

Find Out About DNR and the State Environmental Policy Act (SEPA)

Q. What is SEPA?

A. The State Environmental Policy Act <http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21C> (SEPA) is a state act. SEPA rules <http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11> require state and local agencies to consider any potential negative environmental impacts before approving or denying a proposal.

Q. What's the purpose of SEPA?

A. The act provides a way to identify possible environmental impacts that may result from governmental decisions, such as permits for private projects, constructing public facilities or adopting regulations, policies or plans.

Q. What is the SEPA review process?

A. The SEPA review process helps agency decision makers, applicants and the public understand how a proposal will affect the environment. This information can be used to change a proposal to reduce likely impacts, or to condition or deny a proposal when adverse environmental impacts are identified (see *How can I be involved in DNR's decision for a specific proposal?* for more details).

Q. Who does SEPA review?

A. SEPA applies to decisions by every state and local agency within Washington State, including state agencies, counties, cities, ports, and special districts (such as a school or water district). One agency is usually identified as the "Lead Agency" for a specific proposal. The Lead Agency for most private projects will be the city or county where the project is located. For public projects, the Lead Agency will be the agency proposing the project.

The Lead Agency is responsible for identifying and evaluating the potential adverse environmental impacts of a proposal. This evaluation is documented and, in most cases, sent to other agencies and the public for their review.

Q. How do I figure out who to talk to about the SEPA process for a particular proposal?

A. For DNR SEPA documents:

- Processing questions can be directed to the SEPA Center at sepacenter@dnr.wa.gov. Processing questions might include how to receive copies of the proposal, what is the timeline of the SEPA review, requests to extend the comment period, etc.
- Questions related to the actual proposal, such as equipment being used, timing of the work, or questions about the environmental analysis, should be directed toward the DNR region or division office that completed the review of the proposal. For a DNR proposal, the contact person and phone number is listed on the SEPA Environmental Checklist. DNR includes the SEPA Environmental Checklist in the packet of materials for each current SEPA Project Action that is posted DNR SEPA Center's web page (<http://www.dnr.wa.gov/ResearchScience/sepa/Pages/Home.aspx>)
- Questions on a project proposed by a private applicant can be sent to the SEPA Center, which will then direct your question to the appropriate DNR region or division office. sepacenter@dnr.wa.gov

Q. How do I get on the mailing list to receive DNR SEPA proposals?

A. DNR's SEPA Center maintains distribution lists for DNR Lead Agency SEPA proposals based on county and proposal type. If you are interested in being added to a list to receive all DNR SEPA proposals in certain counties, or for certain types of proposals (for example, Surface Mining Reclamation Permits, or DNR timber sales), contact the SEPA Center at sepacenter@dnr.wa.gov or call (360) 902-2117.

Q. If I send you a comment on a SEPA document, can you keep it private and not share with others in the public?

A. No. Once we receive a document or an e-mail, it is part of the public record and must be provided *if* we receive a public disclosure request concerning it. If you are concerned about keeping your name or other contact information private, you can withhold that information from your written letter. We would not be able to delete your contact information from an e-mail if we were asked later to respond to a public disclosure request.

Q. What kinds of comments are most helpful in a SEPA comment letter?

A. DNR, as lead agency responsible for SEPA, shares information with the public and other agencies about the environmental impacts of a proposal. Later, once the SEPA environmental review is completed, our agency will use the SEPA environmental information along with other considerations to make a final agency decision to approve, approve with conditions, or deny the proposal. For that reason, during the SEPA process we focus on gathering comments that will help us understand the adverse environmental impacts of the proposal.

Comments in the following areas are particularly valuable:

- Any inaccuracies in the environmental checklist, EIS, or other documentation.
- Areas of potential environmental impact that have not been identified.
- Adverse environmental impacts that have not been adequately discussed.
- Possible mitigation measures that could or should be added to the proposal.
- Reasonable alternatives to the proposal (if commenting on an EIS).
- The need for additional study(ies).
- The merits of the alternatives (if an EIS) and mitigation measures considered in the document.
- Reasons that a determination of nonsignificance is not appropriate and why an environmental impact statement (EIS) should be prepared. (if commenting on a Determination of Nonsignificance or Mitigated Determination of Nonsignificance)

You can read more about SEPA and your role as a citizen at:

<http://www.ecy.wa.gov/programs/sea/sepa/citizensguide/citizensguide.htm>

Q. Why can't I find older DNR proposals on the website?

A. The DNR SEPA Center posts the SEPA packets on the SEPA Center website <http://www.dnr.wa.gov/ResearchScience/sepa/Pages/Home.aspx> for approximately 2 months. After that time, you can request copies of the SEPA documents through our public disclosure office by emailing publicdisclosure@dnr.wa.gov. For more information regarding public records requests, please visit:

http://www.dnr.wa.gov/BusinessPermits/HowTo/Government/Pages/amp_how_do_i_request_public_records.aspx.

Q. How can I be involved in DNR's decision for a specific proposal?

A. SEPA offers public involvement in DNR decisions by accepting and considering comments that were:

1) submitted during the SEPA review period, and 2) focus on environmental issues associated with the proposal. (see *What kinds of comments are most helpful in a SEPA comment letter?*)

- A Determination of Nonsignificance or a Mitigated Determination of Nonsignificance typically has a 14-day comment period that allows for agencies with jurisdiction, tribes, and interested parties to provide their input.
- When DNR issues an Environmental Impact Statement (EIS), the public has multiple chances to be involved in the SEPA process — a Scoping notice is sent out with a minimum 21-day comment period to gather input on the scope (content) of the environmental impact statement. The next step is issuing the Draft EIS. This step includes another public comment period soliciting input about the completeness and accuracy of the information in the draft EIS. Once the public input is incorporated in the EIS, the Final EIS is issued. During the process, there are often opportunities for the public to attend hearings or meetings to learn more about the proposal, and to share their opinions or concerns.

Q. What is a “Threshold Determination”?

A. The determination whether an agency’s decision on a proposal (e.g. approve, lease, adopt) is likely to have significant adverse environmental impact is called the “Threshold Determination.” A threshold determination is required for all proposed state and local agency decisions except those that are exempt under the State Environmental Policy Act (SEPA) statute or SEPA Rules. The threshold determination process evaluates the environmental consequences of a proposal. It also determines whether the proposal is likely to have any “significant adverse environmental impact.” This determination is assigned to one agency, responsible for the SEPA process for that proposal (the Lead Agency). The results are documented in either a determination of nonsignificance (DNS), a mitigated determination of nonsignificance (MDNS), or a determination of significance (DS) that would require the preparation of an environmental impact statement (EIS).

Q. How does a Lead Agency determine whether or not a proposal will have a significant adverse impact on the environment?

A. The Responsible Official – the person supervising the SEPA process for a proposal – makes the Threshold Determination by reviewing a document called the Environmental Checklist. The environmental checklist is typically filled out by the applicant. A completed checklist describes the proposal, provides information about the local area, and shares applicant commitments for mitigation. If the checklist information is insufficient for making the threshold determination, the Responsible Official may collect or request additional information. (WAC 197-11-335).

Q. What determines a “significant” adverse environmental impact?

A. “Significant” is defined in WAC 197-11-794 as “a reasonable likelihood of more than a moderate adverse impact on environmental quality.” The SEPA Rules (WAC 197-11-330) provide some basic guidance for determining significance. Significant impacts will vary from one site to another due to the conditions surrounding the proposal at a particular location. Significance may also vary from one jurisdiction to another because lead agencies may have differing criteria for judging significance. Regardless, the Responsible Official must be able to explain the reason(s) for their threshold determination and must be consistent with the SEPA Rules (WAC 197-11).