

State Environmental Policy Act (SEPA) Non-Project Review Form (NPRF)

Fundamental premises

1. The environmental analysis and the proposal development process should be integrated and run concurrently
2. Governmental actions under SEPA cause environmental impacts by directing, encouraging or enabling physical changes that result in such impacts.
3. In the development of a proposal preliminary decision are made that set the direction and may have environmental consequences.
4. Analysis of impacts and alternatives of key issues throughout the proposal development process will more likely result in a proposal that better reflects environmental values.

General

The non-project review form is designed to be used concurrently with the development of a non-project proposal. To achieve maximum effectiveness and efficiency the initial use of the form should begin at the same time as a non-project is being contemplated, i.e. upon identification that a plan, policy or rule is likely to be needed or is mandated.

- Iterative process: The form is designed so that as a proposal is developed, the form is updated and detail is added. When a complete draft proposal is ready for public review, or review by an intermediary governmental body (e.g., a planning commission), the form should be at a comparable draft state, similar to a draft environmental impact statement (DEIS).
- Initial completion of form: All questions and requests for information should be reviewed when a non-project proposal is contemplated, recognizing that at this stage, it is premature to respond to some questions and some of the answers will change as the proposal is developed. Generally, at the initial stages, NPRF Sections 1) and 2) can be fully completed and the first several questions in the remainder of the sections can be preliminarily answered.
Those questions that are italicized and underlined are to be completed after the development of a proposal or preferred alternative.

NONPROJECT REVIEW FORM

1) Background

- a) Agency and contact name, address, telephone, fax, email
- b) Designated responsible official
- c) Name of proposal, if any, **and brief description**

Guidance #1(d): This response should name the jurisdictional coverage and that portion of the jurisdiction where the nonproject action will apply. Example, the nonproject action will apply statewide to all areas designated as being under the jurisdiction of the Shoreline Management Act. This includes all lakes over 20 acres, all streams with an annual mean flow of 20cfs and all saltwater areas, plus 200 feet from ordinary high water marks any associated wetlands.

- d) Describe the jurisdiction or area where the proposal is applicable.

Guidance #1(e): Briefly describe the law, ordinance, chapter, etc. that allows the lead agency to undertake and approve the anticipated action, or cite relevant language. Example, Chapter XXX RCW states: The Department of Ecology is authorized and directed to promulgate regulations to carry out the provisions of this act.

- e) What is the legal authority or mandate for the proposal?

2) Need and Objectives

Guidance #2(a): This response should address both the immediate problem and, if appropriate, how it relates to a broader need. Example, the problem may be to provide additional low income housing while the need is to provide suitable housing for all income levels within the jurisdictions.

- a) Describe the problem to be addressed and the need for the action.

Guidance #2(b): Response reflects the specific objectives that the nonproject action will try to achieve. Example, the objection is to provide suitable low-income housing for 200 families.

- b) Describe the primary objective(s) of the proposal.
- c) Are there any other objectives? If so, describe.

Guidance #2(d): This question is placed early in the form to stimulate thought and assist in identifying key issues that may arise later in the process. It also provides an opportunity for the public and others to identify concerns that they may have.

- d) What are the current known or anticipated key environmental issues or areas of controversy or concern?

Guidance #3: Lead agencies are encouraged to identify and use previous environmental documents to avoid duplication. Therefore, the response should be specific both as to the documents (SEPA and/or NEPA) covering the topic and those impacts that have been adequately analyzed.

3) Previous Documentation

- a) Identify and briefly describe any similar or related plan, regulation, policy, etc. currently in effect governing this geographic area and that contains the means to further the primary objective.
- b) Is this proposal likely to result in an amendment to or replacement of such existing regulation, policy or plan? Briefly describe.
- c) List any environmental documents (SEPA or NEPA) that have been prepared for items identified in 3a above. Identify the type of document, lead agency, and issue date.
- d) Do the SEPA documents in 3c adequately analyze any or all of the impacts from the alternatives being considered? **(Impacts with previous adequate analysis need not be re-analyzed, but should be incorporated by reference into the NPRF.)**

Guidance #4: Many legal authorizations offer flexibility in how the policy may be achieved. Example, a law may authorize or direct the promulgation of rules, but it may be within an agency's prerogative to accomplish certain objectives through a nonregulatory approach such as guidance or educational/outreach.

4) Alternative Approaches

- a) Briefly describe any legal or other mandate that requires a particular approach?
- b) If there is no mandated approach, what type of approaches could reasonably achieve the objectives?
- c) Why was the approach presented in the proposal selected?

Guidance #5: The responses to these questions may be expected to change with various iteration, as new stakeholders are identified, the proposed actions becomes better defined and public awareness is increased.

5) Public, Agency and Tribal Involvement

- a) Who are the known primary stakeholders?
- b) What other jurisdictions are involved and for what reason?

- c) What types of processes will be used for soliciting, evaluating, and documenting input from stakeholders, agencies, tribes and the public?
- d) **If different from above, briefly describe the processes used in addressing the public's and other interested parties concerns and comments?**

Guidance #6: This response should describe those attributes of the area(s) likely to be affected by "on the ground" activities. The specificity will vary depending on both the nature of the anticipated nonproject action as well as the jurisdictional constraints. A nonproject action covering all contaminated sites should broadly describe whether or not most or many sites are in urban areas, near water bodies, in industrially developed areas, etc. A nonproject action for a one hundred-acre rezone will contain considerably greater detail-to the degree that the reader can visualize the area.

6) Existing Environment

- a) Generally describe the existing environmental landscapes (i.e., status or quality of ecosystem) likely to be affected if the proposal is implemented. Include a description of the existing environment where resulting "on the ground" activities may occur and adjacent areas and facilities likely to be impacted. The following should be included, as appropriate:
- Primary physical features
 - Development level and infrastructure
 - Percent impervious surfaces (approximate)
 - Unique features, including historic and cultural sites, potential or existing critical areas, resource lands
 - Endangered or Threatened Species in or near the area

7) Broad Impacts

- a) In meeting the primary objective (identified in 2b of this form) is it likely that the non-project action will direct an agency to develop or construct projects? Describe.
- b) In meeting the primary objective is it likely that the non-project action will encourage physical changes to the natural or built environment? Describe.
- c) What is the location (geographic area) where changes will be directed or encouraged ? Include the area directly affected, as well as adjacent or other areas where changes will be indirectly encouraged.
- d) Will this action constrain certain activities or development, but not preclude all activities or developments? Briefly describe.

Guidance #8: In the development of a nonproject proposal, preliminary decisions are made as to what direction or alternatives will best meet the objective(s). This section documents those issues, analyze the environmental consequences, and describes alternatives (particular to those with lessor adverse environmental impacts). For the selected preliminary decision, mitigation should be reviewed as to whether or not it is consistent with the objective(s). Documentation of the rationale such as, economics or constrained by existing law, for not considering other alternatives should be provided.

8) Key issues/questions, alternatives, impacts and mitigation.

Definition: Key issues/questions are those for which the solution may limit the range of alternatives or commit the agency to take a particular direction and that could have adverse impacts to the environment.

- a) Identify key issue/question # 1. Include a brief statement of why this is a key issue/question.
- b) Identify alternative solutions.
 - (1) How would each alternative solution likely direct, encourage or enable:
 - New Development?
 - Redevelopment?
 - Changes in land use?
 - Changes in density of use?
 - Changes in management practices?
 - (2) What are the likely impacts from the changes?
 - (3) What are potential mitigation measures for these impacts?
 - (4) Will the intent of the proposal still be met if these impacts occur?
- c) What preliminary decision, if any, was made regarding this key issue?
- d) Which alternatives will be carried forward for further analysis?
- e) For those alternatives not carried forward please describe why not?
- f) Key issue/question #2, 3,.....Repeat above questions for each key issue.

THE REMAINDER OF THIS FORM IS EXPECTED TO BE FILLED OUT AND COMPLETED AT THE FINAL STAGES OF THE PROCESS.

Guidance #9: Because of analysis of individual key issues will occur over time, there may be relationships between the preliminary decisions that could result in adverse impacts. Prior to the issuance of a draft proposal a review should be conducted and any such impacts be analyzed.

9) Total Proposal Evaluation

If there is a preferred alternative (draft proposal) or alternative packages, describe any additional impacts and mitigation (over and above those addressed in key issue analysis) when considering the total proposal.

10) Consistency of the proposal with other plans, policies and laws.

Definition: Consistency means that implementing the proposal would not result in conflicting requirements between the proposal and other applicable laws and rules you (internal) or other agencies (external) implement.

a) Internal consistency

- (1) Is the proposal internally consistent with your agency's previously adopted or ongoing plans and regulations?
- (2) If there are internal inconsistencies, how does the proposal deal with them? Identify any strategies or ideas for resolving inconsistencies with existing, and /or, anticipated future laws, rules, or plans.

b) External consistency

- (1) Is the proposal consistent with adopted or ongoing plans and regulations of adjacent jurisdictions and/or other agencies, if applicable?
- (2) If there are external inconsistencies, how does the proposal deal with them? Identify any strategies or ideas for resolving inconsistencies with existing, and /or, anticipated future laws, rules, or plans.

11) Unavoidable impacts and impacts to be addressed later.

- a) Identify what impacts have been left to be addressed at the project level (i.e., thresholds which trigger further environmental analysis at the project level).
- b) For GMA actions, what impacts from the proposal have been designated as acceptable under chapter 36.70A RCW?

12) Monitoring and Follow-up

- a) How will the completion of and compliance with mitigation measures be monitored and enforced? Who will do the tracking, how will it be done, etc.?
- b) How will the impacts of the proposal be measured in relation to any benchmarks, performance standards and/or thresholds identified in the proposal?
- c) What other non-project actions will be necessary to achieve the objectives of this action?