
Government Reform and Land Use Committee

BILL ANALYSIS HB 2897

Title of the Bill: Exempting certain activities from the state environmental policy act.

What this Bill Does: Makes certain uses categorically exempt from the requirements of the State Environmental Policy Act (SEPA).

Sponsors: Representatives Reams, Grant, Schoesler, Sheahan, Doumit, Pennington, Hatfield, Mulliken, Sherstad, Thompson, Cairnes, Sullivan, Benson, Koster, McMorris, Bush, Dunn, Mielke, Crouse, Chandler and Zellinsky.

Hearing Date: 1/26/98

Fiscal Note: Not requested.

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BACKGROUND:

The State Environmental Policy Act (SEPA) requires local governments and state agencies to prepare an environmental impact statement if proposed legislation or other major action is determined to have a probable significant, adverse impact on the environment. The responsible official has authority to make the threshold determination whether an environmental impact statement must be prepared.

If it appears a probable significant adverse environmental impact may result, an action may be altered or its probable significant adverse impact mitigated. If this cannot be accomplished, an environmental impact statement must be prepared. The environmental impact statement is limited, or scoped, to address only the matters determined to have a probable significant adverse environmental impact.

The Department of Ecology (DOE) is required to adopt rules to implement SEPA. Among other rules, DOE must define categorical exemptions, which are categories of actions not considered major actions significantly affecting the quality of the environment. DOE must specify by rule circumstances in which certain actions that potentially are categorically

exempt will be subject to environmental review. Actions determined to be categorically exempt, however, are generally not subject to the environmental review or environmental impact statement requirements of SEPA.

According to the DOE rules, categorical exemptions include certain actions classified as minor new construction or minor land use decisions. Counties and cities are permitted to raise the exemption level for certain actions classified as minor new construction up to specified levels. Counties are not permitted to raise the exemption level for certain minor land use decisions.

Any action may be conditioned or denied pursuant to SEPA to mitigate specific adverse environmental impacts identified in the environmental documents prepared according to SEPA requirements. Any such conditions or denials must be based on policies identified and designated by the agency or local government as possible bases for the exercise of SEPA authority. Specific findings must be made in order to deny a proposal under SEPA.

The Growth Management Act (GMA) requires certain counties, and cities located in those counties, to plan according to the statutory requirements. The county legislative authority of any county not required to plan under the GMA may adopt a resolution making the county, and cities located in that county, plan under all of the GMA requirements. One of these requirements is designation of urban growth areas, within which urban growth shall be located and outside of which urban growth may not be located.

SUMMARY:

Maximum categorical exemption levels specified in the DOE rules for several actions are codified in statute, with maximum levels increased for certain actions. These statutory categorical exemptions, including certain actions classified as minor new construction, landfill or excavation proposals, and minor land use decisions, apply only within urban growth areas designated under the GMA. The legislative authority of a county or city planning under the GMA may raise certain exemption levels by ordinance or resolution to specified maximum levels.

Statutory categorical exemptions are exempt from all SEPA requirements.

