

SEPA Training Day 2

Morning:

- Open Q & A
- SEPA & Climate Change
- Non-Project Actions and Phased Review
- Cumulative Impact Analysis
- GMA-SEPA Integration Tools
- EIS process and content

Afternoon:

- SEPA Document Review and Commenting

Questions & Follow-up from Day 1

- **NEPA EISs listed on SEPA Register**

<https://fortress.wa.gov/ecy/separ/Register>

Nonproject Actions:

- Contain standards controlling use or modification of the environment
- Provide the basis for future projects
- Foreclose future options
- Often constitute a sequence of decisions that build-upon each other
- Authorize future projects

Types of Nonproject Actions

1. Legislation, ordinances, rules & regulations that contain standards controlling use of environment
2. Land use plans and zoning laws
3. Policy, plan or program that governs development of series of connected actions (programmatic)
4. Creation and annexation of districts
5. Capitol budgets and plans
6. Road, street and highway plans

Nonproject Actions

Characteristic	Example
Directs future projects	-Subarea Plan, transportation plan
Encourages future projects	-Comp Plan
Constrains future projects	-Regulatory Ordinance
Permits future projects	-Programmatic or general permit

Importance of Non-Project SEPA

- Provides a “big picture” analysis
- Useful opportunity to address cumulative impacts
- Documents consideration of broad range of impacts and reasonable alternatives
- Streamlines SEPA review for subsequent project decisions

Key Concepts

- Begin in early stages of proposal development and continue as “work in progress”
- Integrated into development of rule, plan, policy, general permit etc.
 - Continuous review
 - Consider impacts as preliminary decisions are made
- Non-project EIS should not be feared!

Benefits of Non-Project EIS

- Do not have to discuss, debate, defend finding of non-significance
- Format and content is flexible
- Robust public involvement can streamline future project-level review
- More in-depth discussion of alternatives can benefit decision-makers

Steps in Nonproject SEPA Review

- Start the SEPA process when given mandate or decision to pursue plan, policy, rule, general permit, etc.
- Update analysis throughout development of the proposal
- Issue DNS or DEIS with the draft proposal
- Consider comments and finalize
- Use information in decision-making

Key Tasks for Nonproject Review

- Identify the problem and need for action
- Identify objectives
- Describe key issues
- Identify possible alternatives
- Evaluate the impacts of each alternative
- Consider ways to reduce impacts

Nonproject Review Form

- Optional tool for use at outset of SEPA review
- Complements existing SEPA requirements
- NPRF format:
 - Part I – Framework
 - Part II – Impact Analysis/Alternatives
 - Part III – Implementation
- Designed to use all, part or none as applicable

Relation to Project-Level Review

- Project-level SEPA review should:
 - Focus on issues not addressed during planning
 - Build on environmental analysis from development regulations, general permits, and other laws and regulations
 - Focus on the gaps
- Nonproject SEPA documents can be adopted and supplemented

Impacts Not Addressed

- Additional review may be needed for project-level impacts:
 - Resulting from changed conditions
 - Indicated by new information
 - Not reasonably foreseeable in planning
 - Specifically reserved for project review

Phased Review

- Focus on issues ready for decision
- Non-project phase identifies total proposal and significance of “big picture” impacts
- Appropriate to sequence from:
 - Nonproject document to site specific
 - Site selection to detailed design
- Not appropriate:
 - From narrow project to broad policy
 - To segment a proposal to avoid review

Phased Review Example - Spokane Wastewater Plant

- County Wastewater Facilities Plan EIS
 - Evaluates options to increase capacity
 - Regional treatment plant option selected
- 2002 SEIS, evaluates siting options, construction, and operation
- 2004 SEIS, evaluates another site

Questions?



GMA-SEPA Integration

- ⦿ Three main areas:
 - 1. GMA Project Review RCW 43.21C.240
 - 2. Planned Actions
 - 3. Infill Development Exemption (not in WAC)
- ⦿ Common theme:
 - Environmental analysis is done at planning stage
 - Local ordinance addresses project-level mitigation and other conditions
 - SEPA documents/analysis are integrated with GMA planning process

GMA Project Review

- RCW 43.21C.240 – WAC 197-11-158
- Streamlines SEPA review for projects based on analysis in Comp Plan and development regulations
- Identify likely adverse impacts
- Determine if project-specific impacts are “adequately addressed”
- If adequately addressed, do not require additional mitigation under SEPA

Adequately Addressed

- An impact is “adequately addressed” if the:
 - Impact has been avoided;
 - Impact has been otherwise mitigated; or
 - Legislative body has designated the impact as acceptable

What is a “Planned Action”?

- **A Project Plan whose impacts are analyzed in an EIS associated with a GMA Plan Action (Typically a Sub-Area Plan)**
- **Development consistent with a Planned Action is “permit ready” and does not require additional Environmental Review.**

Planned Action Process

- GMA counties/cities may designate types of projects as planned actions
- Define a type of project or geographic area
- Prepare an EIS
- Adopt a planned action ordinance
- Evaluate future projects using ordinance

Why do a Planned Action?

Because it "Sets the Table" for Development
by...

- ⦿ Anticipating and responding to impacts upfront
- ⦿ Building community and developer confidence that impacts are addressed
- ⦿ Reducing costs and public review timelines
- ⦿ Showing public commitment to planning, development and public improvements which attract private investment.

GMA Infill Exemption

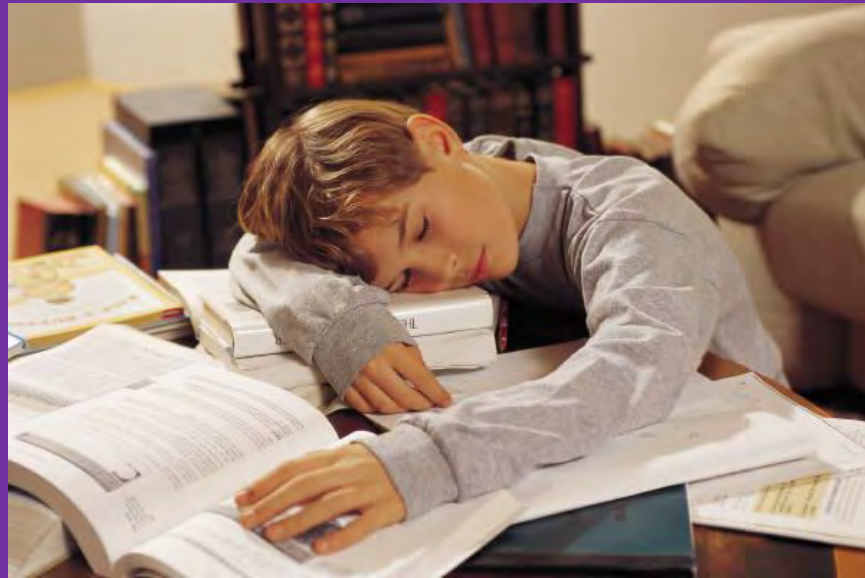
- Intended to streamline development in urban areas to reach planned density levels
- Limited to residential and mixed use
- EIS must be done on the Comprehensive Plan
- The exemption must be adopted by ordinance as part of the SEPA procedures of City/County
- This exemption is subject to the exceptions in WAC 197-11-305

CTED Case Study

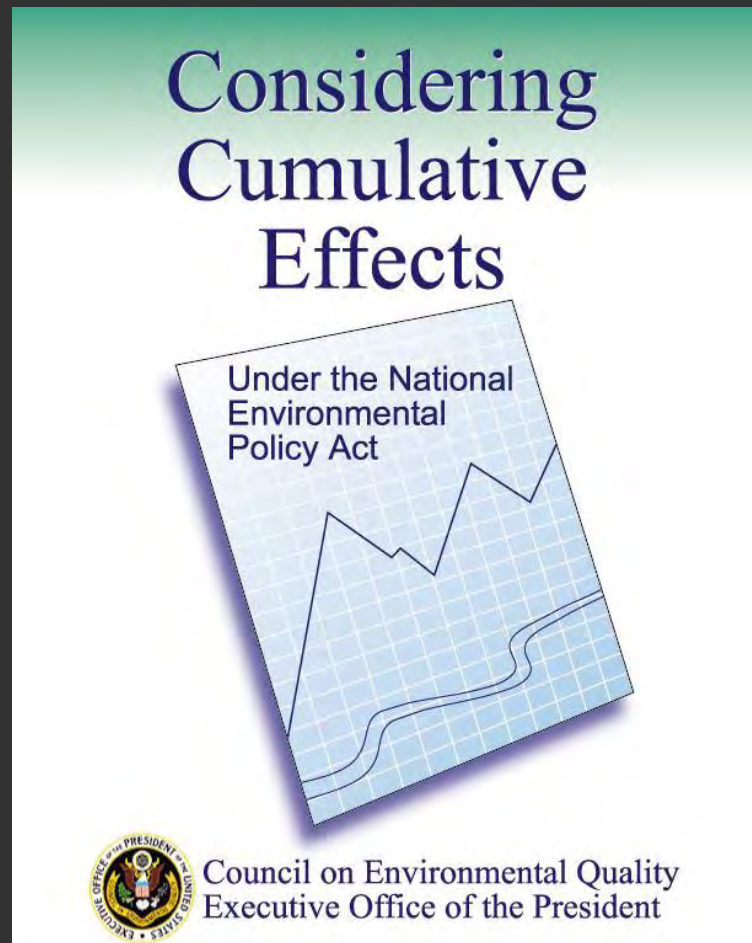
Some Local Agencies also leveraged Planned Actions by:

- *Expediting Permit Processing*
- *Tax Deferrals*
- *Improvement Projects – such as Streets & Parks*
- *Coordinating Design Regulations with Developers*
- *Engaging Community Support*

Questions?



Cumulative Effects Analysis



http://ceq.hss.doe.gov/publications/cumulative_effects.html

Cumulative Impact:

Impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions

(40 CFR ~ 1508.7)

“The tyranny of small decisions” William Odum

What is Cumulative?

- *Made up of accumulated parts, increasing by successive additions*
- How will the proposal contribute to relevant existing impacts to elements of the environment?
- How will it contribute to future impacts?
- What past, present and future actions are relevant to consider?

Types of Cumulative Impacts

1. Additive

- Repeated added impacts of one project
- Sum of impacts from different projects

2. Interactive

- *Synergistic*-where the net adverse cumulative effect is greater than the sum of the individual contributions
- *Countervailing* –where the net effect is less than the sum of the individual contributions
- Also includes single-source (project) contribution or multiple sources

What is Relevant?

- ⦿ Identify spatial and temporal boundaries
 - Geographic scope of this analysis broadened to reflect *cause and effect* relationship
 - Time scale broadened to reflect persistence of accumulated impacts
- ⦿ Focus on impacts that are “*truly meaningful*” –CEQ
- ⦿ Concept of “proximate cause” from NEPA case law



Environmental Impact Statements: WAC 197-11-400

EIS Documents

Scoping Notice

- ❑ **Allows for early involvement and for any impacts to be analyzed in the Draft EIS (DEIS)**

Draft EIS

- ❑ **Analysis of the impacts described in the scope**

Final EIS

- ❑ **The lead agency's response to all comments on the DEIS**

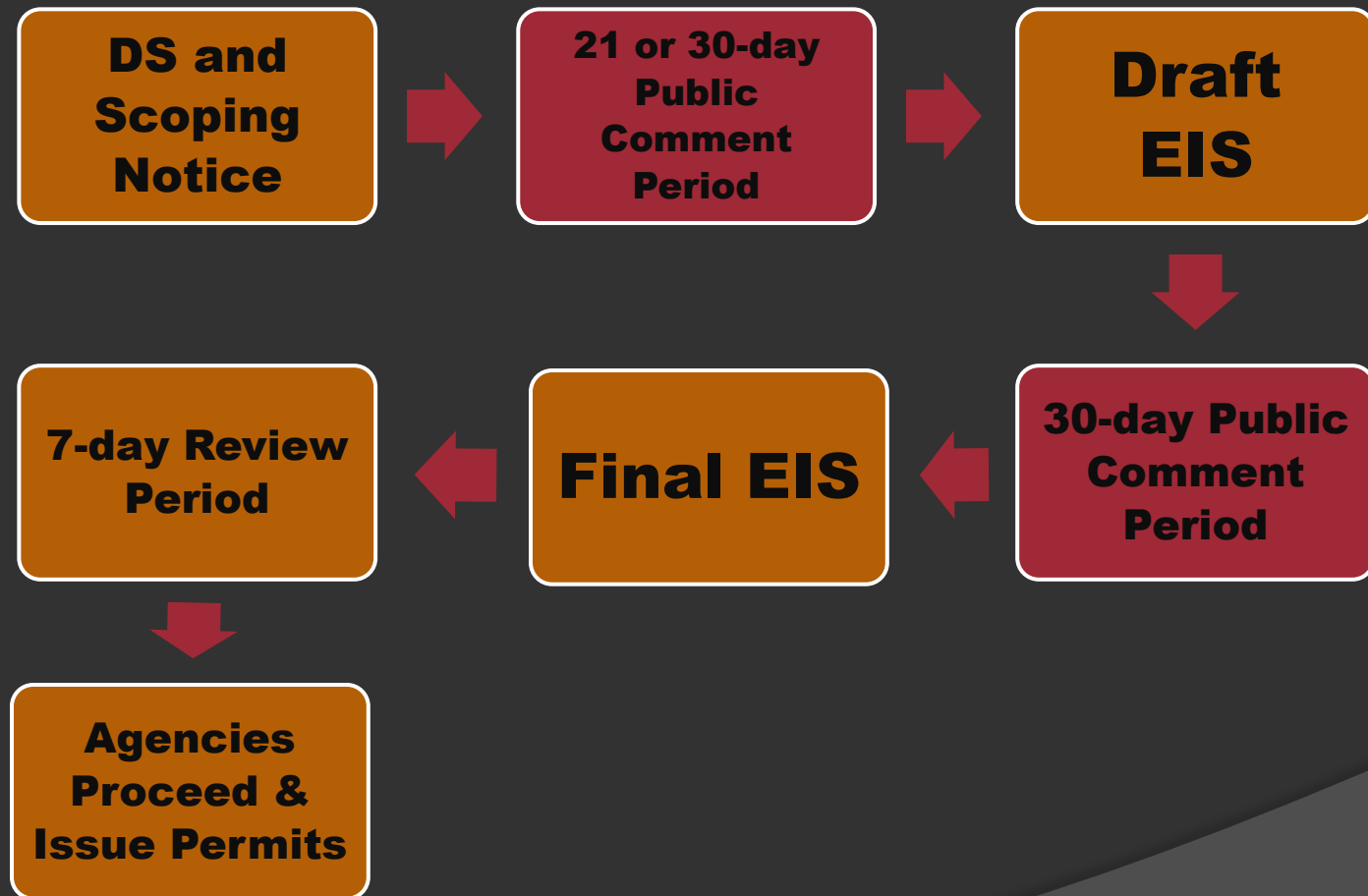
EIS Scoping Notice

- ◉ **Identifies the significant impacts to be analyzed**
- ◉ **Invites public and agency comments**
- ◉ **Can include draft list of alternatives and reasonable mitigation measures**
- ◉ **Identifies draft list of specific studies, surveys and methodologies for analysis**
- ◉ **Seeks comment/input on all of above**

Discussion

- ⦿ **Are probable significant impacts identified?**
- ⦿ **What needs to be included in the Draft EIS?**
 - **-Scope of analysis –what impacts to discuss**
 - **-Alternatives**
 - **-Mitigation options**
- ⦿ **Are the permitting issues different because of location and proponent?**

Determination of Significance



Environmental Impact Statement

- Prepared when the lead agency has determined a proposal is likely to result in significant adverse environmental impacts.
- The process identifies and analyzes probable adverse environmental impacts, reasonable alternatives, and possible mitigation.

EIS Process

- Provides involvement for the public, other agencies, and tribes to participate in developing and analyzing information.
- Improves proposals from an environmental perspective [WAC 197-11-400(4)].
- Provides decision-makers with environmental information.
- Provides the information necessary for conditioning or denying the proposal.

Questions?



Climate Change

global warming

SEPA & Climate Change *Overview*

Background

- **2007 Climate Advisory Team**
 - *Recommends state “clarify” role of climate analysis in SEPA*
- **Jay Manning’s April 30, 2008 letter**
 - *It is our intent to revise and clarify the SEPA rules and provide useful guidance on this topic.*
- **SEPA IWG of the Climate Action Team recommendations**
 - *Provide clear guidance*
 - *Distribute reference materials*
 - *Identify tools to quantify emissions*

Discussion Topics

○ Policy level

- What is the role of SEPA to address climate impacts?
- How does the state emission limits apply to programmatic and project-level review?

○ Practical level

- Advice for agencies
- Advice for project applicants

What Drives Climate Analysis?

- **Current mandate to analyze & consider impacts**
 - **Methodology for considering is as a cumulative impact, just at the most broad level – global**
 - **Document this process in DNS or EIS**
- **Current Mandate to consider available mitigation**
- **Current mandate to disclose publically**
 - **checklist, worksheet, EIS or other document**
- **Current mandate to prepare EIS if impacts are significant**
 - **The burden of EIS preparation for a proponent is a big deal, creating incentive to reduce project impacts**

Climate Mitigation

Action taken to permanently eliminate or reduce the long-term risk and hazards of climate change to human life, property and the environment.

“Intervention to reduce the sources or enhance the sinks of greenhouse gases.”

Climate Adaptation

- *Ability to adjust to climate change (including climate variability and extremes)*
 - *minimize vulnerability and damage*
 - *e.g. soft shorelines, set-backs*
 - *motivation for broader sustainability policies*
 - *improve resiliency for climate and other environmental challenges*

SEPA Addresses the Gaps

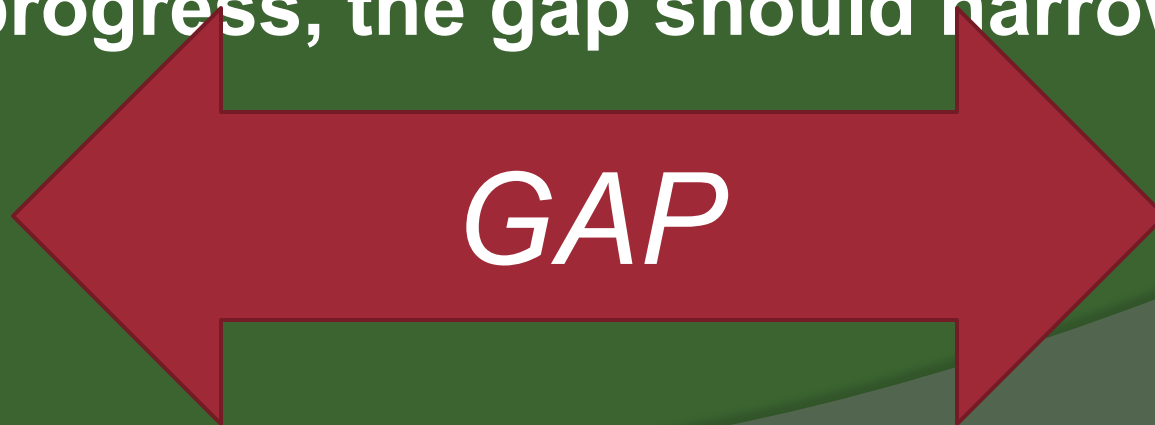
- SEPA's role in addressing climate change is to fill the gaps until more comprehensive regulation is in place.
- As science, policy and regulations progress, the gap should narrow.



GAP

SEPA Addresses the Gaps

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Recommended Approach

- **Identify and assess GHG emissions**
- **Assess vulnerability impacts**
- **Identify mitigation opportunities**
- **Determine significance**
- **Apply SEPA supplemental/substantive authority to mitigate impacts**

Emissions and Impacts

- Direct and indirect greenhouse gas *emissions* are a component of a proposal.
- They contribute to level of atmospheric greenhouse gases
- Cumulative result of this (with past, present, future) global emissions worsens our global climate –resulting in *impacts* such as temperature increase, sea level rise etc.

Climate Impacts are Reasonably Foreseeable

- **New sources of GHGs exacerbate environmental impacts by adding to current and future concentration levels**
- ***See Massachusetts v. EPA*: “The harms associated with climate change are serious and well recognized.”**
- **Similar to stormwater pollution: multiple sources create polluted stormwater run-off which collectively impacts Washington waters, fish, and wildlife**

What are greenhouse gases?

- carbon dioxide (CO₂) –*carbonic anhydride*
- nitrous oxide (N₂O) -*Laughing gas*
- - methane (CH₄) -*Marsh gas*
- - hydrofluorocarbons (HFCs)
- - perfluorocarbons (PFCs)
- - sulfur hexafluoride (SF₆) -*Sulfur fluoride*

Sources of Emissions

Direct Emissions

1. Direct Construction
2. On-Site Mobile Sources and Company Owned VMT
3. Stationary Sources and Direct Facility Emissions
4. Fugitive Emissions
5. Direct Agricultural Emissions
6. Forestry Conversion and other land or Aquatic Vegetation Disturbance
7. Direct emissions from maintenance activities

Indirect Emissions

1. Off-Site Extraction of Purchased Materials
2. Off-site Processing of Purchased Materials
3. Transportation of purchased materials
4. Employee Commute VMT
5. Other Indirect VMT
6. Purchased electricity
7. Water Use and Off-Site Wastewater Disposal.
8. Off-Site Solid Waste
9. End-use emissions from use of product

Vulnerability and Adaptation

- *Vulnerability* and *adaptation* are new terms for SEPA's procedural framework.
- SEPA can address the *vulnerability* climate change impacts of a proposal
 - analyzing how changes in the existing environment combined with the proposed actions will create additional consequences to the natural and built environment.
 - *Vulnerability* in this context is a type of cumulative impact –one that both the proposal contributes to and is affected by

Vulnerability Impacts

- **Proposals may be vulnerable to climate change, which may in turn exacerbate other environmental impacts.**
- **These vulnerability impacts, if reasonably foreseeable, may be subject to SEPA analysis:**
 - **Frequent flooding and increased stormwater pollution**
 - **Precipitation changes and decreased water supply**

Mitigation for Climate Impacts

- Quantify or qualitatively assess emissions linked to the project
- Determine whether those emissions are significant
- If significant:
 - Must require mitigation below level of significance before (M)DNS can issue---OR---
 - Must prepare an EIS
- Agency can use substantive SEPA authority to mitigate GHG emissions if it has policies authorizing it to do so

Mitigation Examples

- Website resources including “Table of Tools” includes mitigation options
- “Avoidance and Minimization” approaches are emphasized because of ease of assessing reduction of impact
 - Project Actions
 - *Site Design*
 - *Building Design and Operations*
 - Project and Non-Project
 - *Transportation*
 - Non-Project Actions
 - *Transportation and Energy Efficiency*

Threshold Determination

- Emissions and vulnerability can be individually limited but cumulatively considerable
- Follow general criteria in WAC 197-11-330
- Explain methodologies and rationale
- Use existing laws, regulations, and policies as references –but not a total substitute for some case by case analysis and disclosure

For more information...

Table of Tools:

<http://www.ecy.wa.gov/climatechange/docs/sepa/tools.pdf>

Additional Resources:

http://www.ecy.wa.gov/climatechange/sepa_resources.htm



Questions?

Document Review and Commenting

The Purpose of Commenting

- **To assist Lead agencies**
 - **Identify:**
 - **Inaccurate, incomplete information**
 - **Inadequate analysis or methods**
 - **Adverse environmental impacts**
 - **Applicable regulations**
 - **Necessary permits**
 - **Provide**
 - **Missing information**
 - **Input about possible alternatives**
 - **Input about possible conditions/mitigation**

Why Comment?

- **Commenting allows you to:**
 - **Identify, clarify & resolve concerns early**
 - **Influence design changes**
 - **Achieve more environmentally sound proposals**
 - **Collaborate with lead agency as an agency with jurisdiction**
 - **Improve environmental information in SEPA documents**
 - **Create a written record**

Consequence of No Comment

- ❑ **May limit ability to:**
 - ❑ **Comment in the future**
 - ❑ **Use supplemental authority (condition or deny permit)**
 - ❑ **Appeal**
- ❑ **Missed opportunity to influence project change**
- ❑ **Lead agency may assume we have no information regarding impacts or jurisdiction**
- ❑ **DEIS—barred from objecting to Lead Agency’s EIS compliance, WAC 197-11-545(1)**
- ⦿ **Interpreted as ‘no objection’ to analysis of a proposal, WAC 197-11-545(2)**
- ⦿ **Possible project delays**

Tips for Preparing Effective Comments

- **Decide what you want to say before you begin**
- **Create an outline**
- **Organize into logical order**
- **Write short sentences and an active voice**
- **Avoid asking questions (use “if...then” technique)**

Commenting Do's

- **Describe your agency/program/organization's role (permit or expertise)**
- **Explain issues with context and reference background information**
- **Discuss solutions and alternatives**
- **Address cumulative impacts when applicable**
- **Include how and where to locate information**
- **Include your contact information**
- **Be mindful of your tone and audience**

Commenting Don'ts

- **Overall Qualitative**

- *(avoid saying the project is “good” or “bad”)*

- **Unexplained**

- *(never quote WACs or RCWs without providing the context or an explanation)*

- **Vague or Redundant**

- *Provide enough detail information, but don't repeat information already provided in the SEPA documents*

Commenting on Non-project Actions

Non-project Actions are agency decisions on policies, plans, or program that will regulate future on-the-ground projects

Review is Important:

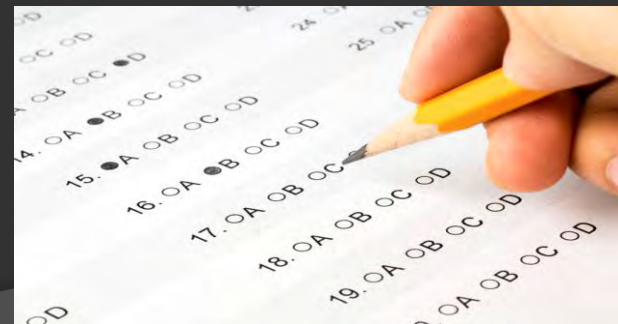
- **Affect future project decisions**
- **Address cumulative & incremental impacts more effectively**
- **Ensure adequate analysis of alternatives**
- **Identify possible mitigation measures for future projects**
- **May not have another chance to comment or appeal**

Note:

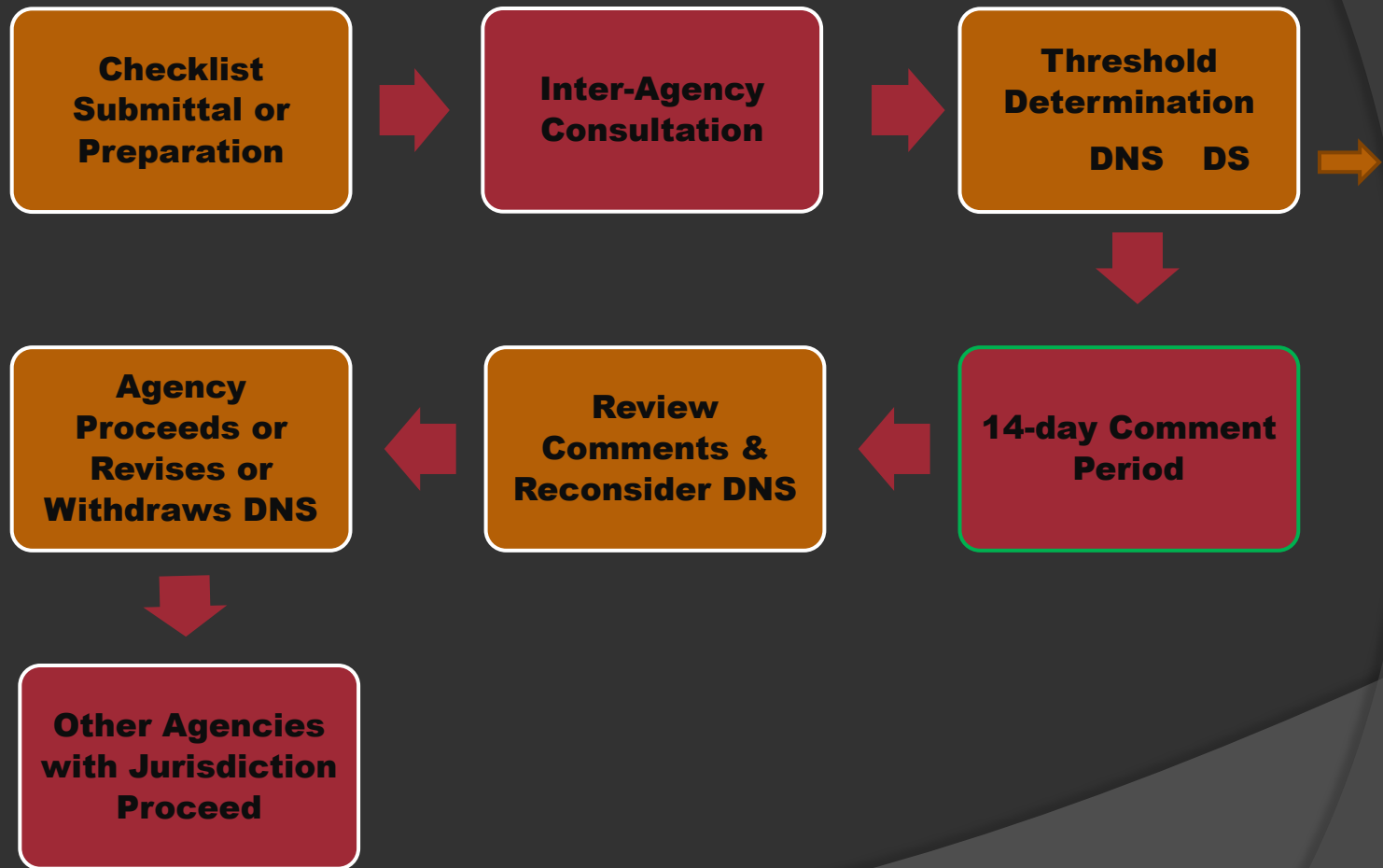
- **Don't hesitate to ask for an extension of comment period**

Standardized Comments

- **A list of standard (canned) comments can be developed to provide consistency and save time**
 - **Lead Agencies usually ignore these**
 - **Can be a useful starting place but must be checked for relevancy and supplemented with details**



Determination of Non-Significance



Environmental Checklist

- **The threshold determination is aided by what's called an environmental checklist.**
- **The environmental checklist is completed by the applicant or the agency initiating the proposal.**
- **Established in SEPA Rules (WAC 197-11-960)**
- **All lead agencies must use this version (only minor changes to Part A allowed)**
- **Required as initial step for lead agency to consider probable significant impacts to all elements of the environment**
- **“Draft” distributed during Agency Consultation**
- **Required distribution with DNS to agencies with jurisdiction**

Your Review of Checklist

Create a Template:

- **What are the questions that you want answered?**
 - **Identify them in the checklist.**
- **What regulations are subject to your review?**
 - **Do they apply to the specific project?**
 - **Are they identified by the lead agency?**
- **What information is missing that you can supplement -*do not rely on the checklist questions/answers to make use of your expertise***

Background Information

- **2. Name of Applicant**
- **3. Contact Information**
- **4. Date Checklist prepared**
 - **How old is this information?**
- **6. Proposed Timing**
- **7. Future Additions**
 - **Is this one part of a larger project?**
 - **Phased development?**
- **8. Environmental Information or Studies**
 - **Wetland Reports, GeoHazard Studies**

Example #1: Project Timing

○ Question #6

“ . . . Parcels 1,3-6 are being filled for future construction upon issuance of building permits . . . ”

*City of Chehalis, DNS for Liberty Place
Commercial Development –page 1*

Example #2: Future Plans?

- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

“A portion of Parcel 2 will require the extension of a city culvert for the entrance to Liberty Plaza.”

Example #2 - Comment

Sample answer:

The checklist identifies the “requirement” of a city culvert extension for Parcel 2 (see answer to question #7 on page 2). This is a connected activity that must be considered as part of this proposal. Supplemental information must be provided in order to substantiate the determination of non-significance for this project. A revised checklist or an addendum to the existing document must include the impacts of this activity.

Background Information

- **9. Pending Applications**
 - *Have they applied for any permits?*
- **10. Government Approvals**
 - *Are all relevant permits listed?*
 - *Does the list need to be amended?*
 - *Are there permits listed that don't apply to the information presented?*
- **11. Project Description**
 - *Is this the same project described in the staff report?*
- **12. Project Location**

Location Information Resources

○ Washington Coastal Atlas

- <https://fortress.wa.gov/ecy/coastalatlaser/viewer.htm>

○ Facility/Site Identification System

- <http://ecyapps4/facilitysite/Portal/Default.aspx?RecordSearchMode=New>

○ Other agencies' GIS maps and databases

16 Environmental Elements

- **Earth**
- **Air**
- **Water**
- **Plants**
- **Animals**
- **Energy and Natural Resources**
- **Environmental Health**
- **Noise**
- **Land and Shoreline Use**
- **Housing**
- **Aesthetics**
- **Light and glare**
- **Recreation**
- **Historic and Cultural Preservation**
- **Transportation**
- **Public services**
- **Utilities**

Earth

- **d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
- **e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate the source of fill.**
 - **How much soil is being disturbed**
 - **What is the purpose of disturbing the soil**
 - **Where is the soil being moved to**
 - **Where is the fill source**
 - **Other points to think about**
 - **Will it be stockpiled on site? BMPs?**
 - **Is the soil contaminated? Disposal site?**

Earth

- ❑ **g. About what percent of the site will be covered with impervious surfaces after project construction**
 - ❑ **Will the entire site be impervious?**
- ❑ **h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**
 - ❑ **Are there any BMPs in place?**
 - ❑ **If not, what are appropriate recommendations?**



Air

- **a. What types of emissions to the air would result from the proposal during construction and when the project is complete?**
- **c. Proposed measures to reduce or control emissions or other to air, if any:**



Water

- **a. Surface**
- **1) Is there any surface water body on or in the immediate vicinity of the site? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**
 - **General information**
- **2) Will the project require any work over, in, or adjacent to the described waters? If yes, please describe and attach available plans.**
 - **200 feet describes Shoreline Jurisdiction for waters of the state**

Water

- **3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**
- **4) Will the proposal require surface water withdrawals or diversions?**
 - **Does this project require a water right?**
- **5) Does the proposal lie within a 100-year floodplain?**

Water

- **b. Ground:**
- **1) Will ground water be withdrawn, or will water be discharged to ground water?**
 - Do they have a water right?
 - Are they proposing a well?
- **c. Water runoff (including stormwater):**
- **1) Describe the source of runoff and method of collection and disposal, if any. Where will this water flow? Will this water flow into other waters? If so describe.**
 - Should describe how the project will manage all stormwater during project construction and for the lifetime of the completed project

Plants

- **b. What kind and amount of vegetation will be removed or altered?**
 - **Are they removing habitat?**
 - **Ground cover?**
 - **What will the vegetation be replaced with?**
- **d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any?**
 - **Encourage the use of native species**

Energy and Natural Resources

- **a. What kind of energy will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, ect.**
 - **Will infrastructure need to be installed into the site for energy service?**
 - **Where will that be placed?**
- **c. What kind of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any?**
 - **Green building standards**
 - **Recycling used materials**

Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal?



Example : Environmental Health

○ **Part B Question # 7a:**

- **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire an explosion, spill, or hazardous waste. . . ?**

“no”

*City of Chehalis, DNS for Liberty Place
Commercial Development –page 6*

Example : Environmental Health

Sample Comment?

“This site is adjacent to a known contaminated site. Contaminants may be present. If contamination is discovered, it must be reported to Ecology. . .”

Land and Shoreline Use

- **a. What is the current use of the site and adjacent properties?**
- **b. Has the site been used for agriculture?**
- **c. Describe any structures on the site?**
- **d. Will any structures on site be demolished? If so, what?**
- **g. If applicable, what is the current shoreline master program designation of the site?**
- **h. Has any part of the site been classified as an “environmentally sensitive” area? If so specify.**

Utilities

- **a. Circle utilities currently available at the site: Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**
- **b. Describe the utilities that are proposed for the project, the utilities providing the service, and the general construction activities on the site or the immediate vicinity which might be needed.**

Additional Information

- ◎ **Staff Report**
- ◎ **Reports (wetlands, mitigation)**
- ◎ **Site Plans and Vicinity Map**
- ◎ **Part D: *Supplemental Sheet for Non-project Actions***

DNS/MDNS Letter

- ◉ **Format established in SEPA rule, but varies between different agencies**
- ◉ **Not intended to be just a formality – but the justification of why EIS is not needed**
- ◉ **If legally challenged, an agency's procedural compliance with SEPA may stand or fall on the contents of its environmental documents (incl. checklists)**

DNS Contents

Look Closely:

- **Project Description – is it the same as checklist?**
- **Project Location**
 - Look up the site on the Coastal Atlas
- **Proponent/Applicant**
- **Applicable rules, regulations, laws**
 - Sites municipal/county code
- **Conclusions/Findings? – or at least a summary or staff report**
- **Mitigation**
- **Date of Issuance**
- **Comment Deadline**
- **Does it list all agency actions connected to proposal?**

Discussion

- ① **What are the problems with this DNS & Checklist?**
- ② **What, if any, mitigation is necessary and feasible?**
- ③ **Are there any gaps in the regulatory requirements where mitigation is needed?**
- ④ **What comments are helpful based on these issues?**

Discussion

- **What are the problems?**
- **Does the mitigation adequately address the significant impacts?**
- **Is this the correct threshold determination?**
- **What changes should be made?**
- **What comments are helpful based on these issues?**

Reviewing the EIS

- **Facts Sheet**
- **Summary**
- **Table of Contents**
 - **Identify relevant sections**
- **Two basic Sections of Text**
 - **Alternatives**
 - **Impacts to the Environment**

Commenting Tips

- ❑ **Start with any general comments and follow with specific, page-by-page comments**
- ❑ **Offer specific revisions in addition to pointing out problems**
- ❑ **Use headings and/or topic sentences**
- ❑ **When appropriate -identify the things that you support**
- ❑ **Give specific examples to illustrate your concern**

Does Lead Agency Listen?

If your agency has “jurisdiction” and SEPA process and/or content is inadequate: (last resort measures)

- **Assume lead –or at least inform them that it is an option during DNS comment period**
- **Issue new threshold determination with correct information**
- **Add supplemental EIS (self-funded)**
- **Appeal/challenge administratively or judicially (do not have to have “jurisdiction”)**

Questions

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Last Chance for Questions

