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## Environment Committee

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### HB 1009

**Brief Description:** Clarifying that the authority to mitigate environmental impacts under the state environmental policy act applies only to significant adverse environmental impacts.

**Sponsors:** Representatives Shea, Taylor, Short, McCaslin, Pike, Buys, Haler and Young.

#### Brief Summary of Bill

- Requires environmental impacts identified by a lead agency acting under the State Environmental Policy Act (SEPA) to be significant, in addition to specific and adverse, in order for the lead agency to condition or deny a government action on the basis of those environmental impacts.

**Hearing Date:** 1/17/17

**Staff:** Jacob Lipson (786-7196).

#### Background:

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that are identified as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an environmental impact statement (EIS). Under SEPA, a government agency is designated as the lead agency and in that role has responsibility for complying with SEPA's procedural requirements, including making a threshold determination as to whether an EIS is needed, and preparing the EIS when one is required.

If the SEPA review process identifies significant adverse environmental impacts, the lead agency may deny a government decision or may condition a proposal by requiring mitigation for identified environmental impacts. Specifically, SEPA provides that:

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- a government action may be conditioned or denied on the basis of specific adverse environmental impacts; and
- in order to deny a project, a lead agency must determine that the project has significant adverse environmental impacts.

**Summary of Bill:**

Under the SEPA, a lead agency may only condition or deny a government action on the basis of specific significant adverse environmental impacts.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.