Overview

PLANNING PHASE

Siting Feasibility Study
Comprehensive Plans
Programmatic EIS
Planned Actions

ENVIRONMENTAL REVIEW PHASE

SEPA Review
NEPA Review
Federal processes (e.g. National Historic Preservation Act Section 106)

PERMITTING PHASE

State permits
Local permits
Federal permits
State Environmental Policy Act (SEPA) Review
SEPA IS...

State policy directing state and local agencies to **protect and enhance** the natural and built environment by **making informed decisions.**
**Project Actions**

- Facilities
- Transmission lines

**Non Project Actions**

- Comprehensive plans, zoning codes
- Planned Actions
- Land Management Plans
Lead Agency

- Completes review
- Makes the determination
- Ensures laws are followed
- No project actions can be taken until after SEPA completed
SEPA Lead Agencies

Examples:

• State agencies (e.g., Ecology, WSDOT)
• Cities and counties
• Ports
• Local air quality authorities
Agency Roles

- Lead or co-lead agency
- Agency with jurisdiction
- Agency with expertise
- Affected local jurisdiction
- Consulted agency
SEPA Process

- Permit application submitted or agency project proposed
- Define the total proposal
- Review proposal for exemptions
- Determine lead agency
- Evaluate the proposal

Make threshold determination: Are significant impacts likely?

**Yes**
- Determination of Significance (DS) - Scoping Notice
- 21 day comment period
- Issue Draft Environmental Impact Statement (EIS)
- 30 day comment period
- Issue Final EIS
- 7 day wait on permit decisions
- Agency permit decisions

**No**
- Determination of Nonsignificance (DNS)
- 14 day comment period
  - After comment period, retain, modify or withdraw the DNS
  - Agency permit decisions
  - Withdraw DNS
SEPA checklist guidance, Section B: Environmental Elements

Our guidance helps applicants complete Section B of the SEPA environmental checklist required under state SEPA rules.

Applicants filling out the environmental elements in Part B of the SEPA environmental checklist need to address the following environmental components:

1. Earth
2. Air
3. Water
4. Plants
5. Animals
6. Energy and Natural Resources
7. Environmental Health
8. Land and Shoreline Use
9. Housing
10. Aesthetics
11. Light and Glare
12. Recreation
13. Historic and Cultural Preservation
14. Transportation
15. Public Services
16. Utilities
Process and Timing

Depends on:

• Project complexity and size
• Site of project
• Types of permits needed
• Type and level of probable environmental impacts
• Available information
• If additional analysis or studies are needed
Determination of Nonsignificance (DNS)

- Based on environmental checklist
- Project unlikely to have significant adverse environmental impacts
- Shorter timeline
Mitigated DNS

- Based on environmental checklist
- Mitigation reduces impacts to a nonsignificant level
- Shorter timeline
- Includes mitigation
- Has a comment period
Determination of Significance (DS) and Environmental Impact Statement (EIS)

- Lead agency determines probable significant adverse environmental impact
- Proposed mitigation does not reduce impact below significance
- Longer timeline
- Impact analysis required
- Has comment periods
SEPA EIS Process

- Issue DS
- Scoping and Public Comment
- Develop Draft EIS
- Public Review of Draft EIS
- Develop Final EIS
- Issue Final EIS
- Agency Permit Decisions
EIS Considerations

- Direct & Indirect Impacts
- Short & Long Term Impacts
- Sensitive Areas & Species
- Existing Conditions
EIS Roles

**Lead agency**
- Responsible for preparing EIS and meeting SEPA requirements

**Tribes**
- Consultation and engagement

**Applicant**
- Provides additional information

**State and Local Agencies**
- Areas of expertise

**Public**
- Input and feedback
Non-Project and Programmatic SEPA Review
Non-Project Actions

Programmatic SEPA reviews include agency decisions on policies, plans, and programs

- Rules, ordinances, or regulations
- Comprehensive plans
- Zoning codes
- Road and highway plans
SEPA and Non-Projects

- Provides a “big picture” analysis
- Useful opportunity to address cumulative impacts
- Documents consideration of broad range of impacts and reasonable alternatives
- Streamlines SEPA review for subsequent project decisions
Moving from Non-Project to Project Review

• Projects use non-project SEPA documents
• Build on completed environmental analysis
• Focus on issues not addressed during non-project review and gaps
• Projects can use identified mitigation (if done at the non-project phase)
Planned Actions

• Done by GMA city or county
• EIS done for specific area or type of development to consider impacts
• Designated by ordinance or resolution
• Used by future project-level environmental reviews
National Environmental Policy Act (NEPA) Review
NEPA EIS Process

- Issue Notice of Intent
- Scoping and Public Comment
- Develop Draft EIS
- Public Review of Draft EIS
- Develop Final EIS
- Release Final EIS
- Record of Decision
SEPA and NEPA

- NEPA applies to federal agency actions
- Both NEPA and SEPA reviews may be required on the same proposal
- NEPA documents **MAY** be adopted under SEPA
- SEPA documents **CANNOT** be adopted under NEPA
Permitting
Project Permitting

• Varies based on the project, construction, operation and site
• State, local and federal permits from multiple agencies likely needed for complex projects
• Each permit has own regulatory requirements and timelines
Joint Aquatic Resources Permit Application (JARPA)

**Federal**
U.S. Army Corps of Engineers: Section 10 and 404 permits
U.S. Coast Guard: Private Aids to Navigation permits

**State**
Ecology: 401 Water Quality Certifications
WDFW: Hydraulic Project Approvals
DNR: Use Authorizations for State-Owned Aquatic Lands

**Local (City or County)**
Shoreline Conditional Use Permit
Shoreline Substantial Development Permit
Shoreline Variance/ Exemption/ Revision
Large-Scale Solar Project

- Electrical Construction Permit
- Air Quality Permit
- Archaeological Site Alteration and Excavation Permit
- WSDOT General Permit
- Critical Area Permit
- Construction and building permits
- Section 401 Water Quality Permit
- Hydraulic Project Approval
- Shoreline Permit or Conditional Use Permit
- Federal permits
Wind Power Project Permits

- Electrical Construction Permit
- Air Quality Permit
- Authorization to Use State-Owned Lands
- Archaeological Site Alteration and Excavation Permit
- WSDOT Access Permit
- WSDOT Utility Permit
- Critical Area Permit
- Construction and building permits
- Section 401 Water Quality permit
- Hydraulic Project Approval
- Shoreline Permit or Conditional Use Permit
- Federal permits
Alternative Fuel Project Permit

- Prevention of Significant Deterioration Air Permit
- NPDES Construction Stormwater Permit
- NPDES Industrial Stormwater Permit
- Archaeological Site Alteration and Excavation Permit
- Critical Areas Permit
- Construction and building permits
- Floodplain Permit
- Hydraulic Project Approval
- Shoreline Permit or Conditional Use Permit
- Section 401 Water Quality Certification
- Federal permits
QUESTIONS?

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Thank you!