

SENATE BILL REPORT

SB 5495

AS OF FEBRUARY 19, 1993

Brief Description: Revising state environmental policy.

SPONSORS: Senators Loveland, Barr, A. Smith, Anderson, Owen, Snyder, Deccio, M. Rasmussen and Roach

SENATE COMMITTEE ON ECOLOGY & PARKS

Staff: Gary Wilburn (786-7453)

Hearing Dates: February 22, 1993

BACKGROUND:

The State Environmental Policy Act (SEPA) requires the preparation of an environmental impact statement (EIS) for actions which may have a significant adverse impact on the environment. In enacting SEPA the Legislature directed that to the fullest extent possible the policies, regulations and laws of the state of Washington shall be interpreted and administered in accordance with policies set forth in SEPA. Court decisions interpreting this SEPA provision held that this provided "substantive authority" to condition approvals or deny approval of actions based upon environmental impacts identified in SEPA compliance.

Responding to concern that the standards and procedures for exercising SEPA's "substantive authority" were vague, the Commission on Environmental Policy, created by the Legislature in 1981, recommended that SEPA be amended to clarify that this authority exists and to establish standards for exercising the authority. In 1983, the Legislature amended SEPA in accordance with the commission's recommendations. The amendments require that any governmental action to condition or deny an approval must be based upon policies adopted and incorporated into regulations, plans, or ordinances. Mitigation requirements must be addressed to specific impacts identified in the SEPA documents prepared on the action, and must be reasonable and capable of being accomplished. Specific findings are required where an agency denies a proposal based upon the substantive authority of SEPA, and appeals to the local government legislative authority are provided in certain circumstances.

SUMMARY:

The requirement that conditions upon or denial of actions based upon SEPA must be based upon policies is stricken. Conditions upon or denial of actions must be based upon regulations formally designated by the agency, or passed as ordinances by a local government. A requirement that the

designation of policies occur within 180 days of the adoption of the SEPA guidance rules is deleted.

Appropriation: none

Revenue: none

Fiscal Note: requested February 1, 1993