

SEPA IWG Status Update

July 7, 2008

Workgroup Goal

The goal of the SEPA Implementation Working Group (IWG) is to provide guidance to state agencies, local governments, and the private sector on how to analyze, disclose, and mitigate climate change impacts under the State Environmental Policy Act (SEPA). The SEPA IWG seeks to provide certainty and predictability regarding SEPA's procedural requirements and grant of substantive authority so that resources can be devoted to effectively addressing climate change impacts rather than spent on costly and time consuming litigation about what SEPA requires. In pursuit of the goal of reducing greenhouse gas emissions and avoiding other adverse climate change impacts, the SEPA IWG will develop guidance, tools, and recommendations that clarify how, where, and when to most effectively and efficiently address climate change impacts in SEPA processes.

Focus/Priority Area(s)

The SEPA IWG has identified and will focus on three interrelated areas of SEPA compliance and implementation:

- Work Area #1: Procedural measurement and disclosure of climate change impacts,
- Work Area #2: Substantive mitigation of, and adaptation to, climate change impacts, and
- Work Area #3: Leveraging SEPA to encourage "climate friendly" development.

In each of these areas, the SEPA IWG will consider:

- Both project actions and non-projects actions (e.g., comprehensive plans and development regulations) , and
- Both impacts caused by the emissions of "greenhouse gases" and other kinds of impacts caused by the combination of the proposed actions and changing environmental conditions predicted to occur over time as a result of climate change.

The SEPA IWG has developed work plans that describe the opportunities and priorities in each of the three areas. The IWG sees all of the work as very valuable and important. However, due to time constraints, members recognize that the IWG may not be able to fully develop all of the potential guidance, tools, and recommendations that have been identified in these plans. Therefore, the IWG has focused its work based on the following sequence of work areas:

- Work Area #1, "Measurement and Disclosure," is essential. A formula or some other effective approach to estimating greenhouse gas emissions is a top priority. The IWG will strive for an approach that is also user friendly.
- Work Area #2, "Mitigation and Adaptation." The SEPA IWG will build upon and utilize the measurement and disclosure guidance from Work Area #1 to provide guidance to state agencies and local governments on legal authority and methods of mitigating and adapting to climate change impacts.
- Work Area #3, "Leveraging SEPA." Building upon Work Areas #1 and #2, the SEPA IWG may develop recommendations for substantive incentive and disincentive programs that would foster the goal of reducing climate change impacts.

Products from Work Areas # 1 and #2 are “mission critical.” The SEPA IWG regards developing effective guidance and tools for project and non-project actions as equally important. It will begin by focusing on impacts caused by the emissions of greenhouse gases and address other impacts as time allows.

Anticipated SEPA Resources and Recommendations

Consistent with the IWG’s priorities, we expect—at a minimum—to provide the CAT and Ecology with drafts of the following by September 2008:

1. Guidance and tools for measuring and disclosing greenhouse gas impacts for project and non-project actions under SEPA, including a revised checklist and clear direction on methodologies for measuring emissions and making SEPA threshold determinations;
2. Guidance or recommendations to state agencies and local governments regarding possible approaches to mitigating impacts from greenhouse gas emissions of project and non-project actions;
3. Recommendations for using incentives and disincentives related to SEPA to promote climate friendly non-project and project actions; and
4. Recommendations on approaches for measuring, disclosing, and mitigating impacts related to the combination of proposed actions and changing environmental conditions predicted to occur over time as a result of climate change.

Current Activities

The SEPA IWG is working to accomplish its objectives through focused near-term effort in Work Area #1:

- Identifying an array of potential polices and methodologies regarding accountability for and means of measuring greenhouse gas emissions for project and non-project actions; and
- Generating options and executing a work plan to develop guidance or recommendations on making SEPA threshold determination regarding greenhouse gas emission impacts.

Small groups of IWG members are also identifying resources and framing issues in Work Areas #2 and #3.

General Observations and Status

We have been impressed with the level of commitment of SEPA IWG members and their focus on developing useful products over a short period of time. IWG members have outlined comprehensive work plans for addressing climate change impacts under SEPA, identifying the expertise, information, and other resources to execute the work plans. They are hard at work in carrying out the SEPA IWG’s assignments and diligently engaged in the execution of the work plans.