes a proposal to mitigate for probable impacts ([WAC 197-11-350](#)).

✓ Step 5: Make a threshold determination

- If a project is **not likely** to have any significant adverse environmental impact (with or without mitigation), issue a determination of nonsignificance (DNS) or mitigated DNS (MDNS) ([WAC 197-11-340](#), [WAC 197-11-350](#))

- Go to Step 6 for public notice requirements
- If a project is **likely** to have any significant adverse environmental impact (with or without mitigation), issue a determination of significance (DS) and begin the EIS process ([WAC 197-11-350](#), [WAC 197-11-360](#), [WAC 197-11-400 through 460](#))
- Go to Step 7 for public notice requirements

✓ **Step 6: If threshold determination is a DNS or MDNS, distribute documents and hold public comment period**

- Follow all requirements for specific document distribution and public notice ([WAC 197-11-340](#), [WAC 197-11-350](#), [WAC 197-11-502](#)).
- To distribute documents, load the checklist and determination documents to the SEPA register and send to agencies with jurisdiction, affected Tribes and other local agencies or political subdivisions whose public services would be change by implementation of the proposal ([WAC 197-11-510](#)).
- Hold 14-day public comment period when criteria are met ([WAC 197-11-340\(2\)\(a\)](#)).
- Use reasonable methods to inform the public.
- At the end of the comment period, consider public comments and revise proposal or mitigation as appropriate ([WAC 197-11-340\(2\)\(f\)](#)).

✓ **Step 7: If threshold determination is a DS, issue the determination and begin scoping for an EIS**

- The EIS will analyze alternatives and possible mitigation measures to reduce the environmental impacts of the proposal ([WAC 197-11-400](#), [WAC 197-11-500 \(entire section\)](#), [WAC 197-11-408](#)).
- EIS process starts with release of a scoping notice and the determination of significance. A minimum 21-day comment period is required ([WAC 197-11-360](#), [WAC 197-11-408](#), [WAC 197-11-410](#)).
- A Draft EIS is developed and requires a 30-day comment period ([WAC 197-11-420](#), [WAC 197-11-440](#), [WAC 197-11-442](#), [WAC 197-11-455](#)).

✓ **Step 8: Use SEPA in decision-making**

- Agency decision-makers must consider the environmental information, along with other technical information, when making decisions about the project ([WAC 197-11-070](#)).

Chapter 2. SEPA Applicability and Lead Agency

Determining if SEPA review is required

SEPA environmental review is required for all agency actions unless specifically exempted by the SEPA rules or state law. Agency actions include providing funding or issuing permits for project proposals, and the adoption of plans, regulations, or ordinances for nonproject proposals ([WAC 197-11-704](#)).

Use the following steps to determine if SEPA is required:

- Determine if SEPA has already been completed.
- Define the total proposal, including any interdependent parts.
- Identify all agency actions required for the proposal (such as licenses, permits, funding, etc.).
- Determine if the proposal or agency action is categorically exempt.

Defining the entire proposal

Accurately defining the proposal is key to a successful SEPA process. It is necessary to define the entire proposal to:

- Determine if SEPA is required.
- Determine agencies with jurisdiction and/or expertise.
- Determine the lead agency.
- Ensure that all related actions are evaluated in a single document.

Defining the total proposal involves the identification of all the related and interdependent pieces of the proposal including construction, operations and decommissioning of the future proposed use.

Some large proposals involve actions in different locations. For example, materials are mined at one site, transported to another site for processing, and then transported somewhere else for distribution. Appropriate environmental review would look at the impacts of all the related activities, at all locations ([WAC 197-11-060](#) (3)(b)).

It is important to remember that actions are related if they are dependent on each other, meaning one will not happen without the other. Related actions may also be spread over time, such as the construction, operation, and closure phases of a proposal. Related actions may have a single proponent or several.

Identifying agency actions

It is necessary to determine what permits or approvals will be needed from state, local, and federal agencies. Resources that can help are located on the Office of Regulatory Assistance and Innovation website, which includes an online permit assistance system. This tool can help

determine which local, state, and federal environmental permits may be needed based on individual proposal characteristics.

When identifying which agency permits or approvals are needed, it may be necessary to consult with other agencies. They can help to determine which permits or approvals are required for a specific project. This will help to ensure that all agency actions are identified before determining if a proposal is categorically exempt. Applicants should be aware that one project can involve multiple permits or agencies.

Phased review

The environmental review for a project can be phased so that SEPA compliance is done for each phase. Phased review allows agencies and the public to focus on an individual stage of a project as each stage becomes ready for review. By phasing review of a project, agencies can proceed with issues that are ready for consideration and delay review of issues that require more information or time. ([WAC 197-11-060\(5\)\(b\)](#)). The sequence of phased review of a project must be from a broad scope to a narrow scope.

For example, the review of a multi-phase planned unit development would consist of a general review of the entire proposal and detailed review of those phases ready for construction. Additional review would occur prior to each future phase when adequate information is available to evaluate the environmental impacts.

Phased review is appropriate when a future action is known and identified, but the details and specific elements of the action will not be known and/or are reasonably expected to change before the action takes place. The current evaluation would identify that additional analysis will take place in the future, once specific details and site conditions at that time are confirmed. Phased review is not appropriate when it would merely divide a project to avoid consideration of cumulative impacts or alternatives.

For example, if an industrial facility is proposed, it is not appropriate to limit the review to the impacts of the grade and fill permit without considering construction and operations.

Whenever phased review is used, the SEPA documents must clearly state that the proposal is being phased. Future environmental documents should identify the previous documents and should focus on those issues not adequately addressed in the previous documents.

The [SEPA register](#)² contains examples of the phased review process. Search for “phased review” in the top search bar.

² <https://apps.ecology.wa.gov/separ/Main/SEPA/Search.aspx>

Checking for exemptions

There are two separate state authorities that contain SEPA exemptions. State law exemptions are listed in Chapter [43.21C](#) RCW and state rule exemptions in [WAC 197-11 Part Nine](#). In addition, local government can set exemptions at the local level.

State law exemptions

Some types of projects and some agency actions are exempted from the requirements of SEPA by the state Legislature through state law. These state law exemptions are contained in [RCW 43.21C](#). The table below summarizes all the statutory exemptions contained in the SEPA. Please reference [RCW 43.21C](#) to ensure you have the most up to date information on state law SEPA exemptions.

Please remember that this is a summary, and the entire list of exemptions must be reviewed before determining if a proposal is exempt from SEPA review. Questions about exemptions can also be directed to the SEPA helpline at sepahelp@ecy.wa.gov or 360-407-6922.

Table 1. Summary of SEPA exemptions outlined in state law

State Law Exemptions	RCW reference
Water right for fifty cubic feet of water per second or less for irrigation projects irrigation projects decisions	43.21C.035
Forest practices Class I, II, and III	43.21C.037
School closures	43.21C.038
Air operating permits	43.21C.0381
Watershed restoration projects—Fish habitat enhancement projects	43.21C.0382
Waste discharge permits for existing discharges and certain construction stormwater permits	43.21C.0383
Wireless services facilities (cell towers)	43.21C.0384
Certain actions during state of emergency	43.21C.210
City or town incorporation, consolidation, disincorporation, or annexation of all of a city/town by or of another city/town	43.21C.220 43.21C.222 43.21C.225 43.21C.227
Infill development	43.21C.229
House finance commission plans	43.21C.230
Forest practices board emergency rules	43.21C.250

Conservation easements, road maintenance & abandonment, timber harvest schedules involving east-side clear cuts, acquisition of forest lands	43.21C.260
Unfinished nuclear power projects	43.21C.400
Battery charging and exchange station installation	43.21C.410
Certain fish protection standards	43.21C.430
Nonproject actions – certain local development regulations	43.21C.450
Structurally deficient bridges	43.21C.470 43.21C.480
Formation of community facilities district	43.21C.490
Habitat recovery pilot program	43.21C.515
Sustainable Food Management Model ordinances	43.21C.525
Light pollution mitigation at wind facilities	43.21C.540

State rule exemptions

The Legislature directed Ecology to adopt rules exempting certain types of projects or agency actions from SEPA review. Called “categorical exemptions,” these actions do not require SEPA review because the size or type of the activity is unlikely to cause a significant adverse environmental impact. Each categorical exemption is identified in the SEPA Rules in WAC [197-11-800](#) and contains specific criteria which must be met for a project to be exempt.

Table 2. State rule (Washington Administrative Code, [WAC 197-11-800](#)) exemptions

Categorical Exemptions	WAC Reference
Minor new construction - Flexible thresholds	197-11-800(1)
Other minor new construction	197-11-800(2)
Repair, remodeling and maintenance activities.	197-11-800(3)
Water rights	197-11-800(4)
Purchase or sale of real property	197-11-800(5)
Land use decisions	197-11-800(6)
Open burning.	197-11-800(7)
Clean Air Act	197-11-800(8)
Water quality certifications	197-11-800(9)
Activities of the state legislature	197-11-800(10)
Judicial activity	197-11-800(11)

Enforcement and inspections	197-11-800(12)
Business and other regulatory licenses	197-11-800(13)
Activities of agencies	197-11-800(14)
Financial assistance grants	197-11-800(15)
Local improvement districts and special purpose districts	197-11-800(16)
Information collection and research	197-11-800(17)
Acceptance of filings	197-11-800(18)
Procedural actions	197-11-800(19)
Adoption of noise ordinances	197-11-800(21)
Review and comment actions	197-11-800(22)
Utilities	197-11-800(23)
Natural resources management	197-11-800(24)
Wireless service facilities	197-11-800(25)
State transportation projects	197-11-800(26)
Structurally deficient city, town and county bridges	197-11-800(27)

In addition to the categorical exemptions found in WAC 197-11-800, there are agency specific exemptions and non-exemptions listed in WAC 197-11-820 through WAC 197-11-875. These sections list specific permits or licenses issued by each state agency. They also describe if and when SEPA review is required or exempt in relation to the issuance of that permit. The following table identifies the separate sections listed for each agency.

Table 3. State agency exemptions in the state rule

Specific State Agency Exemptions	WAC
Department of Licensing	WAC 197-11-820
Department of Labor and Industries	WAC 197-11-825
Department of Natural Resources	WAC 197-11-830
Department of Fish and Wildlife	WAC 197-11-835
Department of Social and Health Services and Department of Health	WAC 197-11-845
Department of Agriculture	WAC 197-11-850
Department of Ecology	WAC 197-11-855
Department of Transportation	WAC 197-11-860
Utilities and Transportation Commission	WAC 197-11-865

Department of Commerce	WAC 197-11-870
Other agencies	WAC 197-11-875

Emergency exemptions

An emergency exemption can be granted by a lead agency when an action is needed to avoid an imminent threat to public health or safety, public or private property, or to prevent serious environmental degradation **and** there is not adequate time to complete SEPA procedures ([WAC 197-11-880](#)). The emergency exemption applies to the initial action to avoid the imminent danger, but it does not apply to any permits needed after the emergency is abated.

For example, if a marina collapses in a storm, the emergency exemption would allow the lead agency to proceed with cleanup of the debris without a full SEPA review. However, other regulatory permits may still be required. Agencies may specify these examples of emergency actions in their procedures.

Flexible exemption levels for minor new construction for cities and counties

Most categorical exemptions use size criteria to determine if a proposal is exempt. The default exemptions that apply everywhere are listed in [WAC 197-11-800\(1\)\(b\)](#), but the SEPA Rules allow cities and counties to raise the exemption limit for minor new construction to better accommodate the needs in their jurisdiction. The exemptions may be raised up to the maximum specified in the SEPA Rules ([WAC 197-11-800\(1\)\(d\)](#)).

These "flexible thresholds for minor new construction" must be designated through ordinance or resolution by the city or county into the agency SEPA procedures. If lead agencies have not made this designation, the minimum exemption levels found in [WAC 197-11-800\(1\)\(b\)](#) apply. More information about the process to adopt flexible exemption thresholds into city or county SEPA procedures can be found in Chapter 8.

The flexible exemption levels set by a county or city apply to proposals within that city or county even when an agency other than the county or city is lead agency. A state agency or special district may need to consult with the county or city to identify the adopted exemption level for a particular area.



It is also important to remember that the exemptions for minor new construction and minor land use decisions **do NOT apply** if the proposal:

- Is undertaken wholly or partly on lands covered by water.
- Requires a license governing discharges to water that is not exempt under [RCW 43.21C.0383](#).
- Requires a land use decision that is not exempt under [WAC 197-11-800\(6\)](#).

- Is not exempt under [WAC 197-11-908](#) for critical areas in a local agency's SEPA procedures.

Categorical exemptions for infill

Cities and counties planning under the Growth Management Act (GMA) must designate urban growth areas, develop comprehensive plans, and adopt implementing regulations to accommodate population growth expected to occur over the next 20 years. As part of this planning effort, GMA cities and counties identify the density of residential development and intensity of mixed use, commercial, and other types of development that will be needed to accommodate the projected population growth.

With this planning in place, SEPA encourages infill development at the densities and intensities designated by GMA cities and counties in their comprehensive plans by providing exemptions for infill projects. GMA counties and cities can establish categorical exemptions for "...new residential or mixed-use development proposed to fill in an urban growth area designated ([RCW 36.70A.110](#)), where current density and intensity of use in the area is lower than called for in the goals and policies of the applicable comprehensive plan" ([RCW 43.21C.229](#)).

Requirements for GMA cities or counties adopting infill exemptions

Several criteria must be met for a GMA city or county to adopt a categorical exemption for infill ([RCW 43.21C.229](#)):

- The exemption must be limited to new residential or mixed-use development within a designated urban growth area
- The existing density and intensity of use in the urban growth area must be lower than called for in the goals and policies of the applicable city or county comprehensive plan
- An EIS must have been completed for the adoption of the comprehensive plan
- The proposed development must not exceed the density or intensity of use called for in the goals and policies of the applicable city or county comprehensive plan.
- Any infill categorical exemption adopted by a GMA city and county is subject to the same limitations as the categorical exemptions adopted by Ecology in the SEPA Rules.

In addition, many of the categorical exemptions in the SEPA rules do not apply when the proposal is on "lands covered by water" defined in [WAC 197-11-756](#). The exemptions for minor new construction in [WAC 197-11-800\(1\)](#) also do not apply if a rezone is required or the project requires a license governing emissions to the air or discharges to water. When establishing a new exemption, the GMA city or county should consider whether one or more of these limitations should be included in the exemption.

GMA cities and counties considering adoption of a new categorical exemption should consider whether the exemption would apply to a project proposed within a critical area. If a critical areas ordinance applies to the area, jurisdictions should check the ordinance to see if it limits the proposed exemption. This will ensure that the functions and values of critical areas are protected within the urban growth area.

Any categorical exemption adopted under this legislation should be adopted as part of the GMA city or county's SEPA procedures ([WAC 197-11-904](#) and [906](#)). See Chapter 8 for more information about the process for adopting infill categorical exemptions.

Exemption best practices

Ecology recommends the following practices for agencies trying to determine if a proposal is SEPA exempt:

- The total proposal must be identified before the categorical exemptions can be applied. "Total proposal" means all interdependent parts of a proposal, including all proposed phases.
- SEPA applies if **any** part of the proposal requires SEPA, even if some parts are exempt ([WAC 197-11-305](#)).
- The SEPA rules do not require any documentation when a proposal does not meet the definition of an action, or is categorically exempt ([WAC 197-11-305\(2\)](#)). However, placement of a note in the file or on the permit application (if applicable) to indicate that SEPA compliance had been satisfied or did not apply may be helpful.
- The exemptions may not always apply! Remember to check for **exceptions** to the exemptions ([WAC 197-11-305](#)).
- For questions about SEPA exemptions, contact the SEPA help at sepahelp@ecy.wa.gov for or 360-407-6299 for more information.

Determining the lead agency

For most proposals, one agency is designated as lead agency under SEPA ([WAC 197-11-050](#)). The lead agency is responsible for:

- Determining if a proposal is exempt from SEPA.
- Compiling and assessing information on all the environmental impacts of the proposal for all agencies with jurisdiction.
- Identifying required permits.
- Identifying applicable mitigation.
- Issuing a threshold determination and posting it to the SEPA Register.
- Notifying tribal governments, interested parties, and involved agencies.
- Considering and responding to comments received.

- Preparation of an environmental impact statement, when required.

The “responsible official” represents the lead agency and is responsible for ensuring adequate environmental analysis is done and the SEPA procedural requirements are met ([WAC 197-11-788](#)). The responsible official should be identified within the agency's SEPA procedures. It can be a specific person (such as the planning director or mayor) or be a group of people (such as an environmental review committee or the city council).

Determining the lead agency requires defining the total proposal and identifying all necessary permits. Usually, the agency that receives the first application for a proposal is responsible for determining the lead agency and notifying them of the proposal. Lead agency status is determined according to [WAC 197-11-922](#) through [948](#).

If there is a dispute over who should be lead agency or the lead agency cannot be identified, an agency with jurisdiction may ask the Department of Ecology for resolution ([WAC 197-11-946](#)).

Table 4. SEPA lead agency criteria summary

Situation	Lead Agency	WAC reference
Private proposal where a single agency has jurisdiction	Agency with jurisdiction	WAC 197-11-930
Private proposals requiring a license from more than one agency, when one of the agencies is the city or county	City or county where the greatest portion of the project is located	WAC 197-11-932
Private proposal requiring license from a local agency, which is not a county or city	Local agency (for example, the local air authority)	WAC 197-11-934
No local agency with jurisdiction and more than one state agency with a license to issue	State agency as outlined in the WAC	WAC 197-11-936
Proposal fits any of the criteria described, “Lead agencies for specific projects”	The agency listed in the WAC	WAC 197-11-938

Lead Agency Agreements

Only state and local agencies within Washington State may be the lead agency. A federal agency cannot be the lead agency for SEPA. Any agency may assume lead agency status if all agencies with jurisdiction agree ([WAC 197-11-942](#)).

Two or more state and local agencies may co-lead the SEPA process if both agencies agree. One of the agencies is named “nominal lead” and is responsible for complying with the procedural requirements of SEPA. This includes following the nominal lead’s SEPA policies and procedures.

Federal agencies may share lead agency status with a state or local agency to produce a combined NEPA/SEPA document. This allows both agencies to have input into preparation of the document(s), saving time and money, and ensuring that the information needed to evaluate the federal, as well as the state and local permits, is included. This also helps ensure necessary and important coordination among agencies and a more unified understanding of the proposal and mitigation.

All agencies sharing lead agency status are responsible for the completeness and accuracy of the environmental document(s). A written agreement between co-lead agencies, although not required, helps clarify responsibilities. These types of agreements typically contain:

- An outline of each agency’s duties
- A statement as to which agency is nominal lead
- Procedures on how disagreements will be resolved
- Who will hear appeals
- Under what circumstances the agreement can be dissolved ([WAC 197-11-944](#))

Transfer of Lead Agency Status to a State Agency

A city with a population under 5,000, or a county with less than 18,000 residents may transfer lead agency status for a private proposal to a state agency with jurisdiction for the project ([WAC 197-11-940](#)). The city or county must forward the environmental checklist and other relevant information on the proposal to the state agency, along with the notification of transfer of lead agency status.

The state agency may not refuse to take the lead agency role. If there is more than one state agency with jurisdiction, the order of priority in [WAC 197-11-936](#) is used to determine which state agency will be the new lead agency.

Assumption of Lead Agency Status

If the original lead agency issues a determination of nonsignificance (DNS) and another agency with jurisdiction disagrees with the determination, that agency can assume lead agency status. This can happen when an agency believes the proposed project is likely to have significant adverse environmental impacts, and that an EIS is needed to evaluate the impacts. The notice for lead agency assumption must include a determination of significance ([WAC 197-11-948](#)).

Step by Step Guide 2: Determine if SEPA Review Is Required

✓ Step 1: Define the entire proposal

- Identify all interdependent pieces of a proposed project or action ([WAC 197-11-060](#)).

✓ Step 2: Identify all agency actions being taken for the proposal

- Identify all federal, state, and local agency licenses, funding, and other decisions.
- Contact the local government agency and or the [Office of Regulatory Innovation and Assistance](#).

✓ Step 3: Check for possible exemptions

- Check exemptions in the SEPA Rules (WAC 197-11-305 [WAC 197-11-800](#) thru 880).
- Check for exemptions in the State Law ([Chapter 43.21C RCW](#)).
- Determine if there are any exceptions to the exemptions ([WAC 197-11-305](#)).
- Contact the city/county to determine their exemption levels.
- If the proposal is exempt, no further SEPA review is needed. It can be helpful to include a note in the lead agency's project file that indicates why SEPA is not required.

✓ Step 4: Determine whether SEPA has already been completed for this proposal.

- If SEPA has been done, use the lead agency's SEPA document during the decision-making process ([WAC 197-11-600](#)).
- If the proposal has changed or new information identifies a significant adverse impact, additional SEPA review may be needed.

² https://www.oria.wa.gov/site/alias__oria/permitting_our_permitting_services/347/our_permitting_services.aspx

Chapter 3. Evaluating Environmental Impacts of a Proposal

The lead agency is responsible for evaluating a proposal, identifying likely adverse environmental impacts, identifying possible mitigation measures, documenting the evaluation and meeting the procedural requirements of SEPA. The steps in the review process are outlined below. Their order may vary depending on the specific proposal being evaluated.

Consider the entire proposal

To ensure that all project impacts are considered, the full proposal must be properly defined. Defining the proposal involves identifying all related and interdependent pieces of the proposal. This includes activities that may occur at a different location or later in time.

For example, the description of a gravel mining operation where the material is extracted from one location and transported to another location for processing would include the mining activities, the transport of the materials, and processing and decommissioning activities.

Environmental checklist

The environmental checklist is a standard form outlined in WAC [197-11-960](#). Lead agencies are required to use this form to obtain information about a proposal or provide it (if they are the proposal proponent). The checklist includes questions about the proposal, its location, possible future activities, and potential impacts on each element of the environment (such as earth, water, land use, etc.).

The environmental checklist form is posted on [Ecology's SEPA website](#)³. It includes links to information that helps explain how to fill in project information. Guidance on preparing an environmental checklist is also available on Ecology's SEPA website.

The lead agency may choose to fill out the checklist or may require the applicant to fill it out ([WAC 197-11-315](#)). The lead agency is ultimately responsible for the information contained in the checklist regardless of who completes it. If the applicant completes the checklist, the lead agency must review it and make corrections or add information, if appropriate.

The lead agency can also request more information from the applicant if they determine the checklist is incomplete ([WAC 197-11-310](#) and WAC [197-11-335](#)). If there is insufficient information to make a threshold determination, the lead agency can:

- Require an applicant to submit more information.
- Conduct its own study, including site investigations.
- Consult with other agencies.

³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-document-templates>

- Decide that part, or all, of the action or its impacts are not definite enough to allow timely analysis as required by [WAC 197-11-055](#) through [197-11-070](#).

The lead agency should answer the following questions:

- Is the project description complete?
- Have all interdependent pieces of the project been identified? ([WAC 197-11-060\(3\)](#))
- Have all necessary permits and licenses from local, state, and federal agencies been identified?
- Is the location adequately identified?
- Are the descriptions of the environment and potential impacts complete and accurate?

A thorough review of the checklist by the lead agency is critical because the checklist (along with other reports, if available) supports the threshold determination decision. The checklist also:

- Provides project information to other agencies with jurisdiction before they make decisions.
- Provides useful feedback from other agencies, tribes, and the public.
- Is part of the environmental record for an agency decision.

The checklist was designed to be as generic as possible to ensure it is applicable to every kind of proposal. The items in the checklist are not weighted. The mention of one or more adverse impacts does not necessarily mean they are significant ([WAC 197-11-315\(5\)](#)). In most cases, if the questions are answered accurately and completely, the impacts of a proposal can be ascertained. If necessary, the lead agency may request additional information from the applicant after conducting the initial review of the checklist. ([WAC 197-11-100](#), [WAC 197-11-315](#), [WAC 197-11-335](#)).



The environmental checklist is not necessary when making a threshold determination in some cases ([WAC 197-11-315](#)). This includes:

- A lead agency decides to prepare an EIS for its own public proposal
- When a lead agency and applicant agree to prepare an EIS
- Projects proposed as planned actions

There are other cases when a checklist may not be needed. Refer to [WAC 197-11-315](#) for more information.

Consultations

A consultation is an optional process that can be used by the lead agency to gather more information about the project ([WAC 197-11-335](#)). A “consultation” in SEPA is a different and separate process than a formal government to government Tribal consultation. SEPA consultations are intended to gather information from agencies with expertise or jurisdiction, Tribes, key stakeholders or the public. They can involve meeting with other agencies, or

circulating the checklist and other environmental documents for comment before making a threshold determination.

Consultations can assist the lead agency in determining which permits are needed, appropriate mitigation, and if additional information and/or studies are needed. They can also help lead agencies determine when an environmental impact statement is needed for a proposal. [WAC 197-11-920](#) includes a list of agencies with expertise on elements of the environment.

There is no form or required process for consultations. Requests for consultation should contain sufficient information for agencies to provide valuable comments, including a clear description of the proposal. At a minimum, the environmental checklist should be provided. Information should also be included on when the comments must be returned for consideration by the lead agency, as well as an agency contact, address, and phone number. As a best practice, consultation documents should be sent to [Ecology via the SEPA Record Submittal System \(SRS\)](#).⁴

Using existing documents and other information

Previously prepared environmental documents, studies, and other information may be used to evaluate part or all of the proposal, alternatives, or impacts ([WAC 197-11-600](#)-635 and Table 5).

Examples of previously prepared documents include:

- Environmental documents prepared under SEPA or NEPA, either for the current proposal or a different proposal with similar characteristics or located in the same area.
- Programmatic environmental impact statements relevant to a project
- Environmental analysis done on comprehensive plans, development or other regulations.
- Studies and analysis done for the project or other projects in the area, such as wetland or traffic studies.

Other information that may be useful includes:

- The permit application(s).
- Data collected in the area or on the project site, such as air monitoring data, water quality data, or archeological data.

⁴ Ecology via the SEPA Record <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-registerrd> Submittal System (SRS).

Table 5. Options for using existing documents to meet the requirements of SEPA

Option	Description	WAC Reference
Adoption	<p>Use previously prepared SEPA or NEPA documents instead of creating a new checklist or EIS.</p> <p>A lead agency must review the contents and determine it meets review standards and needs for the proposal.</p>	WAC 197-11-630
Adoption plus an addendum	<p>If more information is available that does not substantially change the impact analysis and alternatives, it can be included as an addendum to a previous SEPA checklist or NEPA assessment.</p>	WAC 197-11-625
Adoption plus a supplemental EIS	<p>If a previous SEPA or NEPA EIS is used, a supplemental EIS can be created to add more information with additional substantive information on impacts and/or alternatives</p> <p>This is required if the new information indicates there may be a change to a significant impact or addition of a new significant impact.</p>	WAC 197-11-620
Addendum	<p>A Draft EIS, Final EIS or other SEPA documents can be modified using an addendum.</p> <p>This should be used in cases where there are only minor changes or minor new information added.</p>	WAC 197-11-625: WAC 197-11-706:
Incorporation by reference	<p>Use information from existing studies or other documents</p>	WAC 197-11-635

Identifying existing conditions

It is important to identify the existing conditions and activities taking place at the project site and surrounding areas before considering project impacts. This includes the project site and areas where impacts from the project could reasonably be expected to occur.

The questions in the environmental checklist will help provide some of this information. The checklist requires disclosure of a broad array of topics, including information about steep slopes, water bodies, floodplains, existing buildings, archaeological sites and the presence of animal and plant species. Site information may also be available from other sources such as the local comprehensive plan, permit applications, watershed plans, and GIS systems. The condition of the site will be a major factor in determining whether the proposal is likely to have significant adverse environmental impacts.

For example, a new building proposed adjacent to a wetland on an undeveloped parcel will be more likely to have a significant impact than the same building proposed in a previously developed location with no wetland on-site.

Identifying impacts to the environment

In evaluating a proposal, the lead agency reviews the environmental checklist and other available information. Lead agencies should also consider any comments received from the public, Tribes or other agencies (through consultations, a notice of application, permit applications, etc.).

All elements of the natural and built environment must be considered, not just those within the lead agency's jurisdiction. The beneficial aspects of a proposal should not be balanced against the adverse impacts. Instead, determine if any probable adverse environmental impacts, particularly significant ones, are likely to occur.

The evaluation must consider potential impacts over the lifespan of the proposal, including construction, operation, and decommissioning.

Each element of the environment (built and natural) must be considered and a decision made on whether the proposal is likely to adversely impact any of the elements. The complete list of elements of the environment is available in [WAC 197-11-444](#). Impacts to the environment include short-term, long-term, direct, indirect, and cumulative impacts ([WAC 197-11-060\(4\)](#)).

Short-term impacts

Short-term impacts occur during a short period of time and often include impacts from construction activities.

Examples include air pollution from construction dust, noise pollution from the operation of construction equipment, and water pollution from stormwater runoff during construction.

Long-term impacts

These impacts occur over a longer period of time and can result from operation of the facility after construction is completed.

Examples include traffic impacts, stormwater runoff, air or water discharges, use of natural resources, noise, light and glare. For some types of facilities, like gravel mines or landfills, long-term impacts may also include closure activities.

Direct impacts

Direct impacts are impacts caused by the project action and occur at the same time and place.

Examples include loss of habitat due to construction, stormwater runoff, or glare from the windows in a building.

Indirect impacts

Indirect impacts are impacts caused by the action that are later in time or a farther distance away, but are still reasonably foreseeable.

Examples include increasing traffic on local roads, setting a precedent for future growth, and reducing the capacity of a sewage treatment plant or water supply system.

Cumulative impacts

Cumulative impacts are often defined as impacts on the environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Review of cumulative impacts includes consideration of the existing environment plus the impacts of the proposed project, including any future project phases.

For example, one phase of a subdivision alone may not have significant impacts on the environment, but if the project includes multiple additional phases, those phases together could cause significant impacts.

As a best practice, Ecology recommends that lead agencies consider the total effects of a proposal. Several less significant impacts could be significant when considered together ([WAC 197-11-330\(3\)](#)).

Ecology also recommends additional consideration be given to communities that may already be experiencing higher cumulative environmental burdens (proximity to pollution sources, cleanup sites, industrial facilities, poor air quality, etc.). These communities often bear a disproportionate environmental burden which can lead to health disparities, economic impacts, shorter life expectancies, and lower quality of life.

Consider how the project might impact those already burdened and consider steps to reduce or avoid additional environmental impacts, including mitigation and project design changes. The lead agency may have specific policies on how to consider and engage with overburdened communities and vulnerable populations.



To learn more about community demographics and to help identify potentially overburdened communities, use online demographic data and mapping tools including the [Washington Environmental Health Disparities map](https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map)⁵, [US Census Bureau data](https://www.census.gov/data.html)⁶, and consider findings from public engagement opportunities.

Cultural, historic and Tribal impacts

The lead agency is responsible for evaluating potential impacts. These include considering any Tribes that may be affected by a proposal. Potential impacts to Tribes include Tribal treaty rights, historic resources, and cultural resources. Non-tribal historical and archeological sites that may be affected must also be evaluated for potential impacts.

Lead agencies should identify potentially affected Tribes and engage with Tribes early in the process to fully understand their concerns and perspective on the project. If they may be affected by the proposed project, the lead agency should work closely with Tribes to define impacts to each Tribe's treaty rights and cultural resources and identify mitigation measures. It is important to note that Tribes' usual and accustomed lands can extend well beyond reservation lands.

For historic resources, federal, state, and local environmental laws and review processes typically require consideration be given to protecting significant historic, archeological, and traditional cultural sites. The State Department of Archaeology and Historic Preservation (DAHP), local historic preservation organizations, and Tribal governments can help identify potentially affected resources.

⁵ Washington Environmental Health Disparities <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>

⁶ US Cen<https://www.census.gov/data.html> Bureau data

To adequately evaluate historic and cultural impacts, applicants may need to search databases and conduct resource surveys. Lead agencies need to describe how to mitigate for potential impacts to these resources.

Department of Archaeology and Historic Preservation (DAHP) has resources [on their website](#) to help evaluate cultural and historic resources on sites. For impacts to Tribes, it's important to engage early with Tribes to identify potential impacts and discuss options for mitigation. Be aware that some cultural resources may be protected information and not able to be shared publicly.

Sensitive species and habitats

SEPA requires consideration of adverse impacts to environmentally sensitive species and areas ([WAC 197-11-330](#)). This includes:

- Historic resources.
- Scientific resources.
- Cultural resources.
- Parks.
- Prime farmlands.
- Wetlands.
- Wild and scenic rivers.
- Wilderness areas.
- Threatened and endangered species and their habitat.

Guidance on how to best evaluate impacts to sensitive species and habitats can be found in the checklist guidance on [Ecology's website](#).

Decide if more information is needed

The SEPA rules allow a lead agency to ask for more information to evaluate the impacts of a proposal ([WAC 197-11-355](#)). Some examples of additional information may include, a traffic impact study, a cultural resource review or asking the applicant to complete a supplemental checklist focused on a specific resource area. Lead agencies need to determine if sufficient information is available before making a threshold determination. If additional information is needed, lead agencies can:

- Require the applicant to submit more information on subjects in the environmental checklist.
- Conduct further studies, including physical investigations on the project site.
- Consult with other agencies, requesting information on the proposal's potential impacts (For example, Department of Fish and Wildlife, Department of Natural Resources, etc.).

- Decide that all or part of the action is not sufficiently defined to allow complete environmental analysis. In this case, project approval is delayed until the environmental analysis is complete.

In some cases, it may not be possible to obtain the information needed to adequately evaluate a proposal. If vital information is not available and the cost of obtaining it is too high, or the means to obtain it are speculative or not known, it may be necessary to prepare a worst-case analysis ([WAC 197-11-080](#)).

Identify likely significant adverse environmental impacts

After evaluating the proposal, the lead agency must decide if the proposal is likely to have a “significant adverse environmental impact.” The SEPA Rules define “significant” as a reasonable likelihood of more than a moderate adverse impact on environmental quality ([WAC 197-11-794\(1\)](#)).

This determination may use regulatory thresholds, such as water quality standards, but for some resources, it may be difficult to quantify and will depend on the project proposal and best expert judgement. The determination considers the physical setting, and both the magnitude and duration of the impact. In determining significance, SEPA rules state that the beneficial aspects of a proposal **shall not be used** to balance adverse impacts in determining significance ([WAC 197-11-330\(5\)](#)).

Before determining if an impact is significant, a lead agency should consider context (existing conditions and surrounding areas) and intensity (duration of the impact) and then decide how significant the impact is likely to be. A “probable” impact means it is likely or reasonably likely to occur. This distinguishes impacts that are likely to those that may occur but are more speculative or remote ([WAC 197-11-782](#)).

The following factors should be considered:

- The same proposal may have a significant adverse impact in one location but not in another location.
- The effects of a proposal may result in a significant adverse impact regardless of the nature of the existing environment.
- Several marginal impacts when considered together may have a significant impact.
- The beneficial aspects of a proposal should not be balanced against the adverse impacts. Instead, determine if any probable significant adverse environmental impacts are likely to occur.
- The proposal may cause significant adverse impacts to environmentally sensitive or special areas, endangered or threatened species and their habitat or public health and safety.
- Impacts to Tribal treaty rights, including impacts to usual and accustomed lands, areas important to Tribal cultural practices and any natural resources used for commercial, subsistence and ceremonial practices.

- A proposal may conflict with local, state or federal environmental laws or regulations.
- A proposal establishes a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or may affect public health or safety.

Identify mitigation

Part of the SEPA process is to propose measures that would avoid or minimize potential impacts. It is important to note, mitigation measures identified in a SEPA action are not enforceable unless they are required by permit or other formal agreement. It is not enough to include proposed mitigation in SEPA documents. Instead, measures must be incorporated into permit conditions or legal agreements.

The lead agency should consider actions required under development and permit regulations which could mitigate adverse impacts. An applicant may also include mitigation actions in their project proposal.

Mitigation is defined as ([WAC 197-11-768](#)):

- **Avoiding** the impact altogether by not taking a certain action or parts of an action
- **Minimizing impacts** by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts
- **Rectifying** the impact by repairing, rehabilitating, or restoring the affected environment
- **Reducing or eliminating** the impact over time by preservation and maintenance operations during the life of the action
- **Compensating** for the impact by replacing, enhancing, or providing substitute resources or environments
- **Monitoring** the impact and taking appropriate corrective measures.

Considerations for developing mitigation:

- Is the applicant willing to change the proposal to eliminate or reduce the likely adverse environmental impacts of the proposal?
- Are there additional environmental impacts that have not been mitigated?
- Are there possible mitigation measures that could be required using SEPA substantive authority to mitigate impacts?
- Are there likely significant adverse environmental impacts that have not been mitigated to a nonsignificant level?
- Will mitigation/conditions be required by the local development regulations or other local, state, or federal regulations?

Mitigation can occur through changes to the proposal or by conditions required under federal, state, or local regulations. GMA cities and counties should consider mitigation required in development regulations or comprehensive plans. Mitigation measures can also be required in a permit if the regulatory agency issuing the permit decides to use SEPA substantive authority.

Mitigation measures must be related to specific, adverse environmental impacts identified in the environmental document. Refer to Chapter 7 Using SEPA in Decision Making for more information about substantive authority.

After considering permit and regulatory requirements and voluntary mitigation by the applicant, the responsible official must then decide whether there are any likely significant adverse environmental impacts that have not been adequately addressed through these measures. This evaluation will be used to make a threshold determination.

Applicants can ask the lead agency if a determination of significance is likely to be issued for a project as an “early notice” per [WAC 197-11-350](#). If the lead agency indicates the project is likely to have a significant adverse environmental impact, the applicant may choose to revise the proposal to reduce impacts.

In some cases, it may be possible to mitigate a significant adverse environmental impact through changes to the proposal, conditions required under development regulations or other laws, or through mitigation that will be imposed using SEPA substantive authority ([WAC 197-11-660](#)). If the impacts are reduced to a nonsignificant level, a mitigated determination of nonsignificance (MDNS) may be issued ([WAC 197-11-350](#)).

Mitigation conditions must be reasonable and capable of being accomplished. It may be possible to work cooperatively with the proponent to make changes that will reduce and eliminate significant adverse impacts. Voluntary mitigation can exceed regulatory requirements and produce a much improved, more desirable project. Mitigation conditions must be included in the permit, license or other approval to be binding.

Step by Step Guide 3: Making a Threshold Determination

✓ Step 1: Define the proposal

- Consider all interdependent pieces of the project ([WAC 197-11-330](#), [WAC 197-11-060\(3\)](#)).

✓ Step 2: Evaluate the environmental checklist

- Is the checklist complete and accurate? Double check project details if the checklist is created by the applicant or a consultant ([WAC 197-11-330\(1\)](#), [WAC 197-11-335](#), [WAC 173-802-070](#)).
- Is additional information needed?
- Note: If the applicant and lead agency agree an EIS is needed, a checklist is not required.

✓ Step 3: Identify other information

- Previously prepared NEPA and SEPA documents, studies, and data may be used to evaluate the proposal ([WAC 197-11-330\(2\)](#), [WAC 197-11-600](#)).
- Consider options to use this information, including adoption, incorporation by reference, or a supplemental EIS.

✓ Step 4: Determine project consistency

- Is the project consistent with local, state, and federal regulations ([WAC 197-11-330\(3\)](#))?

✓ Step 5: Identify existing conditions and likely changes

- What are the features of the site and the surrounding area?
- What changes are likely to occur?

✓ Step 6: Identify impacts to the environment

- Review all elements of the environment ([WAC 197-11-444](#)).
- Consider impacts associated with construction, operation, and closure.
- Consider direct, indirect, short-term and long-term impacts.
- Consider cumulative impacts and environmental justice issues.

✓ Step 7: Check to see if you have enough information to make a determination

- Additional information may be requested from the applicant or obtained by agency-conducted studies or in consultation with other agencies ([WAC 197-11-335](#), [WAC 197-11-080](#)).
- Is a worst-case analysis needed?

✓ Step 8: Consult with other Ecology programs or agencies as needed

- Ecology program staff may have information about a proposal or expertise on potential impacts and mitigation.

✓ Step 9: Consider other potential impacts

- Will the proposal establish a precedent?
- Will the proposal adversely affect:
 - Environmentally sensitive or special areas such as historic, cultural resources, parks, wetlands
 - Endangered or threatened species or their habitat
 - Tribes and Tribal resources

✓ Step 10: Identify possible mitigation

- Are there mitigation measures that will reduce project impacts ([WAC 197-11-660](#), [WAC 197-11-350](#)).
- Will federal, state or local regulations mitigate the adverse environmental impact?
- Is the applicant willing to change the proposal to reduce impacts?
- Should SEPA supplemental authority be used to condition or deny the proposal?
- It may be helpful to reach out to program or other agency staff to develop mitigation measures.

✓ Step 11: Make a threshold determination

- Is the proposal likely to have a significant adverse environmental impact?
 - If likely significant, issue a Determination of Significance (DS) and start the EIS process
 - If likely nonsignificant, issue a Determination of Nonsignificance (DNS) ([WAC 197-11-340](#)) or a Mitigated DNS (MDNS) ([WAC 197-11-350](#))
- Will SEPA supplemental authority be used to eliminate or reduce impacts to a nonsignificant level, issue a mitigated DNS?
- Note: an MDNS should include mitigation measures in the checklist or attach them to the checklist.

Chapter 4. Issuing a Threshold Determination

This section will cover the threshold determination process and options for GMA cities and counties to integrate SEPA into their notice of application process. This process, which combines comment periods for the local Notice of Application with the SEPA checklist, is called the optional DNS process (ODNS/NOA).

Threshold Determination Types

A “threshold determination” is the decision by the responsible official on whether an environmental impact statement is required for a proposal. After reviewing and evaluating a proposal, identifying likely adverse environmental impacts, and considering proposed or required mitigation measures, the responsible official will decide if the proposal will have a “probable significant adverse environmental impact.”

There are three possible determinations a lead agency can make:

✓ **Determination of nonsignificance**

If the proposal is **not likely** to have a significant adverse environmental impact, the responsible official will issue a determination of nonsignificance (DNS). In that case, an EIS will not be required, and the project will not require further SEPA review.

✓ **Mitigated determination of nonsignificance**

If all significant adverse environmental impacts have been eliminated or reduced to a nonsignificant level through mitigation measures, the lead agency will issue a MDNS. The mitigation measures must be enforceable conditions of a permit or other document,

The notification procedures and requirements for issuing a MDNS are the same as issuing a DNS. The requirements are found in [WAC 197-11-340](#). A 14-day comment period, document distribution, and public notice are always required for MDNS.

✓ **Determination of significance**

After considering possible mitigation, if one or more significant adverse environmental impacts **are likely**, the lead agency will issue a determination of significance and scoping notice and begin preparation of an environmental impact statement. See Chapter 5 for more detail on the environmental impact statement and the determination of significance.

Public comment for DNS or MDNS

When issuing a DNS or MDNS, there are specific requirements for public notice and document distribution ([WAC 197-11-340](#)). In most cases, a public comment period is also required. Whenever possible, the lead agency should, for efficiency, integrate the public notice provisions in SEPA with existing notice procedures for our underlying permit or approval required for the proposal ([WAC 197-11-640](#)).

Interagency document distribution

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 communities know about the proposal and have an opportunity to participate in the environmental analysis and review. The date of issue for the DNS is the date that it is sent to the Department of Ecology and other agencies with jurisdiction ([WAC 197-11-340\(2\)\(d\)](#)).

The DNS and the checklist must be sent to:

- The Department of Ecology.
- All agencies with jurisdiction (state, local and federal).
- Affected tribes.
- All local agencies or political subdivisions whose public services would be affected by the proposal.



Please do NOT upload documents, maps or other information that identify the location of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial, or social activities of Indian tribes. Instead, please reference any reports in the checklist to acknowledge studies that were completed.

This information may be protected via [RCW 42.56.300: Archaeological sites](#). For more information on the protection around this sensitive information, please reach out directly to the Washington State Department of Archaeology & Historic Preservation (DAHP).

To comply with lead agency's requirements under SEPA, the **only** documents that are required to be uploaded to the SEPA Register Submittal (SRS) system are the SEPA checklist and SEPA Determination. Include the Notice of Application if the combined ODNS/NOA process is being used. Lead agencies may also load other documents such as maps, site plans, and reports related to the environmental analysis. If there are any questions about what is required on the SEPA register, please reach out to SEPA staff at Ecology using sepahelp@ecy.wa.gov

Comment period

A **14-day public comment period** is required for the DNS prior to agency action if any of the following criteria applies to the proposal:

- 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. Lead agencies must specify the beginning and ending time and dates for comment periods (RCW 42.30).

Public notice

Public notice procedures should be stipulated within the lead agency's adopted SEPA procedures. A list of reasonable methods to provide public notice is included in [WAC 197-11-510\(1\)](#). Those agencies with no adopted SEPA public notice procedures are required at a minimum to:

- Post the property, for site-specific proposals.
- Publish notice in a newspaper of general circulation in the area where the proposal is located.

Additional public notice efforts are not required but are recommended for important or controversial proposals—regardless of environmental significance.

Public hearings or meetings can provide additional avenues for public involvement, comment, and discussion. Many agencies have developed innovative means to share information with affected community members that may not be reached by more traditional methods. Examples include distributing bilingual flyers or advertising on non-English radio stations.

Optional determination of nonsignificance/notice of application process

The optional DNS process gives fully planning GMA counties and cities the flexibility to combine comment periods for the SEPA environmental review and a notice of application under The Local Project Review Act ([RCW 36.70B.110](#) and [WAC 197-11-355](#)). The optional DNS process is limited to project applications defined in [RCW 36.70B.020\(4\)](#). Most non-project actions are excluded from this process.

"Project permit" or **"project permit application"** means any land use or environmental permit or license required from a local government for a project action. This includes, but is not limited to, building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, and site-specific rezones authorized by a comprehensive plan or subarea plan. Adoption or amendment of a comprehensive plan, subarea plan, or development regulations are not included (except as otherwise specifically stated in [RCW 36.70B.020\(4\)](#)).



A GMA county or city should consider the following points before deciding to use the optional DNS process:

- It is intended for **minor projects** that can be fully reviewed prior to issuing a Notice of Application (NOA).
- The NOA must contain sufficient information on the proposed project, including proposed mitigation measures, to allow other agencies and the public to understand the proposal and comment on any areas of concern. This is particularly important since this is likely to be the only opportunity for the other agencies and public to comment on the probable impacts of the proposed project.
- This is also the only time that other agencies with jurisdiction have the opportunity to assume lead agency status, if appropriate.
- Concurrent but separate comment periods are also an option. A DNS may be issued at the time of NOA and avoid the need for the optional process because the comment period for SEPA automatically coincides with the NOA comment period. This approach may shorten the process by consolidating the comment periods like in the optional process, thereby eliminating the need for issuing a second set of documents to the SEPA register for posting.

If the optional process is being used, the county or city must state on the first page of the NOA that:

- The optional DNS process is being used.
- The agency expects to issue a DNS for the proposal.
- This may be the only opportunity to comment on the environmental impacts of the proposed project.
- The NOA and the environmental checklist are distributed to agencies with jurisdiction, Ecology, affected Tribes, and the public.

The lead agency is required to circulate the DNS, if issued, to the Department of Ecology, agencies with jurisdiction, anyone who commented on the NOA, and anyone requesting a copy. If the lead agency uses the optional DNS process, an agency with jurisdiction may assume lead

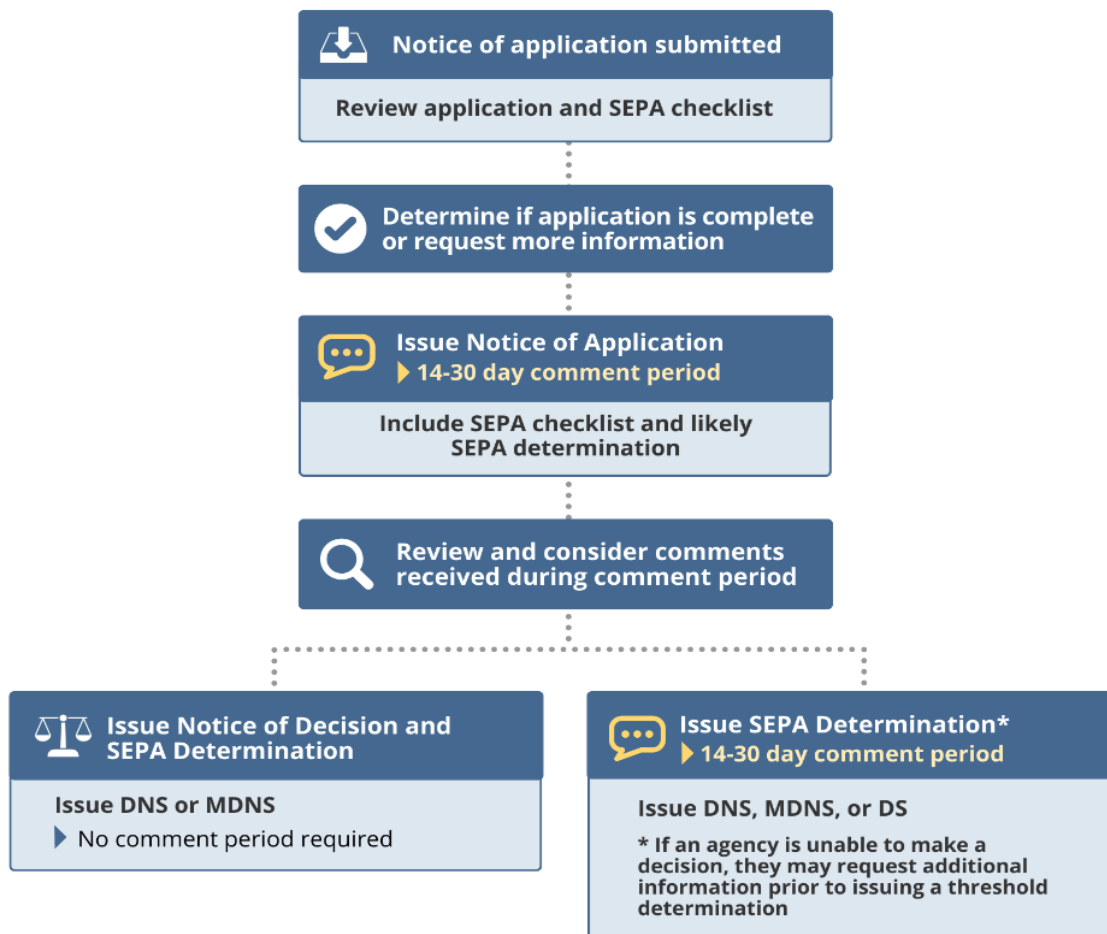
agency status during the consolidated comment period using the process outlined in [WAC 197-11-948](#).

After the close of the consolidated comment period, the agency shall review all comments related to the environmental impacts of the project and decide whether to proceed with issuing a DNS. Options at this stage are:

- Issue a DNS without an additional comment period
- Issue a DNS with a second comment period
- Issue a DS and begin the EIS process
- Require additional information or studies prior to making a threshold determination

At the end of the review, a notice of final decision on the permit is issued. The county or city may include permit conditions in the notice of decision based on the development regulations or under the jurisdiction's SEPA substantive authority (Chapter 7).

Figure 2. Optional Determination of Nonsignificance Process ([WAC 197-11-355](#))



Step by Step Guide 4: Process for Issuing a Determination of Nonsignificance

✓ Make a threshold determination

- If no significant adverse environmental impacts are likely, issue a DNS or a mitigated DNS ([WAC 197-11-330](#), [WAC 197-11-350](#)).

✓ Complete and sign the DNS form

- If you are issuing a mitigated DNS, include the mitigation measures with the DNS.
- The responsible official signs the DNS form ([WAC 197-11-970](#)).

✓ Decide if a comment period is required

- A minimum 14-day comment period is required if: there is another agency with jurisdiction,
 - A mitigated DNS is being issued under [WAC 197-11-350](#)
 - The project involves demolition of a structure above the exemption threshold.
 - A DS is withdrawn and a DNS issued ([WAC 197-11-340\(2\)](#))

✓ If a comment period IS required or the agency chooses to offer a comment period, distribute the DNS

- Load DNS and Checklist to the SEPA register:
 - [SEPA Record Submittal \(SRS\)](#)⁷ portal
 - You will need to sign up to use SRS through your SAW account. [Here is a guide to setting this up](#)⁸.
- Send the DNS and checklist to:
 - Agencies with jurisdiction,
 - Affected tribes,
 - Local agencies whose services would be impacted if the proposal is approved,
 - Provinces of Canada, if appropriate, and
 - Consider sending to interested parties.
- A [SEPA agency contact list](#) is available on the SEPA website.

✓ Give public notice (when a comment period is provided).

- If possible, combine the SEPA notice with the permit notice. If not combined, select one or more of the following options ([WAC 197-11-510](#))

⁷ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-register>

⁸ <https://apps.ecology.wa.gov/publications/SummaryPages/2106012.html>

- Mail to persons interested in the proposal, publish notice in a newspaper of general circulation where the project is located, or post a notice on the site, if site specific.
- After the comment period ends, review all comments and reconsider the DNS ([WAC 197-11-340](#)). You can either retain the DNS, issue a modified DNS, or withdraw the DNS and issue a new threshold determination.

Chapter 5. Environmental Impact Statement

An environmental impact statement (EIS) is prepared when the lead agency has determined a proposal is likely to result in significant adverse environmental impact or impacts (Chapter 3 and [WAC 197-11-330](#)). The EIS process is a tool for identifying and analyzing probable adverse environmental impacts, reasonable alternatives, and possible mitigation.

The EIS process:

- **Provides opportunities for the public, agencies, and Tribes to review and comment on documents at key points in the process.** Input from the public, agencies, and Tribes helps to identify a proposal's environmental impacts, reasonable alternatives, possible mitigation measures, and methods of analysis for the EIS. Public participation in the EIS process increases understanding of the proposal and transparency about methods and data used to develop the EIS.
- **Can help to reduce proposal impacts by identifying possible mitigation.** Effects of a proposal can be reduced through avoiding, rectifying, reducing, monitoring, and compensating for identified adverse environmental impacts and by development of reasonable alternatives that meet the objective of the proposal ([WAC 197-11-768](#)).

Mitigation can come from three different sources:

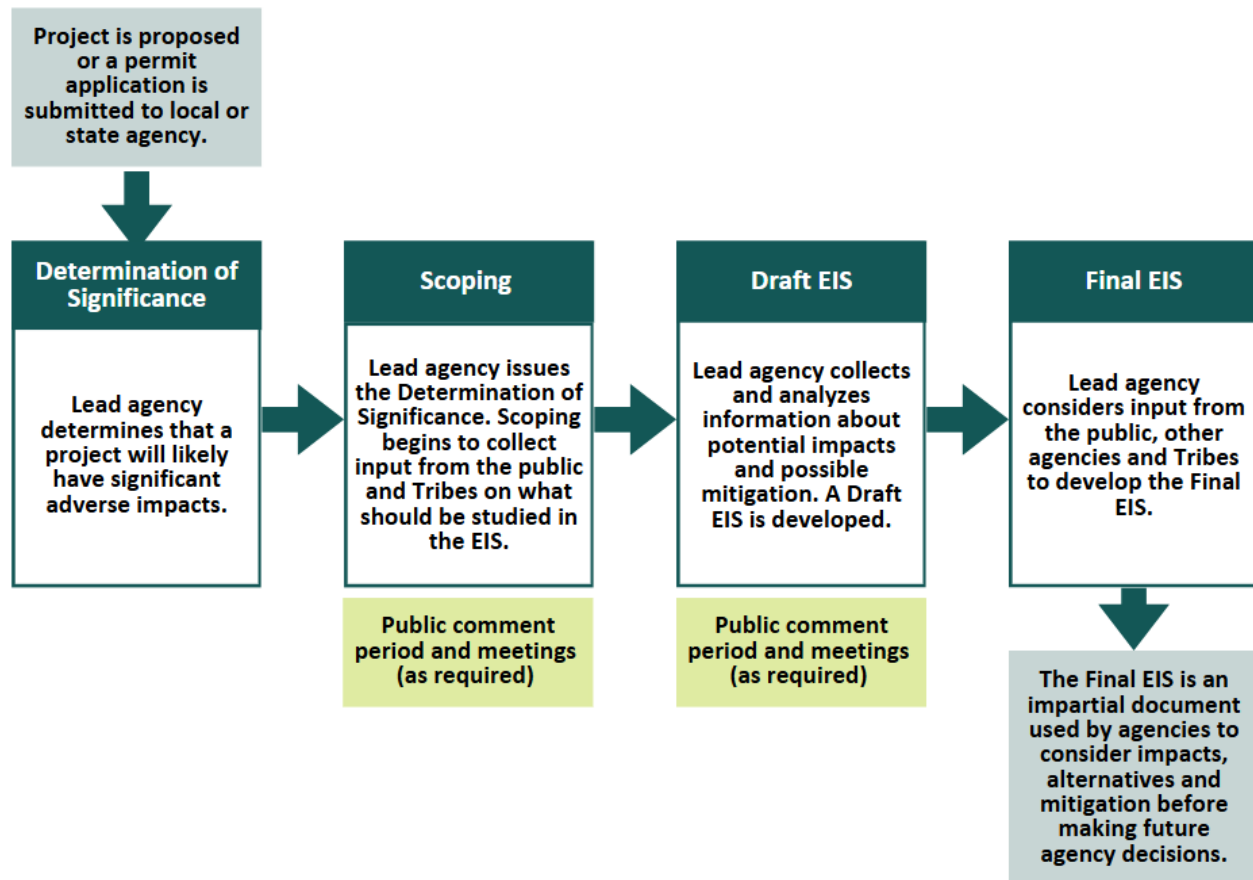
- Voluntary measures proposed by the applicant.
- Regulatory authority through permit conditions (including mitigation identified in the EIS within individual permits).
- SEPA substantive authority ([WAC 197-11-660](#)).

The EIS process identifies areas of controversy and other significant issues early on, when applicants, agencies, Tribes, and stakeholders still have the opportunity to consider a broad range of solutions.

- **Provides decision-makers with environmental information.** An EIS provides a complete, unbiased, and scientific evaluation of the proposed project. This includes existing site conditions, probable significant adverse environmental impacts, reasonable alternatives, and reasonable mitigation measures that would avoid or minimize adverse impacts. The EIS provides the information needed for local and state agencies issuing permits to make informed decisions.
- **Provides the information necessary for conditioning or denying the proposal.** SEPA substantive authority ([WAC 197-11-660](#)) allows a decision-maker to:
 - Deny a proposal when “significant” environmental impacts cannot be reasonably mitigated
 - Place additional conditions on the proposal to protect the environment from adverse environmental impacts

The basic steps in the EIS process are outlined in Figure 3 below.

Figure 3. Overview of the Environmental Impact Statement process



There are two types of EISs, project and nonproject (often referred to as programmatic). A project EIS is prepared for a specific proposal that generally involves physical changes to one or more elements of the environment ([WAC 197-11-704\(2\)\(a\)](#), [WAC 197-11-444](#)).

Examples of the types of proposals that could be analyzed in a project EIS include:

- New construction
- Facility operation changes
- Demolitions
- Environmental clean-up projects
- The purchase, sale, lease, transfer, or exchange of natural resources (such as the lease of public lands for timber harvest)

A nonproject EIS is prepared for broader planning decisions that provide the basis for later project review ([WAC 197-11-442](#)). Nonproject actions include the adoption of plans, policies, programs, or regulations that contain standards controlling the use of the environment or that will regulate a series of connected actions ([WAC 197-011-704\(2\)\(b\)](#)). More information about nonproject EISs can be found in Chapter 6.

Examples of the types of proposals that could be analyzed in a nonproject EIS include:

- Comprehensive plans.
- Planned actions.
- Flood hazard reduction plans.
- Development regulations.

Encouraging participation during the EIS process

Public engagement is critical in the development of an EIS and occurs throughout the EIS process. Early engagement with the public, Tribes, and other agencies can identify key issues and concerns, establish good lines of communication, and build trust. To be effective, lead agencies need to spend time early in the process to plan an effective public engagement strategy. This can result in a more complete and accurate document. Early engagement can also avoid issues that are not identified until late in the process and create unnecessary delays.

SEPA requires agencies to involve the public during two phases of the EIS process:

- **Scoping:** Agencies, Tribes, and the public are invited to comment on the range of alternatives, areas of impact, and possible mitigation measures that should be evaluated within the EIS. This is the first step in the EIS process.
- **Draft EIS:** After the Draft EIS is developed, the lead agency invites comments from other agencies, Tribes, and the public during a public comment period. Comments should be focused on the merits of the alternatives and the adequacy of the environmental analysis.

Agencies are encouraged to think beyond regulatory requirements in determining how best to increase public and Tribal participation and create interagency cooperation. Agencies may enhance the required public involvement opportunities or add to them, as the proposal warrants.

For state agencies, formal government to government consultation should be offered to Tribes that may be affected or are interested in the proposal. Communication with the public, agencies and Tribes should start before the determination of significance/scoping notice is issued and continue throughout the EIS process.

Scoping

Scoping is the first step in the EIS process. The purpose of scoping is to narrow the focus of the EIS to significant environmental issues, eliminate insignificant impacts from detailed study, and to identify alternatives to be analyzed in the EIS. Scoping also provides notice to the public, Tribes, and other agencies that an EIS is being prepared, and initiates their involvement in the process.

The scoping process can provide the lead agency and the project applicant with important information about areas of concern and controversy early in the process. It offers the applicant an opportunity to address concerns and avoid or minimize impact by altering the project design or adding voluntary mitigation measures. This can result in a proposal with fewer environmental impacts.

Process for issuing a determination of significance and scoping notice

To begin scoping, the lead agency issues a determination of significance and scoping notice (DS/Scoping). The lead agency is required to include the information listed in the form in [WAC 197-11-980](#) to meet its public notice requirements. This form may be modified by the lead agency, but informational fields (i.e. project description, applicant, etc.) should not be omitted.

The date of issuance is the date the scoping notice is submitted to Ecology's State SEPA Register, agencies with jurisdiction, and is made available to the public. Agencies, the public and Tribes are encouraged to provide comments on the proposal and scope of the EIS, including commenting on alternatives, mitigation measures, and probable significant adverse impacts.

The scoping notice should give as thorough a description of the proposal as possible and should include information on the areas to be addressed in the Draft EIS. If the lead agency has identified possible alternatives, they should also be described in the scoping notice.

The lead agency may use various methods to involve the public in the scoping process including:

- **Public comment periods**

The lead agency must give public notice and circulate the scoping notice for public, Tribal and agency comment. The minimum required comment period is 21 days, unless the lead agency is combining the notice with Notice of Application ([WAC 197-11-408\(2\)\(b\)\(ii\)](#)) then the minimum comment period is 14-days.

- **Expanded scoping.**

Expanded scoping is an optional process that may be used by lead agencies to go beyond the minimum requirements for public engagement during scoping ([WAC 197-11-410](#)). The intent is to provide additional opportunities for interagency cooperation

and public participation. This optional process typically extends the public comment period to 30 days from the required minimum 21-day comment period. Though there is no set limit on how long the comment period can be extended, the lead agency should be able to provide a rationale for adding more days.

The additional time enables the lead agency to expand the methods used for informing agencies, Tribes, and public of the proposal and to gain their input. It can involve the use of public or interagency meetings, the circulation of questionnaires or information packets, the coordination and integration of other government reviews or other methods ([WAC 197-11-410](#))

Expanded scoping activities can include:

- Using questionnaires or information packets
- Holding meetings and workshops
- Inviting participation from other agencies with jurisdiction or expertise (local, state or federal)

Determining the scope of the EIS

After reviewing the comments received during scoping, the lead agency must determine the scope of the EIS. The lead agency selects the alternatives and the elements of the built and natural environment that will be analyzed in the EIS. At a minimum, the alternatives selected must include the proposal, the no-action alternative, and other reasonable alternatives ([WAC 197-11-440\(5\)](#)).

The elements of the environment that are evaluated in the EIS should be focused on those that may have significant impacts. Minimizing discussion of nonsignificant issues makes the document more readable for reviewers and useful to decision-makers.

For example, an EIS for an industrial complex in a city might focus only on transportation issues if there are no other resources that may be significantly affected.

The lead agency should also determine the geographic scope of study. The study area is likely to extend beyond project area boundaries because the impacts may go offsite. SEPA states a lead agency shall not limit impact analysis to those within its jurisdiction, including local or state boundaries.

The scope of the EIS should be revised by the lead agency when changes to the proposal are made, or new information is learned. While notification of the revised scope of the EIS is not required, it can be a best practice for public and Tribal engagement to provide an update online or by email ([WAC 197-11-408\(5\)](#)).

Responding to scoping comments

Although no formal response to the scoping comments is required, some agencies choose to prepare a scoping document. A scoping document can be a useful tool for agencies to document their SEPA work in one place. This document can:

- Provide a record of the scoping process.
- Summarize the comments received during the scoping process.
- Identify the elements of the environment, alternatives and mitigation measures to be analyzed.
- Identify areas of concern or controversy.
- Provide other relevant information received during the public comment period.
- Provide information to people about how their comments were considered.

Withdrawing a DS and scoping notice

The lead agency withdraws a determination of significance (DS) if the proposal is withdrawn by the applicant. If the proposal has been changed so there will no longer be any significant adverse impacts, the DS is withdrawn and a new threshold determination is made (either a DNS or MDNS).

There is no set format or form for the notice of withdrawal, but there is a template available on Ecology's website. The withdrawal can take the form of a memo or letter, or it may be combined with a new threshold determination, if one is issued. The notice of withdrawal should be submitted to the Department of Ecology via the State SEPA Register and any agencies with jurisdiction.

When a DNS or MDNS is issued for a proposal after a DS has been withdrawn, the following are required:

- 14-day public comment period
- Public notice
- Distribution of the DNS and checklist to agencies with jurisdiction, and affected Tribes and anyone who commented on the DS/scoping notice

Purpose and Content of an EIS

The primary purpose of an EIS is to provide an impartial discussion of significant environmental impacts, reasonable alternatives and mitigation measures that avoid or minimize adverse environmental impacts. Information in the EIS is used by agency officials, along with other applicable regulations and relevant information, to make decisions to approve, condition, or deny the proposal ([WAC 197-11-660](#)).

An EIS should provide information that is readable and useful to agencies, the applicant, Tribes, interested community members, and stakeholders. It is not meant to be a huge, unwieldy document ([WAC 197-11-425](#)). It is not to exceed 75 pages unless the proposal is of unusual

scope or complexity, in which case it may not exceed 150 pages. It is recommended that background, technical reports and supplemental information be included in appendices or separate documents.

An effective EIS is:

- Well-organized.
- Easy to navigate with useful tools like a table of contents, glossary, index, and references.
- Not overly technical (technical details necessary to support information and conclusions in the EIS should be included in appendices or incorporated by reference).
- Brief and concise.
- Written in plain language so general readers can understand the information.
- Focused on the most significant and vital information concerning the proposal, alternatives, and impacts.
- Provides sufficient information about each alternative so that impacts can be compared between alternatives.
- Presents the analysis and conclusions about the likely environmental impact(s) of the proposal.

There are specific format requirements for an EIS (WAC 197-11-430, 440, 442, and 443). A cover letter and a fact sheet must be in the first section of every EIS. Otherwise, the lead agency has the flexibility to use any format for the body of the EIS they think appropriate to provide a clear understanding of the proposal and the alternatives.

The EIS should include the elements listed below. More detailed information about what to include in the EIS can be found in [WAC 197-11-440](#). As much as possible, these sections should be written in a nontechnical manner so it can be easily understood.

- **Cover letter or memo**

Brief letter from the lead agency which introduces the EIS, can include highlights, the key environmental issues and options facing agency decision-makers. This letter should be brief.

- **Fact sheet**

The fact sheet includes a brief proposal description, lead agency point of contact, the comment due date, and other key information. This must be the first section of an EIS.

- **Table of contents**

- **Summary**

This section briefly summarizes the contents of the EIS. It should include the proposal's objectives, the purpose and need, major conclusions, significant areas of controversy and uncertainty, issues to be resolved and other information.

- **Proposed action and reasonable alternatives**

This section describes and presents the proposal, reasonable alternatives (if applicable) and a no action alternative.

- **Affected environment**

This section contains a brief description of the existing conditions that are likely to change if the proposal is approved.

- **Significant impacts**

The significant impact discussion should describe the impacts, to both the natural and built environment, that are likely to occur if the proposal is approved. Only significant impacts **must** be discussed. Beneficial environmental impacts or other impacts may be discussed (WAC 197-11-402).

- **Mitigation measures**

Mitigation measures should include voluntary mitigation from the applicant and mitigation required by permits. Additional measures that the agency proposes should also be included.

- **Significant adverse impacts that cannot or will not be mitigated.**

Clearly indicate the likely adverse impacts that cannot be mitigated. Agency decision-makers may use this information and their adopted SEPA policies to condition or deny the proposal.

- **Distribution list**

- **Appendices**

Technical reports and other supporting material can be included in appendices. If appendices are more than 25 pages, they must be bound separately in hard copy versions.

The lead agency is responsible for the content of the EIS and for meeting the procedural requirements of the SEPA Rules. The lead agency, the applicant, or an outside consultant can prepare the EIS ([WAC 197-11-420](#)). The lead agency must specify, within its own SEPA procedures, the circumstances and limitations under which the applicant will participate in the preparation of the EIS.

Describing the Proposal

A thorough explanation of the proposal is fundamental to a meaningful analysis of environmental impacts. Agencies are encouraged to describe the objectives of a proposal, particularly for agency actions. This encourages the consideration of a wider range of alternatives that could reasonably accomplish those objectives.

The EIS should:

- Describe the total proposal:
 - For project actions, include construction activities, operation/use, and post operation/closure/decommissioning
 - For nonproject actions, include adoption and implementation of a plan, policy, rules or programs
- Describe any related physical activities and physical changes/disturbances.
For example, the construction of an electrical line or water line extension needed to service the project, or the development of a borrow pit to provide fill for the project site, etc.
- Include information on any agency requirements that would be applied to the proposal that relate to the elements of the environment.
For example, mitigation required under a critical area ordinance, or requirements from a stormwater rule, etc.

EIS Summary Section

The summary section, at the beginning of the EIS text, is the portion most likely to be read by decision-makers and members of the public (WAC 197-11-440(4)). It should include a summary of the main issues in the EIS, including a concise description or discussion of:

- The proposal.
- The proposal's objective.
- Purpose and need.
- Environmental impacts.
- Alternatives.
- Mitigation measures.
- Significant adverse impacts that cannot be mitigated.

The summary should also identify the major conclusions and significant areas of controversy, and any remaining uncertainties and issues to be resolved. The discussion is useful because it presents the proposal as a whole, rather than separated by individual element. Matrices, graphics and charts, although not required, can be useful for summarizing alternatives, impacts and mitigation measures.

Proposed Action and Alternatives

The EIS evaluates the proposal, the no-action alternative, and other reasonable alternatives. A reasonable alternative is a feasible alternate course of action that meets the proposal's objective with less environmental impact. Reasonable alternatives may be limited to those that an agency with jurisdiction has authority to control either directly or indirectly through the requirement of mitigation ([WAC 197-11-440\(5\)\(b\)](#)).

Alternatives are one of the basic building blocks of an EIS. The EIS examines probable significant adverse environmental impacts associated with each project alternative, including the no-action alternative and the proposal. They present options in a meaningful way for decision-makers.

Project alternatives could include:

- Design variations
- Different project site location options
- Changes in operational procedures
- Various methods of reclamation for ground disturbance and closure options

For agency projects, alternative project sites should also be evaluated. For private projects, consideration of off-site alternatives may be limited except under certain circumstances ([WAC 197-11-440\(5\)\(d\)](#)).

It is not necessary to evaluate every possible alternative. Selecting alternatives that represent a range of options provides an effective method to evaluate and compare the merits of different choices. The final action chosen by decision-makers should be within the range of alternatives discussed in the environmental documents ([WAC 197-11-655](#)). Additional analysis in a supplemental EIS or in an addendum can be used to address any portions of the final proposal that lie outside the analysis in the EIS ([WAC 197-11-620](#) and [WAC 197-11-706](#)).

As potential alternatives are identified, they should be measured against certain criteria:

- Do they feasibly attain or approximate the proposal's objectives?
- Do they result in less environmental impact than the proposal?

It may not be evident at the beginning of the process whether an alternative meets these criteria. The lead agency should continue to analyze each alternative until information becomes available that indicates an alternative fails to meet the criteria. The alternative can then be eliminated from further consideration. Any decisions to eliminate an alternative and the reasons should be documented in the EIS.

Occasionally, a lead agency may decide that there are no reasonable alternatives to a proposal. In this case, the no-action alternative and the proposed action would be the only alternatives examined in the EIS.

As part of the discussion of alternatives, the EIS must discuss the benefits and disadvantages of delaying implementation of the proposal (WAC 197-11-440(5)(C)(vii)). The inability to utilize the site for an alternate use in the future should also be considered.

For example, the conversion of timberland to residential development eliminates the possible use of the site for future timber production, conversion to farmland, etc.

No-Action Alternative

SEPA requires the evaluation of a no-action alternative. This is typically defined as what would be most likely to happen if the proposal did not occur. The identification of a no-action alternative can sometimes be difficult. Consider factors such as zoning requirements and land use. For example, if a proposal involves conversion of forestland to another use, this can be compared to the impacts of continued use of the site for timber production.

The no-action alternative may, at times, have more environmental impact than the proposal, or may not be considered reasonable by other criteria. But it still provides an environmental baseline from which the proposal and other alternatives can be compared.

Preferred Alternative

SEPA does not require the designation of a “preferred alternative” in an EIS. By identifying a preferred alternative, reviewers are made aware of which alternative the lead agency feels is best or appears most likely to be approved. However, this can be helpful for public proposals when the purpose and objectives are more general.

However, identifying a preferred alternative may have disadvantages. The public may feel that the decision has already been made, which can cause frustration with the process. Also, comments received during the comment period may be limited to arguments against the agency “decision,” with supporters of the preferred alternative not bothering to respond at all. This may result in a lack of feedback both on the problems related to other “non-preferred” alternatives and on the benefits of the preferred alternative.

Affected Environment, Significant Impacts, and Mitigation Measures

An EIS describes the environment (existing environment) that will be affected by the proposal, analyzes environmental impacts of each alternative, and discusses reasonable mitigation measures. This discussion should be concise, only provide sufficient detail to understand the impacts, and should focus on those elements of the environment with potential for significant impact.

For example, if a proposal includes stormwater control, the EIS should identify the type of soil on the site (affected environment), describe proposed stormwater controls (proposal), and identify appropriate stormwater controls (mitigation measures). The analysis should identify impacts, how they are addressed through permits, if additional

mitigation measures are needed, and if there are any impacts which cannot be mitigated.

When describing the environmental impacts of a proposal, the lead agency should consider direct, indirect, and cumulative impacts. Here are some examples:

- **Direct impact:** A new residential development may propose to place fill in a wetland in order to construct a road.
- **Indirect impact:** The new road will encourage increased development in the area because of the improved access.
- **Cumulative impacts:** Increased runoff and contaminants from the development would be added to the volumes and levels of contamination from similar developments surrounding the wetland.

Impacts can be temporary, such as the short-term impacts associated with the construction phase of a proposal, or permanent, such as the long-term impact of increased runoff and contamination from a widened roadway. Both should be considered when identifying adverse environmental impacts to be analyzed in the EIS.

An EIS is required to consider adverse environmental impacts. An EIS is not required to evaluate and document all of the possible effects and considerations (including things like social or economic impacts). It is intended to analyze likely adverse environmental impacts and should be used, along with other relevant considerations in making final decisions ([WAC 197-11-448](#)).

Ecology recommends that lead agencies consider the quantitative effects of a proposal. Several less significant impacts could be significant when considered together ([WAC 197-11-330\(3\)](#)).

Considering Environmental Justice

While there is no specific requirement to conduct an environmental justice analysis, Ecology recommends consideration be given to communities that may already be experiencing higher environmental burdens (proximity to pollution sources, cleanup sites, industrial facilities, poor air quality, etc.). These communities often bear a disproportionate environmental burden and may have fewer resources to offset effects, which can lead to health disparities and lower quality of life.

Consider how the proposal might impact overburdened and more vulnerable communities and steps that could be taken to reduce or avoid additional environmental impacts, including mitigation and project design changes. Your agency may have specific policies on how to consider impacts and engage with overburdened communities and vulnerable populations. This helps to ensure the data are used to raise awareness and create more opportunities for impacted communities to influence decisions that may affect their lives.

This analysis can be included in the environmental health section of the analysis, as a separate section or included in the cumulative impacts analysis. The environmental justice analysis should be a separate analysis from Tribal impacts although the two may need to be cross referenced.

Other Considerations

Other (non-environmental) impacts, such as a cost/benefit analysis, may be included in the EIS if the lead agency determines this information would be helpful in evaluating the proposal. However, for the purposes of complying with SEPA, the weighing of merits and drawbacks of alternatives does not need to be displayed in a monetary cost-benefit analysis and should not be where there are important qualitative considerations ([WAC 197-11-450](#)).

Considerations for Mitigation

Mitigation is defined as avoiding, minimizing, rectifying (repairing), reducing, eliminating, compensating, or monitoring environmental impacts ([WAC 197-11-768](#)). Mitigation may be suggested by the applicant; mandated by local, state, and federal regulations; or required through the use of SEPA substantive authority ([WAC 197-11-660](#)). More information can be found in Chapter 7.

The EIS should identify possible mitigation measures to address the impacts of a proposal. The discussion should include information on the intended environmental benefit of the proposed mitigation. As much as possible, the EIS should also clearly identify the mitigation measures as either a condition of a permit or as potential so reviewers may better assess the impacts of the proposal.

Mitigation can only be required and enforced through permits or other legally binding documents. Even if mitigation is proposed through use of SEPA substantive authority, the mitigation must be included as a condition(s) on a permit, license, or approval, before it is enforceable. It is important to note when proposed mitigation measures identified in an EIS are not likely to be required through permits.

Mitigation measures must be reasonable and capable of being accomplished. The applicant may be required to implement mitigation measures only to the extent attributable to the identified adverse impacts of the proposal. If the technical feasibility or economic practicality is uncertain, the mitigation measure may still be discussed but discussion of the uncertainties should be included in the EIS.

Draft EIS

A Draft EIS documents the lead agency's analysis of a proposal, and provides an opportunity for agencies, Tribes, and the public to review the document and provide suggestions for improving the adequacy of the environmental analysis.

Comments on the Draft EIS stimulate discussion and thoughts about how to change or condition the proposal to further protect the environment. Lead agencies can use public comments to improve the completeness, accuracy, and objectivity of the environmental analysis. Edits can be made in the Final EIS that will provide more information to decision-makers.

In some cases, the proponent may choose to modify the proposal based on comments made during the Draft EIS comment period. In that instance, the modifications would also be described and evaluated in the Final EIS. If any changes to the project proposal could result in one or more new adverse significant impacts, the lead agency needs to prepare a supplemental Draft EIS to analyze them.

Issuing a Draft EIS

When the lead agency is satisfied with the content of the Draft EIS, it is required to give public notice and hold a 30-day public comment period. Procedures for issuing the Draft EIS are found in [WAC 197-11-455](#). The date of issuance is the date the Draft EIS is submitted to Ecology's State SEPA Register, to agencies with jurisdiction, and is made available to the public.

Agencies, the public, and Tribes are encouraged to provide comments on the Draft EIS. Reviewers have the opportunity to comment on:

- The accuracy and completeness of the environmental analysis
- The methodology used in the analysis
- Gaps in information
- Proposed mitigation measures

Document distribution

Procedures for issuing the Draft EIS are found in [WAC 197-11-455](#). The draft should be issued to agencies with jurisdiction and interested parties, including:

- Department of Ecology by submitting it directly to the SEPA Register
- Federal, state and local agencies with jurisdiction
- Cities and counties that could experience impacts and potential disruption to public services
- Anyone who expressed an interest in the project
- Tribes
- Community members near the project location or who may be affected

Copies of the Draft EIS should be made available at the lead agency office. A best practice is to also have the draft available online and in facilities accessible to the public (libraries, community centers, and other locations within affected communities).

Public notice

The lead agency should notify the public that the Draft EIS is available for review and comment ([WAC 197-11-510](#)). Notification may be done by posting the property, publishing notice in local newspapers, through media releases, or by publishing notices. Notice may also be sent by mail or email. Each agency will specify its method of public notice in its SEPA procedures.

Notification should be provided to:

- Any person, organization, or governmental agency that expressed an interest.
- Public or private groups with known interest.
- Community members near the project location or who will be affected.

Public comment period

A 30-day public comment period is required for the Draft EIS. If requested before the end of the comment period, the lead agency may extend the comment period up to an additional 15 days.

The lead agency will sometimes include the additional days in the comment period when the EIS is issued, or they may grant an extension of the comment period upon request. When an extension of the comment period is granted, the lead agency should, whenever feasible, provide notice of the extension to other reviewers.

Reviewers have the opportunity to comment on:

- The accuracy and completeness of the environmental analysis.
- The methodology used in the analysis.
- Gaps in information.
- Proposed mitigation measures.

Public meetings and hearings

In most cases, public meetings are not required for the Draft EIS, unless there is some other requirement of law ([WAC 197-11-535](#)).

A public hearing on the EIS should be held if one of the following occurs:

- Lead agency determines that it is warranted.
- Fifty or more people residing in the jurisdiction of the lead agency or who would be affected by the proposal make a written request (within 30 days of issuance of EIS).
- Two or more agencies with jurisdiction over the proposal make a written request (within 30 days of issuance of EIS).

The hearing must be held between 15 and 50 days after the Draft EIS is issued, and a minimum of 10-day notice must be made.

Final EIS

The Final EIS is the lead agency's record of the environmental analysis conducted for the proposal. It provides decision-makers with environmental information about a proposal to help them decide whether to approve the proposal, approve it with conditions (mitigation), or deny the proposal. The Final EIS includes information and input from the applicant, lead agency, other agencies with jurisdiction or concern, Tribes, and the public. It is completed early enough so that there is still a choice between reasonable alternatives.

Responding to Comments on the Draft EIS

The lead agency must consider comments received during the Draft EIS comment period, and respond to them in the Final EIS ([WAC 197-11-560](#)). Lead agency responses to comments should be as specific and informative as possible.

Possible responses to comments include:

- Explaining how the alternatives, including the proposed action, were modified
- Identifying new alternatives that were proposed
- Explain how the analysis was supplemented, improved, or modified
- Make factual corrections
- Explain why the comment does not warrant further agency response

All timely and substantive comments and the lead agency's responses to them must be included in an appendix in the Final EIS. If repetitive or voluminous, the comments may be summarized and the names of the commenters included. The lead agency may respond to each comment individually, respond to a group of comments together, cross-reference comments and the corresponding changes in the EIS, or any other reasonable method to provide an appropriate response.

If any significant new issues have been raised before the release of the Final EIS, the lead agency may choose to issue a supplemental Draft EIS with a second comment period prior to issuing the Final EIS. This allows the public, Tribes, and other agencies to review and comment on the new material and analyses before the document is finalized. The Final EIS, when it is ultimately issued, may have any of the formats described below.



Tip: If the comment is generic or nonspecific (e.g., “There will be unacceptable air quality impacts”), the response might be: “Your comment was considered but it was not specific or applicable enough to respond to. Please see Section XX of the Final EIS for a discussion of air quality impacts and possible mitigation.”

Timing of Final EIS

The Final EIS is intended to follow closely after the Draft EIS, if possible. The SEPA Rules state that a Final EIS shall be issued within 60 days after the end of the comment period for the Draft EIS, except when:

- the proposal is unusually large in scope
- the environmental impacts are unusually complex
- responding to the Draft EIS comments requires extensive modifications to the EIS and/or the project

Format of Final EIS

After considering comments on the Draft EIS, the lead agency can release the EIS in one of the following formats:

✓ Revised Draft EIS becomes the Final EIS (most common approach)

- If there are substantive comments that warrant substantial changes to the EIS, the Final EIS is typically issued with a similar format to the draft.
- Necessary changes are made throughout the EIS text.
- Using a similar format for both the draft and the Final EIS makes the two documents easier to compare.

The Final EIS is the edited Draft EIS with the attached Draft EIS comments and lead agency response to comments (as an appendix).

✓ Draft EIS and a new, updated fact sheet

- If there are no substantial comments or changes proposed on the Draft EIS, the lead agency may state that in an updated fact sheet.
- The Final EIS is then composed of the Draft EIS with the new fact sheet attached.

✓ Draft EIS and addendum

- If changes to the Draft EIS are minor (e.g. response to comments involves factual corrections or an explanation that the comment does not warrant additional consideration) an addendum may be prepared.
- The addendum must contain the comments received on the Draft EIS, the lead agency's responses, and any changes to the information and analysis in the draft.
- The Final EIS consists of the Draft EIS, a new fact sheet, and the attached addendum.
- Previous recipients of the Draft EIS need only be sent the new fact sheet and the addendum.

Issuing a Final EIS

The Final EIS is distributed to the Department of Ecology (via the SEPA register), all agencies

with jurisdiction, any agency who commented on the Draft EIS, and (though a fee may be charged) to any person requesting a copy. The Final EIS or a notice that it is available must also be sent to anyone who had commented on or received the Draft EIS.

Agencies may make decisions on the proposal seven days after the Final EIS has been issued. Procedures for issuing the Final EIS are found in [WAC 197-11-460](#). No public comment period is required.

Supplementing an EIS

A supplemental EIS (SEIS) adds information and analysis to supplement the information in a previous EIS ([WAC 197-11-405](#)). It may analyze new alternatives, new areas of likely significant adverse impact, or add additional analysis to areas not adequately addressed in the original document. The need for a supplemental EIS can be identified during the EIS process, after a Draft EIS, or Final EIS, or any time after. When the additional information is minor and does not involve the analysis of new significant impacts, an addendum may be issued instead of a SEIS.

Here are the two common scenarios for developing an SEIS:

- SEIS is issued **after a DRAFT EIS**
 - Draft EIS is released with comment period
 - A Draft SEIS is developed and a second comment period is held
 - Final SEIS is developed and includes comments from both comment periods and responses to both sets of comments
- SEIS is issued **after a FINAL EIS**
 - Final EIS is released
 - A Draft SEIS is developed and a public comment period is held
 - The Final SEIS includes all comments and responses for the Draft SEIS only

The SEIS process essentially follows the same requirements as a Draft EIS and Final EIS, except that scoping for a SEIS is optional. A public comment period and notice is required for the Draft SEIS.

There are several situations when a SEIS is appropriate:

- The proposal has changed and is likely to cause new or increased significant adverse environmental impacts that were not evaluated in the original EIS.
- There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts.
- New information becomes available indicating new or increased significant environmental impacts are likely.
- The lead agency decides that significant issues/impacts were missed in the Draft EIS and/or additional alternatives or mitigation should be evaluated and SEPA goals would be better served with another Draft EIS and comment period.

- The original EIS was issued for a different proposal (such as a comprehensive plan), but provides the basis for review of the current proposal. In this instance, the original EIS is adopted and the adoption form must be included within the Draft SEIS, which contains analysis of any likely significant adverse environmental impacts not yet evaluated.
- An agency with jurisdiction concludes its comments on the Draft EIS were not adequately addressed in the lead agency's Final EIS. In this case, the agency with jurisdiction must prepare the supplemental EIS at its own expense.

**Tips:**

- To facilitate review and the comparison of options, it is helpful for the SEIS to use the same organization and format as the original EIS.
- When a SEIS is being prepared after the original Final EIS was issued, agencies with jurisdiction should consider waiting to issue permits until after the Final SEIS is issued. Although the SEPA Rules do not address this, the additional analysis, changes to the proposal, or new mitigation may be relevant to other agencies' decisions.
- The agency preparing the document should notify all agencies with jurisdiction that a SEIS is being prepared.

Step by Step Guide 5: Issuing a Determination of Significance and Scoping Notice

✓ Step 1. Complete and sign the DS/Scoping Notice form

- Use the form found in [WAC 197-11-980](#)
- Decide whether to use expanded scoping
 - Use of expanded scoping can extend the comment period to up to 30 days (longer if the applicant agrees) ([WAC 197-11-408](#), [WAC 197-11-410](#))
 - Expanded scoping can include information packets, surveys, meetings, workshops, development of teams and other methods of engagement.
- Include information for the public, agencies and Tribes to understand what is proposed and what will be evaluated in the EIS.

✓ Step 2. Identify the comment due date

- The minimum comment period length for scoping is 21 days.
- An expanded scoping can be up to 30 days (or longer if the applicant agrees)

✓ Step 3. Distribute scoping notice and give public notice

- Distribute the scoping notice to ([WAC 197-11-408](#), [WAC 197-11-360](#), [WAC 197-11-920](#)):
 - Ecology's SEPA Register
 - Agencies with jurisdiction
 - Agencies with expertise
 - Affected Tribes
 - Applicant
 - Interested public
 - Canadian provinces, if appropriate
- Give public notice
 - If possible, combine the SEPA notice with other notice requirements
 - Use one or more of the following options ([WAC 197-11-510](#)):
 - Mail or email to persons interested in the proposal,
 - Publish notice in a newspaper of general circulation where the project is located, and/or
 - Post a notice on the site if site specific.
 - Follow any agency-specific public notice requirements as appropriate.

✓ Step 4. Consider comments and define the scope of the EIS

- The EIS scope includes ([WAC 197-11-402](#)):
 - Elements of the environment to be evaluated,
 - Reasonable alternatives, the no action alternative, and
 - Possible mitigation measures

Step by Step Guide 6: Developing and Issuing a Draft EIS

✓ Step 1. Define the scope of the EIS

- The EIS must include ([WAC 197-11-402](#)):
 - Reasonable alternatives and the no action alternative.
 - Elements of the environment that are likely to be significantly impacted.

✓ Step 2. Decide who will write the EIS

- The lead agency may have an EIS prepared by agency staff, an applicant or its agent or by an outside consultant ([WAC 197-11-420](#)). The lead agency is responsible for the content of the document and ensuring all appropriate content is included.
- The lead agency must:
 - Identify the scope of the EIS.
 - Decide the organization of the EIS.
 - Direct the areas of research and analysis.
 - Ensure the content and process are consistent with the lead agency's adopted SEPA procedures.

✓ Step 3. Analyze the proposal

- Consider the following when analyzing the project for likely impacts ([WAC 197-11-440](#)):
 - What are the existing conditions?
 - What will the proposal change and will the change cause a significant impact?
 - Are there reasonable alternatives or possible mitigation?
 - Are any studies, modeling, or other analyses needed?
 - Are unavoidable adverse impacts likely?
- Request input from other local or state agencies and Tribes with expertise as needed

✓ Step 4. Ensure the EIS contains the necessary information

- Every EIS must include the following ([WAC 197-11-440](#)):
 - Cover letter or memo. ([WAC 197-11-435](#))
 - Fact sheet.
 - Table of contents.
 - Summary.
 - Reasonable alternatives, the no action alternative.
 - Affected environment, significant impacts, and mitigation measures.
 - Distribution list.
 - Appendices, which can include technical and other supplemental information to support the analysis.

✓ Step 5. Distribute the Draft EIS, give public notice and hold a 30-day (minimum) comment period

- Distribute the Draft EIS or notice of its availability to ([WAC 197-11-455](#)):
 - Department of Ecology via the SEPA register.
 - Agencies with jurisdiction.
 - Agencies with expertise.
 - Each city/county where impacts may occur.
 - Local agencies whose public services would be changed.
 - Applicable local, area-wide, or regional agencies.
 - Any person requesting a copy.
 - Affected or interested Tribes.
 - Local, regional, and/or state libraries (optional).
 - Anyone who has expressed an interest in the proposal.
- Give public notice
 - If possible, combine the SEPA notice with the application notice.
 - If not combined, select one or more of the following options:
 - Mail or email to persons interested in the proposal,
 - Publish notice in a newspaper of general circulation where the project is located, and/or
 - Post a notice on the site, if site specific
- Hold a 30-day comment period ([WAC 197-11-502](#))
 - Upon request, the lead agency may grant a 15-day extension of the comment period
 - For their own proposals, lead agencies may extend the comment period
 - Public meetings or hearings may be held

Step by Step Guide 7: Issuing a Final EIS

✓ Step 1. Compile the comments and prepare written responses to each comment.

- All comments or a summary of comments must be included in the Final EIS (WAC 197-11-560). Possible agency responses include:
 - Modify alternatives
 - Develop new alternatives
 - Supplement, improve, or modify the analysis
 - Make factual corrections
 - Explain why the comments do not warrant further response
- Substantive comments and responses should be appended to the Final EIS

✓ Step 2. Prepare the Final EIS

- The Final EIS will usually consist of (WAC 197-11-560):
 - Modified Draft EIS (including a cover letter or memo and an updated fact sheet)
 - All comments and the agency's responses
- If no comments critical to the scope or content of the Draft EIS, the Final EIS can consist of the Draft EIS and an updated fact sheet (WAC 197-11-440)
- If changes in response to comments are minor, the Final EIS can consist of an updated fact sheet and an addendum that contains the comments, responses, and changes (WAC 197-11-460)

✓ Step 3. Distribute the Final EIS

- The Final EIS must be:
 - Loaded to Ecology's SEPA register
 - Sent to all agencies with jurisdiction
 - Sent to all agencies who commented on the Draft EIS, and anyone requesting a copy
- Either the Final EIS or a notice of availability must be sent to:
 - Anyone who commented on the DEIS; and
 - Anyone who received the DEIS but did not comment.

✓ Step 4. Seven days wait before agencies can make decisions

- This allows time for the decision-makers to read the EIS ([WAC 197-11-460](#))

Chapter 6. Nonproject Review

Nonproject actions are government actions involving decisions on policies, plans, or programs that contain standards controlling use or modification of the environment, or that will govern a series of connected actions ([WAC 197-11-704](#)).

For example: adoption or amendment of comprehensive plans, subarea plans, transportation plans, ordinances, rules, and regulations.

Any proposal that meets the definition of a nonproject action must be reviewed under SEPA, unless specifically exempted. Nonproject review allows agencies to consider the “big picture” by conducting a comprehensive analysis and addressing cumulative impacts, possible alternatives, and mitigation measures. This has become increasingly important because it:

- Provides the basis for future project decisions: Environmental analysis at the nonproject stage forms the basis for later site-specific project review, providing greater predictability.
- Expedites project analysis and decisions: The more detailed and complete the environmental analysis during the nonproject stage, the less review needed during site-specific project review. Project review can then focus only on those site-specific environmental issues that were unknown or not adequately addressed at the time of the nonproject review.

General Guidance for Nonproject Actions

The procedural requirements for SEPA review of a nonproject proposal are largely the same as a project proposal. Environmental review starts as early in the process as possible when there is sufficient information to analyze the probable environmental impacts of the proposal.

For nonproject proposals, it is not necessary to fill out the entire SEPA checklist. Lead agencies should ensure that Sections A, C and D (Supplemental Sheet for Nonproject Actions) are filled out. Information can be included in Section B if it is known.

If the lead agency has already determined that an environmental impact statement is needed or SEPA has already been completed, no environmental checklist is needed. Review of a nonproject proposal should include consideration of other existing regulations and plans, as well as any that are under development and may be relevant.

Whenever possible, the proposal should be described in a way that encourages consideration of a wide range of alternatives to accomplish the objective. For example, a plan to treat aquatic vegetation with chemicals could instead be described as a plan to

manage aquatic vegetation. Describing the aquatic vegetation plan's objective more broadly (i.e. "management" vs. "chemical treatment") encourages consideration of different alternatives in addition to chemical treatment, such as biological or mechanical treatments.

Here are some examples of some issues agencies should consider for nonproject reviews:

- During development of a critical area ordinance, the agency should consider the relationship to the Clean Water Act, Shoreline Management Act, and other laws and regulations that may apply.
- If the nonproject action is a comprehensive plan amendment or similar proposal that will govern future site-specific project development, the probable impacts need to be considered for all of the various types of future development that would be allowed.
- An environmental analysis of a zone designation should analyze the likely impacts of the development allowed within that zone. The more specific the analysis at this point, the less environmental review needed when a site-specific project permit application is submitted.
- Environmental review of nonproject actions by GMA cities and counties have additional specific guidance and requirements outlined in [RCW 36.70A](#).

Nonproject Review Process

The procedural steps for a nonproject review are briefly discussed below.

Determine if SEPA is required

Start by defining the goals and objectives of the proposal. Nonproject actions that contain only procedural requirements and no substantive standards are usually exempt from SEPA review under [WAC 197-11-800\(19\)](#). If the proposal is not exempt, environmental review starts when the agency has identified a goal and is starting development of the proposal.

Make a preliminary threshold determination

While not all nonproject actions warrant the preparation of an EIS, for some it will be obvious at the start of the process that an EIS is needed. If there is enough information to know that an EIS is needed, the lead agency can skip the SEPA checklist requirement and instead issue a DS/scoping notice at the beginning of the development process.

Examples of types of nonproject actions that may require an EIS include adoption of master or subarea plans, development code amendments with major changes to how land may be used, and adoption of capital improvement and utility plans. Regardless, each nonproject action should be reviewed on a case-by-case basis to determine whether an EIS will be required.

Continue environmental analysis throughout nonproject development

Environmental analysis will continue throughout the development of the proposal. As key issues and alternative development strategies are being considered, the probable environmental impacts need to be identified and evaluated. This will allow consideration of environmental issues as decisions are made throughout the nonproject review and development process. If this environmental analysis is documented throughout the rule or policy development, it can be used to easily prepare the appropriate SEPA document.

Issue a DNS or Draft EIS

A DNS or Draft EIS should be issued at the point where the proposed nonproject action is posted for public review. For example, a DNS should be posted for public review along with a draft comprehensive plan update.

Finalize the process

For DNSs, the lead agency must reevaluate the DNS based on timely comments. The responsible official may decide to retain the DNS, issue a modified DNS, or withdraw the DNS and issue a new threshold determination.

Contents of a Nonproject EIS

In most instances, the development of a nonproject action (i.e. plan or policy) involves an analysis of alternatives and the potential consequences of future project actions made possible by the nonproject action ([WAC 197-11-442](#)).

Agencies have flexibility in formatting a nonproject EIS and are encouraged to combine the EIS with the planning document. The EIS should discuss impacts and alternatives with the level of detail appropriate to the scope of the nonproject proposal. Although the format is flexible, the EIS must include a cover letter or memo, a fact sheet, a table of contents, and a summary ([WAC 197-11-440](#)).

When preparing a nonproject EIS, consider including the following topic areas:

Background and Objectives

- Background of the issue, including the purpose and need for action.
- Legislative authority or mandate.
- Statement of the primary objective and relationship to ongoing and future regulatory and planning efforts.

Existing Conditions

- Description of the existing situation—current regulations, existing means of achieving the objective, current institutional structure.

Proposal and Alternatives

- Description of the proposed regulation, policy, plan, etc.
- Alternatives to the proposal that could reasonably meet the primary objective.

Environmental Impacts

- Description of the adverse environmental impacts relative to other policies. For example, the consequences of the transportation plan on housing policy or plans.
- Summary of environmental impacts from the proposal and alternatives.

When issuing a Final EIS, all comments received on the Draft EIS must be included in the final report, along with responses to each comment. The Final EIS must be issued at least 7 days prior to adoption of the proposed rule, policy, or plan.



Tip: When preparing a nonproject environmental document, the lead agency should think about the use of the document during the environmental review of future project proposals. Will the information provide a solid foundation for additional analysis at the project phase? Will the information be easy to locate and cross reference in later environmental documents?

Chapter 7. Using SEPA in Decision Making

An essential part of the SEPA process is the consideration of environmental impacts and possible mitigation measures during agency decision-making. If adverse environmental impacts are identified in a SEPA document, agencies should consider including proposed mitigation in permits and other binding legal documents to reduce impacts.

Decision-makers should determine whether possible mitigation measures are likely to protect or enhance environmental quality. Mitigation measures must be related to a specific adverse impact clearly identified in an environmental document on the proposal, and must be reasonable and capable of being accomplished ([WAC 197-11-350](#)).

Mitigation must be included as permit condition or other legal binding document to be enforceable. The exception is when an applicant alters the permit application(s) or project design to include the needed changes or conditions. Identification of mitigation in a DNS or EIS alone is not sufficient to allow enforcement.

SEPA gives state and local agencies the ability to condition or deny a proposal. This authority, known as supplemental or substantive authority allows decision-makers to use the SEPA environmental analysis to condition or deny proposals ([RCW 43.21C.060](#), [WAC 197-11-660](#)).

This supplemental authority is in addition to any authority an agency has to condition or deny a proposal under other regulations. It should only be used when there are gaps in other regulations. Voluntary mitigation may also be included as a condition of approval.

Before taking an action for any proposal that requires SEPA review, the agency decision-maker must ask several questions.

- **Has SEPA review been completed?**
 - The decision-maker will review the SEPA document (DNS or Final EIS) before deciding whether to approve or deny the proposal.
- **Has the project changed from what was described in an original SEPA document and any updates?**
 - Are the changes likely to cause a significant adverse environmental impact that has not been adequately addressed in a previous SEPA document?
 - If the changes will cause a significant adverse environmental impact that has not been evaluated in a previous SEPA document, additional SEPA review is needed before the proposal can be approved.
- **Is new information available that indicates the proposal is likely to have a significant adverse environmental impact that has not been analyzed in a SEPA document?**
 - If so, additional SEPA review is needed before the proposal can be approved.
- **What adverse environmental impacts are likely to occur if the proposal is approved?**

- **Can conditions be required through federal, state, or local regulations that will reduce or eliminate the adverse environmental impacts?**
- **Should SEPA supplemental authority be used to require additional mitigation measures or to deny the proposal?**
 - Before requiring mitigation measures under SEPA substantive authority, agencies should first consider whether local, state, or federal permit requirements would already mitigate the identified significant adverse impacts.

To condition a proposal using SEPA substantive authority, the following requirements must be met:

- The agency must have adopted SEPA policies (WAC 197-11-902).
- A specific adverse environmental impact must be identified in the SEPA document (DNS or Final EIS).
- The mitigation measure must be reasonable and capable of being accomplished.
- Mitigation measures can only be imposed on an applicant for impacts from the proposed project.

When using SEPA substantive authority to MITIGATE a proposal, the decision-maker must:

- Cite the agency SEPA policy that is the basis for conditioning or denying the proposal.
- Document the decision in writing.
- Create a document that states the decision, required mitigation measures and make it available to the public. This document may be the permit, license, or approval; or it may be combined with other agency documents. This decision document may also reference relevant portions of environmental documents.

When using SEPA substantive authority to DENY a proposal, a decision-maker must:

- Determine that the proposal would likely result in a significant adverse environmental impact identified in a Final EIS or final supplemental EIS.
- Determine that reasonable mitigation measures are not sufficient to mitigate the identified impact to a non-significant level.

Chapter 8: Local Government Planning Tools

SEPA includes several provisions giving local government flexibility to integrate project-level environmental reviews under SEPA with planning-level decisions for urban infill areas. These flexible tools are intended to help cities and counties meet local planning goals while still providing the necessary environmental review under SEPA.

Environmental review at the planning stage allows a city or county to analyze impacts and determine mitigation system-wide, rather than project by project. This allows cumulative impacts to be identified and addressed, and provides a more consistent framework for the review, conditioning, or denial of future projects.

Many of these tools are only available for communities fully planning under the Growth Management Act, but some are available statewide. The paragraphs below describe some tools and indicate which tools are available for fully planning communities and which tools are available for all communities.

The tools include:

- Minor new construction flexible exemption thresholds ([WAC 197-11-800\(1\)](#))
- Urban infill development ([RCW 43.21C.229](#))
- Planned actions ([RCW 43.21c.440](#), [WAC 197-11-440](#), [164](#), [168](#), [172](#))
- Transit-oriented development([RCW 43.21C.420](#))

Minor New Construction Flexible Exemption Thresholds

Flexible exemption thresholds for minor new construction allow local governments to choose the density of units, square footage of buildings, and cubic yards of excavation or fill that can be exempt from review under SEPA. The rule lists requirements for local governments that choose to adopt higher flexible exemption levels ([WAC 197-11-800\(1\)\(c\)\(i\)-\(iv\)](#)).

The flexible thresholds for minor new construction listed in the rule in WAC 197-11-800(1)(b) apply when higher levels are not adopted by local governments into an agency SEPA Procedures. These default threshold levels apply statewide and are the minimum of each exemption range, while the upper limits to each range are found in WAC 197-11-800(1)(d). Table 6 (page 74) provides the exemption ranges for local governments to consider for their community. Local government should consider and choose what range of exemption levels are appropriate for their community.

These flexible exemptions can only be adopted by counties, cities and towns, but will apply to all projects within that local government's specified boundary, regardless of the lead agency for a specific proposal. Different exemption levels are available to different parts of the state. For

example, the highest exemption levels are only available for cities and towns fully planning under the Growth Management Act.

Each local government needs to evaluate what levels of density, infill, and construction appropriate for the area. These should be consistent with the comprehensive plan and the existing and planned uses for the community. Communities can decide to make exemption levels the same everywhere, or the thresholds can be specific to different areas.

Process for increasing flexible exemptions

The process for increasing flexible exemptions is a three-step process: Step One is to propose new levels and prepare documentation; Step Two is to complete a 60-day review and comment period; and Step 3 is to prepare the and adopt the new exemption levels.

Step One: Prepare documentation

The documentation requirements to increase SEPA exemption thresholds for minor new construction must include demonstration the proposed exemption levels are consistent with the applicable land use policies and regulations and how in the absence of an environmental review existing regulations and processes still provide information to inform permit decisions for these project actions.

Documentation must include:

- Descriptions of the types, sizes and locations of projects proposed for the new exemption levels.
- Identification that Requirements for environmental analysis, protection and mitigation in existing regulations for the proposed minor new construction exemption thresholds are adequately addressed. The documentation should demonstrate analysis, protection, and mitigation for all elements of the environment, listed in [WAC 197-11-444](#). This documentation can be demonstrated by reference to new or existing local, state or federal code and regulations applicable to the projects exempted by the new threshold levels.
- A list of the applicable authorities and regulations, accompanied by a description of how much these regulations reduce impacts on each element of the environment for all project types, sizes and locations.
- Documentation of the results of consulting with the Washington State Department of Transportation on impacts to state owned transportation facilities. This must include mitigation as a result of increased exemption thresholds that would otherwise be implemented through SEPA. We recommend reaching out to [WSDOT](#) early to ensure adequate time for review and engagement of the analysis to impacts to state transportation facilities.

Step Two: Notice and review.

The process for adopting an ordinance or resolution to increase flexible exemption thresholds is exempt from SEPA environmental review, [WAC 197-11-800\(19\)\(c\)](#), but other public notices and consultation requirements apply. A minimum 60-day comment period is required prior to adopting this type of ordinance or resolution in WAC 197-11-800(1)(c)(iii) and for consistency with the requirements for a notice of intent to adopt in RCW 36.70A.106. Notice must be sent to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology, and the public and provide an opportunity for comment. Minimally the recipients required include:

- Department of Transportation
- Department of Archaeology and Historic Preservation
- Department of Ecology
- Department of Commerce
- Agencies with expertise
- Affected Tribes
- Neighboring local governments
- Agencies providing services to areas of increased thresholds, e.g. sewer districts, and other utilities.

Upon the completion of the comment period, the local agency should review input and make appropriate changes to the documentation, especially to mitigation required to offset the proposed new exemption thresholds. Special consideration should be given to the feedback provided from the Department of Transportation and the Department of Archeology and Historic Preservation. Both agencies play a key role in providing information required to pass the ordinance. We recommend meeting with both agencies to discuss feedback provided.

Step Three: Prepare and adopt the proposed exemption levels.

The legislative action, either an ordinance or resolution must contain specific findings.

- Identification of comment opportunities triggered for permits and development projects that will be relied upon in the absence of SEPA notification and comments opportunities. The notification and comment opportunities need to include affected tribes, the public, and agencies. These notification and comment opportunities must be required through the local code.
- Documentation of how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. A local ordinance or resolution that addresses cultural resources shall include at minimum:
 - Identification that local planning and permitting processes ensure compliance with chapters [27.44](#), [27.53](#), [68.50](#), and [68.60](#) RCW.

- Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington Department of Archaeology and Historic Preservation, other agencies, and tribal governments.
- Local development regulations that include at minimum pre-project cultural resource review where warranted, and standard inadvertent discovery language for all projects.



Tip: Regardless of the exemption levels that a community adopts, the language in the code adopted makes a difference for implementation. Do not limit this section of the code to a table. There is other important information in this part of the Rule to incorporate. Both [WAC 197-11-800\(1\)\(a\) and \(b\)](#) contain important information that explain what the exemptions are, how they apply, and circumstances when they do not apply.

Table 6. Maximum exemption ranges for local governments ([WAC 197-11-800](#))

Project types	GMA counties - Incorporated areas and unincorporated UGAs	GMA counties: Other unincorporated areas	All other counties: Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Single family residential (less than 1,500 sq ft)	100 units – incorporated 30 units - unincorporated	20 units	20 units
Multifamily residential	200 units - incorporated 60 units - unincorporated	25 units	25 units

Project types	GMA counties - Incorporated areas and unincorporated UGAs	GMA counties: Other unincorporated areas	All other counties: Incorporated and unincorporated areas
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

Urban Infill Development Exemptions

Infill development exemptions ([RCW 43.21C.229](#)) authorize local governments to establish SEPA categorical exemptions for residential, mixed-use and non-retail commercial development to meet the planned densities and intensities in UGAs consistent with the adopted comprehensive plan. The process to establish these categorical exemptions is similar to the requirements for adopting flexible exemption thresholds that require a demonstration of consistency with the comprehensive plan.

Before adopting the exemption, cities and counties must prepare an environmental analysis regarding the density and intensity of development allowed in their jurisdiction, including transportation impacts. The analysis must document that the requirements for environmental evaluation, protection, and mitigation for impacts to elements of the environment have been adequately addressed.

The city or county must document that they have consulted with the Washington State Department of Transportation (WSDOT) on impacts to state-owned transportation facilities, including whether mitigation is necessary for impacts. After consulting with WSDOT, jurisdictions can incorporate the new exemption as part of the upcoming periodic GMA update cycle.

This section of law was recently amended in 2023 by [Second Substitute Senate Bill 5412](#)⁹. The bill now allows categorical exemptions for a wider range of housing types. You can find additional guidance on the new SEPA categorical exemption for residential housing projects within cities and “middle housing” projects in unincorporated urban growth areas at [SSB 5412 Guidance \(wa.gov\)](#)¹⁰.

Process for Adopting Infill Categorical Exemptions

The following steps are an example of the process that might be used by a to establish a categorical exemption for infill development.

- Identify the density and intensity goals specified in the adopted comprehensive plan for residential and mixed-use development.
- If the density/intensity goals have been clearly defined, continue to step 2.
- If the density/intensity goals are not clearly defined, it may be necessary to update the comprehensive plan before adopting a new categorical exemption.
- Evaluate recent residential and/or mixed-use projects to identify a specific area(s) where the density/intensity goals in the comprehensive plan are not being met.
- This review should include consideration of restrictions in other regulations that may prevent the density/intensity from occurring. For example, development in a critical area may be limited due to a wetland buffer zone requirement in the critical area ordinance.
- If review of the recent development indicates the density or intensity goals are not being met, identify the development level needed to meet the goals within the selected area.
- Evaluate the EIS prepared for the comprehensive plan and determine if the density and intensity goals have been adequately analyzed.
- Is the analysis up-to-date and does it adequately evaluate the likely environmental impacts of proposed infill development?
- If the EIS analysis is not adequate, a supplemental EIS may need to be prepared before adopting an infill exemption. This supplemental EIS should be prepared in conjunction with the adoption or amendment of a subarea plan or an update of the comprehensive plan.
- Draft a proposed categorical exemption.

⁹ <https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bills/Senate/Passed/Legislature/5412-S2.PL.pdf?q=20230502105024>

¹⁰ [https://fortress.wa.gov/ecy/ezshare/sea/SEPA/Ecology_SSB_5412_guidance_Nov2023_\(003\)_Final.pdf](https://fortress.wa.gov/ecy/ezshare/sea/SEPA/Ecology_SSB_5412_guidance_Nov2023_(003)_Final.pdf)

The exemption should clearly indicate:

- The level of residential or mixed-use development that will be exempt,
- The area where the exemption will apply, and
- How the exemption will be applied to a proposed project.

When an application for residential or mixed-use development is received by local government, the fully planning GMA county/city **must**:

- Compare the proposal to the adopted categorical exemption.
- Ensure the proposed density or intensity of the development does not exceed the density/intensity levels established in the comprehensive plan.

If the proposal meets the criteria in the categorical exemption and does not exceed the density/intensity levels in the comprehensive plan, the proposal is exempt from SEPA review.

Planned Actions

Planned actions ([RCW 43.21C.440](#)) shift environmental review of a project from the permit application phase to an earlier phase in the planning process. The intent is to provide a more streamlined environmental review process at the project stage by conducting more detailed environmental analysis during planning. A thorough, planned environmental analysis identifying specific types of projects and potential mitigation from disclosed impacts can guide development in urban growth areas to meet density and intensity goals, and provide certainty to applicants and the public.

To initiate a planned action, a fully planning GMA city or county must first complete an EIS which addresses the likely significant adverse environmental impacts of the planned action. The EIS must result in reasonable mitigation that reduces impacts to below significant levels for the proposed planned action, or defer significant impacts to a project level review.

After completing the EIS, the city or county designates, by ordinance or resolution, those types of projects to be considered planned actions and the mitigation measures that will be required. The types of project action must be limited to [certain types of development](#)¹¹ or to a specific geographic area that is less extensive than a city or town's jurisdictional boundaries ([RCW 43.21C.440](#), [WAC 197-11-164](#) and [168](#))

¹¹ <https://mrsc.org/explore-topics/environment/regulations/planned-action>



Once a planned action is adopted, **the city or county is not required to issue a new threshold determination for a project qualifying as a planned action.**

To qualify as a planned action:

- The project must be reviewed for consistency with the adopted legislative action. The local agency must verify the project meets the description of the type of development or redevelopment the city or county identifies in the planned action legislation and was addressed in the underlying analysis.
- The project must be conditioned with the applicable mitigation, and if any impacts were deferred to project level review, they must be assessed at that time.
- A local agency must review the project application against the planned action, using either an environmental checklist or a planned action project review form specifically created for the planned action.
- A local agency must verify that the project is consistent with the planned action project(s) previously designated, and determine that impacts are adequately addressed in the EIS, project permit review continues without a threshold determination.

Designating planned action projects can reduce permit-processing time. **There are no SEPA public notice requirements or procedural administrative appeals at the project level for planned actions because a new threshold determination or new EIS is not required.** The only notice requirements are those required for the underlying permit(s).

If a public notice is required for the underlying permit(s) action, then the notice is required to state that the project qualifies as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required. However, the local agency implementing the planned action is encourage to provide public notice to ensure transparency, see [WAC 197-11-172](#).

Planned Actions can be used broadly to implement an adopted Comprehensive Plan or Subarea Plan or can be applied to planning specific projects, including:

- Transportation oriented development for mixed use or residential development
- A fully contained community
- A master planned resort
- A master planned community
- A phased project

However, planned actions are limited to Urban Growth Areas designated in [RCW 36.70A.110](#), and must be consistent with the adopted Comprehensive Plan. They cannot include essential public facilities (EPFs) unless the EPF is an accessory to or part of the planned action.

An EIS that includes an evaluation of alternatives and the required analysis of the planned action is the most likely way to ensure environmental review is sufficient at the planning stage. However, an EIS is not required for environmental review for Mixed-Use Transportation Oriented Development proposals ([RCW 43.21C.440](#)). Issuing an alternate threshold determination for these types of proposals is an option when there are no probable significant impacts. However, demonstration that the proposed planned action is consistent with the adopted comprehensive and/or subarea plan is still required.

When a local government cannot provide adequate evaluation of impacts for a specific agency action or element of the environment the EIS can defer these impacts to the project level environmental review. However, this requires a SEPA environmental review at the project level stage. When this occurs, the project level review will be limited to those specific impacts that were deferred, unless new unanticipated impacts are identified.

Examples of appropriate project actions limited to a specific geographic area include:

- Projects anticipated in a subarea or neighborhood plan with a limited number of development types.
- A large parcel in single ownership, such as a university campus or a large manufacturing complex where project construction will be done in phases.

Designating Planned Action Projects

The basic steps in designating planned action projects are to prepare an EIS or alternate environmental review, designate the planned action projects by ordinance or resolution and review permit applications to ensure proposed projects are consistent with the designated planned action. If a proposed planned action is for a transportation-oriented development meeting the criterium in RCW 43.21c.440(1)(b)(ii), an EIS process is not required as part of the planned action process and a DNS or MDNS can be utilized for the environmental review.

Step 1: Prepare the Environmental Review

The environmental analysis must identify the proposal and evaluate project level potential impacts of different alternatives identify mitigation to reduce the likely impacts. To ensure documentation is adequate the environmental analysis should build from the information already in the applicable GMA comprehensive plan.

When there is an existing subarea plan for the proposed planned action area that has already analyzed significant adverse impacts in an EIS, established policies and regulations with mitigation to reduce adverse significant impacts this can be implemented through a supplemental EIS process.

Otherwise, all environmental impact statements are subject to the minimum analysis in [WAC 197-11-440](#). Procedurally the EIS process is required to follow the steps of scoping, a Draft EIS, and a Final EIS, the procedural requirements of the EIS and notification are discussed in Chapter 5 of this handbook.

The scope of the planned action will likely include some assumptions of future development to ensure future projects are within the range of development or redevelopment of the planned action. Planned action projects should only be designated when a county or city can reasonably analyze the site-specific impacts that will occur as a result of the types of projects designated and can adequately address the anticipated impacts through adopted mitigation. A generalized analysis of cumulative environmental impacts will not provide enough information to address a project's impacts when it is time for the jurisdiction to issue permits for specific projects proposed as planned action projects.

Mitigation that reduces impacts below the level of significance is a key result of the analysis. If reasonable mitigation does not result from the analysis, then impacts must be deferred to the project level review or should not be included in the planned action.

Step 2: Adopt Planned Action Ordinance or Resolution

After completing the environmental review, the GMA city or county designates by ordinance or resolution those types of projects to be considered planned actions, including mitigation measures that will be applied during site-specific project development ([RCW 43.21C.440](#), [WAC 197-11-164](#), [168](#) and [172](#)).

There are a number of procedural requirements for this under the GMA and the [Department of Commerce](#) outside of SEPA. SEPA requirements for a county/city considering the adoption of a planned action ordinance or resolution can be found in [RCW 43.21C.440](#) and [WAC 197-11-164](#), [168](#), [172](#) and [315](#).

The following specific points should be considered:

- An extensive level of public review for both the EIS and the proposed planned action ordinance is crucial. Since a new threshold determination or EIS is not required when a permit application is received, there may not be an opportunity for public review or administrative appeal at the project review stage. In order to build support for an abbreviated permit process, public awareness is needed at these earlier phases. The following notification and outreach is required as part of development and implementation of planned action:
- At least one community meeting is required for all planned actions prior to issuing notice to adopt the planned action ordinance. The notification for the planned action and associated community meeting must be given to: all affected tribes and all agencies with jurisdiction over the future development identified in the planned action.

- For planned actions proposed for the entire county, city or town, the above notification of must also be given to all property owners in addition to affected tribes and agencies with jurisdiction.
- Although the statute allows a jurisdiction to designate planned action projects by an ordinance or resolution, adoption by ordinance is recommended. The provisions for adoption of an ordinance requires a more robust public process to ensure sufficient opportunity for public participation.
- The planned action ordinance should be as specific as possible and, at a minimum, contain the following elements to ensure a streamlined project level review:
 - Indicate where in the EIS or associated planning document(s) the projects' environmental impacts are addressed.
 - Reference required mitigation measures for a project to qualify as a planned action project. For example, the ordinance should indicate what mitigation has been identified in the EIS or what level of service has been accepted in the subarea plan for traffic impacts.
 - Identify, if any, deferred impacts for future project level SEPA review. Deferred impacts require an environmental review at the time of the project application.
- Identify the project submittal requirements for demonstration of consistency with the planned action. The local government can rely on the environmental checklist (WAC 197-11-960) to do this, or a special checklist can be developed to demonstrate consistency.
If desired, the city or county may set a time limit in the ordinance during which the planned action designation is valid.
- Although a fully planning GMA county or city must require the applicant to submit a SEPA environmental checklist with a project proposed as a planned action project, a revised format for the checklist may be developed by the city or county. While not required at this phase, it would be helpful if the revised checklist were developed in conjunction with the ordinance or resolution designating planned action projects.

Step 3: Review the Proposed Planned Action Project

When a permit application is received for a project proposed as a planned action project, the city or county must review the proposal following the requirements in [WAC 197-11-172](#):

- The project meets the description for project(s) designated as a planned action by ordinance or resolution.
- The probable significant adverse environmental impacts were adequately addressed in the prior environmental review analysis. The applicant is responsible for demonstrating impacts are addressed for the proposed project action with either an

environmental checklist or review form specified in the planned action. The applicant is required to provide this information with the project application.

- The project includes any conditions or mitigation measures outlined in the ordinance or resolution.
- The city or county shall provide notice of the consistency for the project with the planned action in the underlying permit notification, or if the city or county deems it appropriate, as a standalone notification.

If the project meets the above requirements, the project qualifies as a planned action project. **Neither a threshold determination nor an EIS will be required.** Consequently, there will be no administrative SEPA procedural appeal (an appeal of whether the proper steps in the SEPA process were followed). The planned action project will continue through the permit process pursuant to any notice and other requirements contained in the development regulations.



The project is **not** a planned action project if:

- The planned action ordinance deferred environmental impacts to project level review,
- The project does **not** meet the requirements of the planned action ordinance or resolution,
- The EIS did not adequately address all probable significant adverse environmental impacts.

The city or county must then make a threshold determination on the project and it would go through normal environmental review as part of project review. The county or city may still rely on the environmental information contained in the previous prepared analysis and supporting documents in analyzing the project's environmental impacts and making the threshold determination. If an EIS or SEIS is found to be necessary for the project, it only needs to address those environmental impacts not adequately addressed in the previous analysis.

Consistency Requirements for Planned Action Projects

A project proposed as a planned action project must still be analyzed for consistency with the local comprehensive plan and development regulations. **Designation of planned action projects does not limit a city or county from using other authority (e.g. transportation mitigation ordinances) to place conditions on a project; it only addresses procedural SEPA requirements.** The GMA county or city may still use its SEPA substantive authority or other applicable laws or regulations to impose conditions on a project qualifying as a planned action project.

Transit-oriented development

Cities can also conduct project-level SEPA review at the planning stage when developing subarea plans to encourage high-density, compact, in-fill development, and redevelopment. The process may be used within designated urban centers, or within half a mile of major transit stops where density is at least 15 dwelling units per acre.

The project-level impacts of planned future development must be evaluated in a subarea EIS. Subsequent development that is consistent with the subarea plan does not require additional SEPA review.

Table 7. Comparison of planning tools for transit-oriented development

Planning Tool	Planned Action for Transportation Oriented Development (TOD)	Transportation Oriented Development (TOD)
Purpose	Implement a planned action for a comprehensive plan, subarea plan, fully contained community, master planned resort or development, or a phased project that contains mixed-use or residential development in proximity to public transportation.	Establish optional elements of a comprehensive plan and development regulations for subareas of high density residential and mixed-use development in proximity to public transportation.
Criteria	<p>Ares within UGAs of GMA fully planning county, city, or town within a ½ mile of an:</p> <ul style="list-style-type: none"> • existing major transit stop; or, • planned major transit stop operational no later than 5 years from date of planned action. <p>and:</p> <ul style="list-style-type: none"> • Does not include essential public facilities (see RCW 43.21.440(1)(f)); and, • Consistent with comprehensive plan or sub area plan. 	<p>Any GMA fully planning city with a population > 5000, and</p> <ul style="list-style-type: none"> • Areas of mixed-use or urban centers in a land use or transportation plan; or, • Within one-half mile of a major transit stop zoned to have an average minimum density of fifteen dwelling units or more per acre. <p>Or</p> <p>Cities east of the Cascade mountains located in a county with a population of 230,000, with:</p>

Planning Tool	Planned Action for Transportation Oriented Development (TOD)	Transportation Oriented Development (TOD)
		<ul style="list-style-type: none"> • Areas of mixed-use or urban centers; and, • Adopt optional elements of comprehensive plan and development regulations to enhance pedestrian, bicycle, transit, or other non-vehicular transportation methods.
RCW/WAC reference	RCW 43.21C.440 WAC 197-11-164 WAC 197-11-168 WAC 197-11-172	RCW 43.21C.420
Planning document and implementation	Comprehensive plan, subarea plan, or any of the following GMA plans adopted as amendments into the comprehensive plan: fully contained community, master planned resort, or master planned development.	Comprehensive plan or subarea plan, and Policies and regulations adopted into land use code
Agency action	<p>Adoption of local ordinance/resolution describing:</p> <ul style="list-style-type: none"> • Types of projects designated in planned action. • Consistency with criteria in WAC 197-11-164. • Finding of adequacy for SEPA review that impacts addressed. • Specific mitigation required on the project level. <p>Can also include time limits for projects to occur.</p>	Adoption of local ordinance/resolution

Planning Tool	Planned Action for Transportation Oriented Development (TOD)	Transportation Oriented Development (TOD)
Planning phase required engagement opportunities	<p>Community meeting required prior to adopting planned action.</p> <p>If EIS: WAC 197-11-360 requires minimum 21-day scoping notice, and DEIS requires 30-day public comment period WAC 197-11-455(1)(a) If DNS/MDNS: 14-day comment period WAC 197-11-340(2)(b).</p>	<p>Community meeting required prior to scoping notice issuance RCW 43.21C.420(4)(b)</p> <p>If EIS: WAC 197-11-360 requires minimum 21-day scoping notice, and DEIS requires 30-day public comment period WAC 197-11-455(1)(a) If DNS/MDNS: 14-day comment period WAC 197-11-340(2)(b).</p>
Planning phase notification requirements	60-day Notice of Intent RCW 36.70A.106	60-day Notice of Intent RCW 36.70A.106
Project level review	<p>Determination of consistency (DOC) verifying project consistent with plan and regulations.</p> <p>SEPA project level review required for any impacts deferred to project level analysis.</p> <p>SEPA required for projects inconsistent with planned action.</p> <p>RCW 43.21C.440(3)(b) WAC 197-11-172</p>	SEPA exempt unless project inconsistent with optional comprehensive plan or subarea plan and development regulations adopted, then SEPA required for project.

Additional Resources

- Additional planning information and resources are available for local government [Washington State Department of Commerce Growth Management](https://www.commerce.wa.gov/serving-communities/growth-management/) ¹²
- Additional information available at MRSC's page about [Transit Oriented Development](https://mrsc.org/explore-topics/planning/zoning/transit-oriented-development). ¹³

¹² <https://www.commerce.wa.gov/serving-communities/growth-management/>

¹³ <https://mrsc.org/explore-topics/planning/zoning/transit-oriented-development>

Chapter 9. SEPA and the Federal National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) is similar to SEPA in terms of policy and goals but with differences in terminology and procedures (Table 8). NEPA applies to federal agency actions. The federal review process includes the use of a categorical exclusion (if applicable), or preparation of an environmental assessment (EA) followed by either a finding of no significant impact (FONSI) or by a Notice of Intent (NOI) to prepare an environmental impact statement (EIS).

A NEPA EA contains information about the proposal and its potential environmental impacts. The federal lead agency uses this to decide whether impacts will be below the level of significance and to prepare a FONSI, or if impacts will be significant, to prepare an EIS. An EA is not required if the lead agency has already decided impacts will be significant and to prepare an EIS. It includes a description of the proposal, a discussion of the proposal's purpose and need, evaluation of alternatives considered, including the 'No Action' alternative, and identification of probable environmental impacts.

Scoping is optional and depending on the lead agency's NEPA implementing regulations, the EA may be circulated for public review and comment before the lead agency issues either a FONSI or a Notice of Intent to prepare an EIS. An EA does not have to include every element of the environment such as in a SEPA checklist. An EA can be adopted instead of adopting a checklist if it fulfills the requirements of SEPA as determined by the SEPA responsible official.

The NEPA EIS process is similar to the SEPA EIS process. It starts with scoping, then issuance of a Draft EIS, public review and comment, and preparation of a Final EIS (Table 8). After completion of the NEPA Final EIS, the federal agency waits 30 days then issues a record of decision (ROD) that includes the decisions made, the alternatives considered, and the factors that were considered in reaching a decision

Table 8. Comparison of NEPA and SEPA procedural requirements ¹

Steps in the NEPA Process	Steps in the SEPA Process
Categorical Exclusion Various statutory exemptions	Categorical Exemptions (WAC 197-11-800-880) Statutory Exemptions (RCW 43.21c)
Environmental Assessment	Environmental Checklist (WAC 197-11-960)

Steps in the NEPA Process	Steps in the SEPA Process
Finding of No Significant Impact	Determination of Nonsignificance (WAC 197-11-340)
Notice of Intent (and Scoping)	Determination of Significance and Scoping notice (WAC 197-11-360)
Draft Environmental Impact Statement	Draft Environmental Impact Statement (WAC 197-11-455)
Final Environmental Impact Statement	Final Environmental Impact Statement (WAC 197-11-460)
Supplemental EIS ²	Supplemental EIS ² (WAC 197-11-620)
Record of Decision (ROD) is issued 30 days after Final EIS	Agency decisions can be made after a seven- day wait period (WAC 197-11-460)

¹ As of April 2025, the Council on Environmental Quality (CEQ) has rescinded its regulations implementing the National Environmental Policy Act (NEPA) in response to Executive Order 14154, which directed the removal of these regulations and the issuance of guidance for NEPA implementation.

²A Supplemental EIS can be developed after the Draft EIS or Final EIS.

Integrating NEPA and SEPA

Some projects may require an action or decision from federal agencies and state or local agencies and require compliance with both NEPA and SEPA.

For example, a major dredging operation might need approvals from the U.S. Army Corps of Engineers, Washington Department of Ecology, and from a county or city. Since federal and state/local actions are required, compliance with both NEPA and SEPA would be needed.

Although SEPA purpose and goals are similar to NEPA's, federal agencies may have procedures for environmental review that are not fully aligned with SEPA requirements. The main areas of divergence could include the scope of the review, types of impacts, and range of alternatives. SEPA, unlike NEPA, provides an expressed substantive provision that authorizes agencies to deny or condition a proposal based upon the impacts addressed in the environmental documents. This means there is an important purpose for SEPA review.

Although some projects may be exempt from NEPA review, SEPA review may still be required. The environmental review requirements under SEPA are separate and independent from those required or exempted under NEPA. Both the process and criteria are different for establishing and applying exemptions (known as exclusions under NEPA) under each statute and their implementing regulations.

Table 9. Some ways that NEPA and SEPA processes could intersect

Scenario	Process Details
<p>NEPA EA/FONSI is completed first</p> <p>The SEPA lead agency issues a DNS and adopts the EA in lieu of preparing an environmental checklist.</p>	<ul style="list-style-type: none"> • A minimum 14-day SEPA comment period is required and additional information and analysis can be included in the DNS or a SEPA addendum. • This option often involves close coordination between the NEPA and SEPA lead agencies to ensure that the NEPA analysis is sufficient for SEPA purposes.
<p>NEPA EIS is completed first</p> <p>SEPA lead agency issues a DS and adopts the EIS in lieu of preparing a separate EIS.</p>	<p>The ROD does not have to be issued prior to adoption under SEPA, however the NEPA EIS cannot have been found “inadequate” by a court, EPA or CEQ.</p> <p>The SEPA lead agency must determine if the NEPA document meets the requirements of the SEPA process.</p>
<p>NEPA and SEPA processes are concurrent</p> <p>A joint document is issued by relevant cooperating agencies.</p>	<p>This could be a NEPA/SEPA EIS or a combined EA/FONSI/DNS.</p>
<p>NEPA documents and SEPA documents are issued independently</p>	<p>No adoption of previously prepared NEPA documents is involved.</p>
<p>A NEPA documented categorical exclusion can be adopted under SEPA when issuing a DNS, in lieu of preparing a SEPA environmental checklist</p>	<p>All of SEPA’s environmental elements have been adequately addressed in the NEPA documentation.</p>

Chapter 10. Adopting Agency SEPA Procedures and Policies

Each Washington state and local agency must adopt its own rules and procedures for implementing SEPA. These agency SEPA procedures must be formally designated by rule, ordinance, or resolution. Before adopting their agency SEPA procedures, the agency must provide public notice and an opportunity for public comment, but the adoption of SEPA procedures is exempt from SEPA.

An agency's SEPA procedures identify the agency's responsible official, the method(s) for public notice, the procedures for administrative appeal, if any, and other information about the agency's review procedures. To offer an administrative appeal of procedural and/or substantive issues, an agency **must specify** their administrative appeal process in their agency SEPA procedures.

If an agency does not adopt agency SEPA procedures, the defaults in the SEPA Rules will apply. For example, if the agency has not identified procedures for public notice, the agency must publish notice of SEPA documents in a newspaper of general circulation and post the site (for site-specific proposals).

Agencies have the option of adopting sections of the SEPA Rules by reference. This allows an agency to list the section title and a brief summary without repeating the entire text of the section.

Each agency must also adopt policies that will be used as the basis for conditioning or denying an action using SEPA substantive authority. These agency SEPA policies must be formally designated by rule, ordinance, or resolution, and may be part of the agency's SEPA procedures.

There are specifically identified provisions of the SEPA Rules that cannot be changed or added to ([WAC 197-11-900](#) through [918](#), [WAC 197-11-906](#)). There are other provisions that can't be changed but can be added to if additions are consistent with SEPA.

Here are some examples of restrictions on revising provisions:

- **Mandatory provisions that CANNOT BE ADDED to or changed include:**
 - Definitions
 - Criteria for determining lead agency;
 - Information required from applicants
 - Style and size of an EIS.

- **Provisions that cannot be changed but can be added to include:**
 - Part 4 of the SEPA Rules, Environmental Impact Statement;
 - Part 5 of the SEPA Rules, Commenting
 - The list of agencies with environmental expertise

Provisions that are optional include:

- Establishment of an administrative appeal procedure
- Elimination of some categorical exemptions in critical areas (counties and cities only)
- Establishing the categorical exemption level for minor construction within the minimum and maximum specified in the SEPA Rules (counties and cities only)
- Specifying procedures for conditioning or denying proposals ([WAC 197-11-660: Substantive Authority and Mitigation](#)).



Tip: When adopting the optional sections of the SEPA rules please be mindful. These sections of rule call for an agency to identify additional details in their local code in order to adopt and implement them appropriately. Read through this section of the rule carefully.

Table 10. Standards for specifying SEPA procedures for lead agencies.

[RCW 43.21C.120](#) directs all agencies to adopt rules, ordinances, resolutions and regulations to enact SEPA. This table identifies the places in the SEPA Rules where there is either a requirement or option to specify a SEPA policy or procedure for an agency.

WAC Citation	Topic	Standards to Specify in SEPA Procedures	Required or Optional
WAC 197-11-902	Agency SEPA Policies	Procedural requirements for agency SEPA policies	Required
WAC 197-11-904	Agency SEPA procedures	Procedural requirements for adopting SEPA procedures	Required
WAC 197-11-906	Content and consistency of agency procedures	Requirements for Agency SEPA procedures	Required

WAC Citation	Topic	Standards to Specify in SEPA Procedures	Required or Optional
WAC 197-11-910	Designation of Responsible official	Identification of the agency responsible official	Required
WAC 197-11-055	Timing of the SEPA process	Timing of environmental review, Information required of the applicant at the conceptual stage	Optional
WAC 197-11-350	Mitigated DNS	Method of how SEPA mitigation is enforced	Optional
WAC 197-11-420	EIS Preparation	Preparation of an EIS. Options for who is responsible for preparing the EIS analysis. When an applicant can be involved in the EIS analysis and the financial responsibility	Optional
WAC 197-11-510	Public Notice	Identify methods for public notice – if methods are not identified the default requirements in the WAC apply	Optional
WAC 197-11-655	Implementation	Agency use of SEPA documents in decision making	Optional
WAC 197-11-680	Appeals	Agency procedures for administrative appeals	Optional
WAC 197-11-700	Definitions	Some definitions can be added to and others cannot be changed.	Optional
WAC 197-11-800	Categorical Exemptions	Flexible threshold exemption levels for minor new construction	Optional
WAC 197-11-880	Emergencies	Procedures to follow when an emergency action is issued.	Optional
WAC 197-11-908	Critical Areas	Critical area exceptions to categorical exemptions	Optional
WAC 197-11-912	Procedures of consulted agencies	Internal procedures, manuals, or guidance for providing responses to consultation requests from other agencies	Optional

Chapter 11. Agency Roles in Review & Commenting on SEPA Documents

A key part of the SEPA process is the opportunity for community members, Tribes and other agencies to review and comment on proposals. Comments can provide the lead agency with missing information on the proposal, identify inaccurate information, and provide input on possible mitigation, alternatives or methods of analysis ([WAC 197-11-550](#)).

Comments should be filed with the lead agency before the comment period closes. Lack of timely comment by agencies or the public may be considered a lack of objection to the environmental analysis completed by the lead agency ([WAC 197-11-545](#)).

It is particularly important for agencies with jurisdiction to comment when they have concerns about a proposal. Since the comments become part of the SEPA record, the information can be used by any agency with jurisdiction when making decisions. Additionally, the SEPA rules include a list of state agencies with expertise on each element of the environment ([WAC 197-11-920](#)). Agencies with expertise should be consulted at the earliest opportunity to review a checklist or other draft SEPA documents.

When to Comment

Community members and agencies are accustomed to commenting on project proposals when it is easy to see the potential for on-the-ground impacts. But it is also important to review and comment on nonproject proposals. Nonproject proposals can include the adoption of state or local rules, resource management plans, comprehensive plans, critical area ordinances, development regulations, etc. Some of these local government planning documents can reduce or eliminate SEPA review at the project level.

As more cities and counties are planning under the Growth Management Act, many issues are considered during the development of plans and implementing regulations. Many of these issues cannot be reconsidered or appealed during later project review.

Guide for Reviewing SEPA Documents

The following questions are a general guide to help reviewers review and comment on SEPA documents. As the checklist and other project document(s) are examined, reviewers should identify missing, incomplete, or inaccurate information and environmental issues or concerns.

All pertinent information about the proposal, the project site, or the surrounding areas. should be identified, reviewed, and shared with the lead agency, if not already part of the project record, to help the agency analyze the likely environmental impacts of the proposal.

The questions below can be used in reviewing all types of SEPA documents.

Project Description

- Is the proposal clearly and completely described in the SEPA document?
- Have all parts of the proposal and phases of development been identified? For example, a subdivision should identify any utilities or road extensions needed for the development. Impacts can result from construction, operation, maintenance, and project decommissioning.
- Does the project description in the SEPA document match the project description in the permit application (confirm if both are available)?
- Is a map or site plan included with the SEPA document? Is one needed?
- Have all agency actions been identified (permits, licenses, certificates, etc.)?

Existing Conditions

- Are the existing conditions clearly described? For example, if steep slopes are identified, is the percent of slope included? If a water body is identified in the vicinity of the site, does the checklist describe the type of water body, provide the name of the water body, and indicate what stream or river it flows into?
- Are supporting studies identified in the SEPA document and are they available to agencies and the public? Examples include a wetland delineation, traffic study, or hydrology study.
- Are the studies included with the SEPA document? If not, is the information needed to complete a full review of the proposal? The studies should be available from the lead agency or the applicant.
- Is information about the site or surrounding areas available, which is not identified in the checklist? For example, is there contaminated material on the project site or surrounding area; is there a wetland or other water body on or adjacent to the site; are there limitations on water supply or sewer capacity?

Environmental Impacts

- Was information provided on the likely environmental impacts of the proposal? Was it complete and accurate?
- Are there impacts to elements of the environment that have not been addressed?
- Are additional studies needed to evaluate the likely impacts? Are there recommended methods for conducting the analysis?
- Does the proposal use appropriate time horizons for its impacts analysis? Some environmental impacts may occur in the short-term and some impacts may be long-term.

Mitigation Measures

- Has the applicant proposed mitigation?

- Does the applicant's proposed mitigation adequately address the environmental impacts of the proposal?
- After considering the mitigation proposed by the applicant and the mitigation required under permit regulations, is additional mitigation needed to prevent harm to the environment?

Preparing Effective Comments

When developing effective comments for SEPA documents, consider:

- Identifying problems with the analysis.
- Providing missing information (including regulatory requirements).
- Offering specific instructions on how to use this information.
- Changing or withdrawing the threshold determination.
- Conducting additional studies or surveys.
- Identifying information necessary to fully evaluate if impacts are significant.
- Identifying additional mitigation measures and suggesting how they can be implemented.

Commenting on EISs

Determination of Significance/Scoping Notice

A scoping notice invites the agencies and public to identify issues to be evaluated in an EIS for a proposal that is likely to have a significant adverse environmental impact.

The scoping notice allows early involvement in the environmental analysis. Concerns identified during the scoping process can be evaluated during preparation of the Draft EIS. This can be more effective than commenting on a Draft EIS after most of the analysis has been completed.

If a consulted agency fails to comment on a Draft EIS, the agency is barred from alleging any defect in the analysis in the EIS ([WAC 197-11-545](#)). A consulted agency is any agency with jurisdiction or expertise that is requested by the lead agency to provide information or comments on a proposal during the SEPA process.

In addition to the considerations listed for general SEPA document review above, also consider the following when reviewing a scoping notice:

- Description of the proposal
 - Is the proposed project clearly described?
 - Is the purpose and need statement clear?
- Elements to be included in the EIS
 - Does the scoping notice identify [elements](#) of the environment that may be significantly impacted and need to be addressed in the EIS?

- Alternatives
 - Is a range of alternatives included?
 - Are there other alternatives that meet the proposal's objective that should be considered?
- Environmental impacts
 - Are there specific issues that need to be addressed, and have they been identified in the scoping notice?

Comments should provide as much information as possible to help the lead agency define the scope of the EIS, which includes the elements of the environment to be evaluated, any studies and analyses needed, and the alternatives to be considered. Providing more detailed comments increases the chances that the issues will be adequately evaluated in the Draft EIS.

Draft EIS

A Draft EIS provides an impartial evaluation of the proposal, alternatives to the proposal, potential significant impacts, and mitigation measures. It is issued with a 30-day comment period (required), with a possible extension of up to 15 days. The public comment period allows other agencies, Tribes, and the public to comment on the lead agency's analysis of the proposal.

Lack of comments by agencies, Tribes or others is interpreted as a lack of objection to the analysis. If a consulted agency does not provide any comments, they are barred from alleging any defect in the lead agency's analysis of the proposal. If an agency has a permit to issue and the lead agency does not respond to comments on the Draft EIS, agencies have the option of preparing a supplemental EIS to evaluate the probable significant adverse impacts that have not been adequately addressed.

When reviewing a Draft EIS, consider:

- Is the proposal properly defined, including any related or interdependent parts?
- Have the probable significant adverse environmental impacts been identified and evaluated?
- Were appropriate methods of analysis and data used?
- Does the EIS evaluate a range of reasonable alternatives?
- Are mitigation measures identified?
- Are there other mitigation measures that should be considered?
- Is mitigation feasible?
- Does the EIS identify any significant adverse environmental impacts that cannot be reasonably mitigated?

Commenting on Nonproject Actions

Nonproject actions are agency decisions on policies, plans, or programs, such as adoption of a comprehensive plan, ordinance, state rule, watershed plan, or other planning or regulatory

action (Chapter 6). Environmental review of nonproject actions is a more generic or big-picture review rather than site-specific analysis. It allows the agency to evaluate the likely cumulative impacts of multiple projects throughout the planning area and over the planning period.

Nonproject actions typically provide guidance for future site-specific projects. Reviewing a nonproject SEPA document is sometimes the **only** opportunity to:

- Affect many future projects. Some future projects may be exempted from future SEPA review.
- Address cumulative impacts and identify environmental justice concerns.
- Help address large scale impacts, such as climate change and wetland loss.
- Identify and choose options that avoid impacts, such as zoning a wetland area as open space instead of industrial development.
- Identify possible mitigation that will be applied to future projects to reduce or eliminate environmental impacts.
- Ensure adequate analysis of alternatives that meet the objectives of the proposal.

Reviewers should consider the types of projects that will be supported by the program, plan, or rule and the site-specific impacts of those projects. Reviewers should also identify any concerns or possible mitigation measures at the nonproject stage so they can be considered before the plan or rule is adopted. Some issues, such as the land use designation and density of residential development, may not be reconsidered when a proposed project meets the designations in the comprehensive plan, planned development, or zoning code.