

SENATE BILL REPORT

ESSB 5728

AS PASSED SENATE, FEBRUARY 10, 1992

**Brief Description:** Requiring that threshold determination must be completed within fifteen to thirty days.

**SPONSORS:** Senate Committee on Environment & Natural Resources (originally sponsored by Senators Amondson, Vognild, Owen, Bauer, Stratton, McCaslin, West and Johnson)

**SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Sellar, and Snyder.

**Staff:** Atsushi Kiuchi (786-7708)

**Hearing Dates:** February 28, 1991; January 21, 1992; February 3, 1992

**HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS**

**BACKGROUND:**

Under the State Environmental Policy Act (SEPA), a "threshold determination" must be made by the responsible public agency to determine if a proposed action/project will have significant adverse environmental impacts. In making this determination, the agency reviews the environmental checklist and other available documents.

The threshold determination can result in a "determination of significance (DS)." This will require a full environmental impact statement (EIS) to be prepared.

If the threshold determination is a "determination of nonsignificance (DNS)," the action/project has no significant impacts or these impacts can be mitigated. No environmental impact statement is required.

Under the SEPA regulations, the time to complete the threshold determination should not exceed 15 days.

The delay in issuance of the threshold determination has had adverse impacts upon some property owners. Plat approvals have been affected, resulting in project delays beyond statutory time limits.

**SUMMARY:**

Threshold determinations shall be completed within 15 days, if possible, but under no circumstances go beyond 60 days. If no agency decision is reached after 60 days, the threshold determination shall be automatically approved.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

A 30-day time certain requirement for agencies to reach a decision on whether an environmental impact statement is needed or not required under a "declaration of non-significance" will help prevent delays in the project reviews.

**TESTIMONY AGAINST:**

The number of projects delayed by this initial State Environmental Policy Act requirement is few. The legislation could also act in reverse of the intent of the bill with agencies requiring a full environmental impact statement in order to meet the proposed 30-day deadline.

**TESTIFIED:** John Woodring, John Robinette, Nick Adams, Washington Association of Realtors (pro); Paul Parker, Association of Counties (con); Jeff Parsons, Audubon Society (con); Nacki Stevens, People for Puget Sound (con); Bruce Wishart, Sierra Club (con); Bob Mack, Association of Washington Cities (con)

**HOUSE AMENDMENT(S):**

Effective September 1, 1992, a threshold determination shall be made by a government entity on an application within 90 days after the application and supporting documentation are complete. The government entity shall adopt standards for determining when the application and documentation are complete.

The provisions shall not apply to a city, town or county that adopted ordinances and procedures prior to April 1, 1992 to integrate permit and land use decisions.