



## What is SEPA?

Enacted by the Washington Legislature in 1971, the State Environmental Policy Act – commonly called SEPA – helps state and local agencies in Washington identify possible environmental impacts that could result from governmental decisions such as:

- Issuing permits for private projects such as an office building, grocery store, or apartment complex.
- Constructing public facilities like a new school, highway, or water pipeline.
- Adopting regulations, policies, or plans such as a county or city comprehensive plan, critical area ordinance, or state water quality regulation.

## Using SEPA in Decision-Making

State and local agencies in Washington use SEPA to evaluate proposed decisions. Information learned through the review process can be used to:

- Change a proposal to reduce likely impacts.
- Apply conditions to or deny a proposal when adverse environmental impacts are identified.

Under SEPA, project proponents are usually asked to provide information about the proposal and its potential impacts on the environment. When a proponent has gathered and submitted enough information about their proposal, the lead agency can:

- Issue a determination of non-significance – also called a DNS – if it finds the proposal is unlikely to have a significant adverse environmental impact.
- Issue a mitigated determination of non-significance – or MDNS- concluding that identified significant impacts will be reduced to a level of non-significance through specific mitigated measures.
- Require an environmental impact statement – or an EIS – if the information indicates the proposal is likely to have a significant adverse environmental impact. An EIS needs to include:
  - An evaluation of alternatives to the proposal.
  - Measures that would reduce or eliminate likely environmental impacts.

The DNS, MDNS or EIS may be appealed by parties who participated in the review process. SEPA gives state and local agencies the authority to require conditions on permits to offset or mitigate any identified adverse environmental impacts. Federal and state court decisions make clear that any conditions imposed must be directly related and proportional to the impacts of the project.

## Some Projects Can be Exempt

SEPA also gives local governments the option to allow some minor projects to be exempt from review. Other projects may be exempt if they are consistent with adopted plans that underwent SEPA review. Various options include:

- **Increased exemption levels** for minor construction projects (WAC 197-11-800(1)(c))
- **Urban infill exemption levels** (RCW 43.21C.229)
- **Planned Action – Environmental Impact Statement (EIS)** (RCW 43.21C.440)