Washington State Environmental Policy Act (SEPA)
Frequently Asked Questions

Q: What is SEPA?

A: SEPA is the abbreviation or acronym for the State Environmental Policy Act, Chapter 43.21C RCW. Enacted in 1971, it provides the framework for agencies to consider the environmental consequences of a proposal before taking action. It also gives agencies the ability to condition or deny a proposal due to identified likely significant adverse impacts. The Act is implemented through the SEPA Rules, Chapter 197-11 WAC.

Q: When is SEPA environmental review required?

A: Environmental review is required for any proposal which involves a government "action," as defined in the SEPA Rules (WAC 197-11-704), and is not categorically exempt (WAC 197-11-800 through 890). Project actions involve an agency decision on a specific project, such as a construction project or timber harvest. Non-project actions involve decisions on policies, plans, or programs, such as the adoption of a comprehensive plan or development regulations, or a six-year road plan.

Q: Who is responsible for doing SEPA environmental review?

A: One agency is identified as the "lead agency" under the SEPA Rules WAC 197-11-924 to 938, and is responsible for conducting the environmental review for a proposal and documenting that review in the appropriate SEPA documents (DNS, DS/EIS, adoption, addendum). Two or more agencies may share lead agency status by agreement, but a single environmental analysis would be conducted and all SEPA documentation is issued jointly.

Q: Which agency is lead agency for a private proposal?

A: When a license is required from a city or county, the city or county will usually be lead agency for the project. There are some exceptions for larger proposals where a state agency is designated as lead agency (see WAC 197-11-938 for criteria). If the city or county does not have a license to issue for the proposal, another agency with a permit to issue will be lead agency, such as a health district, local air authority, or a state agency.

Q: What are "elements of the environment"?

A: The elements of the environment, as used in SEPA, are listed in WAC 197-11-444, and include both the natural environment (earth, air, water, plants and animals, energy and natural resources) and the built environment (environmental health, land and shoreline use, transportation, public services and utilities).

Q: What is the "threshold determination" process?

A: The threshold determination process is the process used to evaluate the environmental consequences of a proposal and determine whether the proposal is likely to have any "significant adverse environmental impact." This determination is made by the lead agency and is documented in either a determination of non-significance (DNS), or a determination of significance (DS) and subsequent preparation of an environmental impact statement (EIS).

Q: What is a "significant" adverse environmental impact?

A: WAC 197-11-794 defines "significant" as "a reasonable likelihood of more than a moderate adverse impact on environmental quality." What is considered significant will vary from one site to another, and from one jurisdiction to another, both because of the conditions surrounding the proposal at a particular location, and because of the judgment of the responsible official.

Q: Is an environmental impact statement required if the local development regulations or other local, state, or federal regulations mitigate all significant impacts?

A: No, if all significant impacts have been or will be mitigated to a non-significant level through the requirements in local, state, or federal regulations, or with the use of SEPA substantive authority, an EIS is not required.

Q: If mitigation is required by the local development regulations or other local, state, or federal regulations, do these mitigation measures need to be included in the DNS?

A: No, but the lead agency may choose to include information on mitigation required by local, state, or federal regulations with the DNS or in the checklist so that reviewers are aware of the conditions that will be placed on the final proposal.

Q: What is an EIS?

A: An environmental impact statement must be prepared when the lead agency determines a proposal is likely to have significant adverse environmental impacts. The EIS provides an impartial discussion of significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid or minimize adverse impacts. The lead agency will issue a draft EIS is issued with a 30-day comment period to allow other agencies, tribes, and the public to comment on the environmental analysis and conclusions. The lead agency will use these comments to finalize the environmental analysis and issue a final EIS.

Q: When is an environmental impact statement required?

A: An EIS is required for any proposal that is likely to have a significant adverse environmental impact that mitigation has not been for that would reduce the impact to a non-significant level. The applicant and lead agency may work together to revise the proposal's impacts or identify mitigation measures that would allow the lead agency to issue a determination of non-significance.

Q: Must the EIS include an alternative besides the proposed action and no-action alternative?

A: The EIS must evaluate reasonable alternatives that could feasibly attain the proposal's objective, and are within a jurisdictional agency's authority to control. The lead agency may determine that there are no reasonable alternatives, and may then evaluate only the proposed action and the no-action alternative.

Source: WA State Department of Ecology SEPA Online Handbook, January 2014. For more information, visit http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbappa.html