

HOUSE BILL REPORT

SSB 5802

As Reported By House Committee On:
Environmental Affairs

Title: An act relating to state environmental policy act documents.

Brief Description: Regarding state environmental policy act documents.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr and Drew).

Brief History:

Reported by House Committee on:
Environmental Affairs, March 22, 1993, DP.

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

Majority Report: Do pass. Signed by 12 members: Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; J. Kohl; Linville; Roland; and Sheahan.

Staff: Harry Reinert (786-7110).

Background: The State Environmental Policy Act (SEPA) requires the preparation of an environmental impact statement (EIS) for governmental agency actions or approvals of actions that may have a significant adverse impact on the environment. The Department of Ecology is directed by SEPA to adopt rules providing guidance for the preparation of such statements and other SEPA compliance documents.

Under SEPA, a local government or state agency is designated as the lead agency for purposes of analyzing the significant adverse environmental impacts of a proposal. The rules adopted by the department authorize the use of existing SEPA documents prepared for non-project proposals or other actions that may assist in the analysis of the probable impacts of another project or proposal. The rules specify the circumstances in which such adoption or incorporation by reference may occur, and include other procedures such as the preparation of a supplemental EIS or an addendum.

A recent decision of the King County Superior Court held that "an environmental impact statement may not be drafted in response to future hypothetical decisions and then applied to future proposals that bear no similarity to the previous proposal...." This decision implies that a non-project environmental impact statement may not be adopted as the environmental impact statement for a project proposal.

Summary of Bill: A lead agency may use existing documents in a State Environmental Policy Act (SEPA) analysis if the documents adequately address the environmental considerations provided in SEPA. The prior proposal and the new proposal must have similar elements that provide a basis for comparing environmental consequences, and the lead agency must determine that the information and analysis to be used is relevant and adequate. The lead agency may require additional documentation to ensure adequate analysis.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Many local governments have begun preparing environmental impact statements on land use plans as a way to look at comprehensive impacts of development. The local governments then use those statements as a foundation for preparing environmental impact statements for specific project proposals. This bill will allow local governments and project proponents to streamline compliance with SEPA while at the same time assuring that adequate information is available.

Testimony Against: None.

Witnesses: Senator Karen Fraser, prime sponsor (pro); Chuck Mize and Matt Terry, city of Bellevue (pro); Tom Parker, city of Seattle (pro); Paul Roberts, city of Everett (pro); Greg Sorlie, Department of Ecology (pro); and Jeff Parsons, National Audubon Society (neutral).