

SENATE BILL REPORT

SB 6762

As of February 2, 2010

Title: An act relating to compliance with the state environmental policy act.

Brief Description: Regarding compliance with the state environmental policy act in the consideration of cumulative impacts and the assumption of lead agency status when the same agency is the sponsor of the project.

Sponsors: Senators Fraser, Haugen and Kline.

Brief History:

Committee Activity: Environment, Water & Energy: 2/03/10.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Staff: Jan Odano (786-7486)

Background: The State Environmental Policy Act (SEPA) applies to decisions made by state and local agencies, including counties, cities, ports, and special districts. It provides a framework to consider the environmental consequences of a proposed project prior to taking action on the proposal.

The SEPA process begins with a permit application or initiation of an agency proposal. The proposal is reviewed to determine if it is exempt or if SEPA is required. The environmental review process involves the identification and evaluation of probable environmental impacts, and the development of mitigation measures that will reduce adverse environmental impacts. This environmental information, along with other considerations, is used by agency decision-makers to decide whether to approve a proposal, approve it with conditions, or deny the proposal.

A proposal that is likely to have significant adverse environmental impacts requires an environmental impact statement (EIS). The lead agency prepares the EIS to provide an impartial review of significant environmental impacts, reasonable alternatives, and mitigation activities that would avoid or minimize the adverse impacts.

For most proposals one agency is designated as the lead agency. The lead agency is oftentimes the agency proposing the project, although the lead agency status may be transferred by agency agreement. The lead agency is responsible for complying with

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procedural requirements of SEPA, making the threshold determination, conducting the environmental review for a proposal, and documenting that review.

Summary of Bill: The EIS must evaluate, in the same environmental document, closely related proposals that are in effect a single course of action.

The EIS must discuss the cumulative impacts of an action when added to past, present, and reasonably foreseeable future actions.

The agency proposing a project is the lead agency. Agencies must determine by agreement the lead agency when there are more than two agencies responsible for implementation of a proposal. When possible, agency staff conducting the environmental review must be different than the staff developing the proposal.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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