

**SENATE BILL REPORT**

**SB 5469**

**AS OF FEBRUARY 19, 1993**

**Brief Description:** Requiring faster state environmental policy act threshold determinations.

**SPONSORS:** Senators Sutherland, Deccio, Bauer, McCaslin, Hargrove, Jesernig, Snyder, Oke and Hochstatter

**SENATE COMMITTEE ON ECOLOGY & PARKS**

**Staff:** Gary Wilburn (786-7453)

**Hearing Dates:** February 22, 1993

**BACKGROUND:**

The State Environmental Policy Act (SEPA) requires an environmental impact statement (EIS) for major actions and approvals of actions having a probable, significant, adverse impact on the environment. SEPA directs the Department of Ecology to issue rules governing establishment of categorical exemptions from the EIS requirement. For all other actions a threshold determination must be made by the responsible official regarding whether an EIS must be prepared. In making the threshold determination, the responsible official reviews the description of the proposed action, an environmental checklist, and other information submitted by the applicant or proponent of the action.

The SEPA implementing rules identify specific subjects which must be considered when making a threshold determination (WAC 197-11-330). If significant adverse environmental impacts are probable, an environmental impact statement is required and a determination of significance is issued. If this threshold is not reached, or the impacts can be mitigated, a determination of nonsignificance is issued.

In 1992 the Legislature amended SEPA to require that in most cases the threshold determination be made within 90 days after the application and supporting documentation are complete. Rules or ordinances were required to be adopted governing when an application and supporting documentation are considered complete.

**SUMMARY:**

Within 30 days of receiving an application and environmental checklist, the lead agency shall either (1) issue a threshold determination, (2) respond in writing as to the application or checklist completeness, or (3) request additional information on environmental impacts, and indicate requirements for completing the information and expected timeline.

If the lead agency responds with a notification of completeness, the lead agency shall make a threshold determination in an expeditious manner, not to exceed 90 days from receipt of the original application and checklist.

If the lead agency responds that additional information is necessary, upon the written response of the applicant either by providing the information or indicating an inability to provide the information, the lead agency shall either issue a determination of nonsignificance within 90 days, or notify the applicant that a determination of significance is likely and indicate the areas of likely impact. In all cases a final determination shall be made within 90 days of the applicant's initial written response, unless the applicant requests additional time to evaluate proposed mitigation.

The lead agency may request additional information after the initial written response for additional information, provided that the threshold determination meets the time frames specified.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 29, 1993