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**Ecology & Parks Committee**

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**ESB 6762**

**Brief Description:** Regarding compliance with the state environmental policy act in the consideration of cumulative impacts and the assumption of lead agency status when the same agency is the sponsor of the project.

**Sponsors:** Senators Fraser, Haugen and Kline.

**Brief Summary of Engrossed Bill**

- Requires proposals that are closely related to be evaluated within the same environmental impact statement.
- Requires all environmental reviews to address cumulative impacts of the proposal.
- Requires multiple agencies involved in a proposal to identify a lead agency.

**Hearing Date:** 2/19/10

**Staff:** Leslie Ryan-Connelly (786-7166).

**Background:**

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify possible environmental impacts that may result from governmental actions, including the issuance of permits or the adoption of or amendment to land use plans and regulations. Any governmental action may be conditioned or denied pursuant to the SEPA, provided the conditions or denials are based upon policies identified by the responsible governmental authority and incorporated into formally designated regulations, plans, or codes.

Local governments and state agencies must prepare an Environmental Impact Statement (EIS) for legislation and other major actions that significantly affect the quality of the environment. The EIS must include detailed information about the environmental impact of the proposed action, any short or long term adverse environmental effects that cannot be avoided if the proposal is implemented, and alternatives, including mitigation, to the proposed action. The

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responsible official of the government agency reviewing the proposed action makes a threshold determination of the environmental impacts of the proposed action.

The Department of Ecology adopts rules related to implementing the SEPA. The rules identify a *responsible official* as the person responsible for complying with the SEPA requirements, preparing the EIS, and making the determination of the environmental impacts. The rules further identify a *lead agency* as the main agency responsible for complying with the SEPA requirements. The SEPA rules instruct that environmental review is to include analysis of the direct, indirect, and cumulative impacts of a proposed action.

**Summary of Bill:**

For multiple proposed actions that cannot or will not proceed without simultaneous implementation, environmental review for the proposed actions must be conducted within the same environmental documentation. Similarly, for a larger proposed action that will be implemented in parts, environmental review must include the larger proposed action and all its parts within the same environmental documentation.

The scope of significant environmental impacts that must be included in the environmental review of a proposed action is expanded to include a review of cumulative impacts.

When a government agency proposes an action, the government agency is also designated the lead agency for purposes of carrying out the environmental review requirements of the SEPA. If two or more agencies share in the implementation of the proposed action, the agencies shall agree on an agency to designate as the lead agency. Whenever possible, the government agency staff carrying out the environmental review requirements of the SEPA must be different from the staff proposing the action. Designating a lead agency is not required for a proposed action to issue a license to a private entity.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.