



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 30, 2008

SEPA Responsible Officials and Administrators

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RE: Climate Change – SEPA Environmental Review of Proposals

Dear SEPA Responsible Official and Administrator:

I am writing to inform you about the upcoming effort by the Department of Ecology to clarify how considerations of climate change should be incorporated into environmental review and decision making under the State Environmental Policy Act (SEPA). It is our intent to revise and clarify the SEPA rules and provide useful guidance on this topic.

Many states and local governments are already developing policies, regulations, and guidance on how, where, and when to address climate change in their environmental review processes. Some are doing so because their failure to address climate change was challenged in court as contrary to those states' SEPA-like statutes.

We believe it is in our best interest to act now to clarify our state's SEPA rules, and prepare guidance regarding climate, in order to avoid a similar "policy by litigation" scenario here in Washington. For example, the SEPA environmental checklist asks for information on what air emissions a project might generate, yet there is currently no guidance on whether or how to quantify, analyze, and mitigate for greenhouse gas emissions. Similarly, the environmental checklist currently requests information describing the proposed action's impact on "climate." How the proposed action's climate change impacts are to be addressed in response to this part of the checklist is unclear.

Ecology will soon begin a stakeholder process to develop recommendations to ensure that climate change is considered in the SEPA processes and documents. As part of the Climate Advisory Team's work in 2008, a SEPA working group will be established to help clarify SEPA rules and prepare this important guidance information. In addition to Climate Advisory Team members, the workgroup will include other government, business, and environmental representatives.

The purpose of the working group is to: 1) clarify how, where, and when to incorporate climate change considerations into the environmental review of a proposal; 2) recommend changes to the SEPA rules and/or the environmental checklists, threshold determinations, and/or Environmental Impact Statements (EIS); and 3) provide instructions or guidance to local and state governments on how to determine possible mitigation strategies, and whether or not the impacts of climate change may affect the project over its lifetime.

We will be posting information on the stakeholder process and its progress on our climate change website, <http://www.ecy.wa.gov/climatechange>. We will also have additional outreach with you and other stakeholders to solicit your input during the rulemaking process to help make the end product as useful as possible to you. We will be counting on you to not only help us determine the best way to clarify the SEPA rules, but also what guidance will best assist local jurisdictions in using SEPA as a tool to address climate change.

We are also gathering and reviewing information on how other jurisdictions are considering climate change in their environmental review processes. That information is posted at <http://www.ecy.wa.gov/programs/sea/sepa/climatechange>. While not endorsing any of their solutions or guidance, we believe they will be informative.

If you have any questions, please feel free to contact Brenden McFarland at (360) 407-6976/bmcf461@ecy.wa.gov, or Hedia Adelsman at (360) 407-6222/hade461@ecy.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay J. Manning". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jay J. Manning,
Director