

1 INTEGRATED SEPA AND PROJECT REVIEW

2 Discussion Draft

3
4 **197-11-XX1 Integrated SEPA and Project Permit Review**

5 (1) The purpose of WAC 197-11-XX1 through 197-11-XX5 is to authorize GMA
6 counties and cities to integrate the requirements of SEPA, the Growth Management Act (GMA),
7 and local project review under chapter 36.70B RCW and to ensure that environmental analyses
8 under SEPA can occur concurrently with and as an integral part of project review. Nothing in
9 these sections is intended to jeopardize the adequacy or require the revision of any SEPA or
10 GMA processes, analyses or document deadlines specified in GMA or chapter 36.70B RCW.

11 (2) GMA counties and cities may use the procedures of these rules to satisfy the
12 requirements of SEPA for project review. Other jurisdictions planning under GMA may also use
13 these integration procedures.

14 (3) Environmental analysis during project review should address the project specific
15 environmental impacts of the development proposal and should not revisit decisions made during
16 the GMA planning process.

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18 **197-11-XX2 SEPA, GMA, and Project Review definitions.**

19 For purposes of SEPA:

20 (1) "Formal SEPA documents" mean:

21 (a) A nonproject environmental checklist/DNS;

22 (b) A notice of adoption with or without an addendum;

23 (c) An addendum;

1 (d) An EIS; or

2 (e) An consolidated project permit decision document.

3 (2) "GMA" means the Growth Management Act, chapter 36.70A RCW and those statutes
4 codified in other chapters of the Revised Code of Washington that were enacted or amended as
5 part of chapter 17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 sp. sess.

6 (3) "Local project review" means project review under chapter 36.70B RCW;

7 (4) "Project permit" or "project permit application" means any land use or environmental
8 permit or license required from a local government for a project action, including but not limited
9 to building permits, subdivisions, binding site plans, planned unit developments, conditional
10 uses, shoreline substantial development permits, site plan review, permits or approvals required
11 by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea
12 plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or
13 development regulations except as otherwise specifically included in this subsection.

14 (5) "Consolidated project permit application" means an project permit application that
15 combines the requirements of local project review and SEPA as provided in WAC 197-11-XX1
16 through 197-11-XX5.

17 (6) "Consolidated project permit decision document" means the document of a local
18 government on a consolidated project permit application that combines the local government's
19 decision on the proposed project with the threshold determination under SEPA.

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1 **197-11-XX3 Overall consolidated project review procedures.**

2 (1) "Consolidated Project Review." GMA jurisdictions are authorized to combine SEPA
3 and local project review processes and analyses and to issue a consolidated project review
4 permit.

5 (2) To integrate SEPA and project review:

6 (a) Project permit applications shall include information required to review the project
7 under the local government's development regulations and to conduct environmental review
8 under SEPA.

9 (b) Local governments may tailor the consolidated project review process as necessary to
10 recognize the different levels of analysis for different types of project review applications. (For
11 example, ...)

12 (c) The process of consolidating SEPA and project permit review is intended to ensure
13 that information about the project is available early in the project review and environmental
14 analysis process.

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16 **197-11-XX4 Timing of consolidated SEPA and project review process.**

17 (1) Within the time limits required under chapter 36.70B RCW and the local
18 government's procedures, the notice of application for the consolidated project permit
19 application shall be issued and the summary of the notice of application shall be submitted to the
20 department for inclusion in the department's online notice of application clearinghouse.

21 (2)(a) Except as otherwise provided in subsection (2)(b) of this section, the responsible
22 official shall make a SEPA threshold determination at any time after the comment period on the
23 project review application has ended.

1 (b) As soon as it can be determined under WAC 197-11-330 that the proposed project is
2 likely to result in a significant adverse environmental impact, the responsible official shall make
3 a SEPA threshold determination.

4 (3) A threshold determination is not required when there has been a previous threshold
5 determination or a notice of adoption or an addendum is prepared, except when a new threshold
6 determination is required pursuant to WAC 197-11-600(3).

7 (4) If the consolidated permit application includes a draft EIS, the final EIS and the
8 decision on the project permit application may occur together, notwithstanding the requirements
9 of WAC 197-11-460(5).

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11 **197-11-XX5 Documents**

12 (1) "Consolidated project permit application." Formal SEPA documents may be prepared
13 as companion documents to a project review application or may be integrated into the project
14 permit application. This section clarifies how WAC 197-11-640 (all SEPA documents) and
15 WAC 197-11-425 through 197-11-442 (EISs) apply to integrated SEPA/GMA documents. The
16 overriding consideration is the quality of information and analysis at the appropriate scope and
17 level of detail for the proposed project, and not the format, length or bulk of the document.

18 (2) "Document format."

19 (a) There is no standard format for a consolidated project permit application. For example
20 a consolidated project permit application may look more like a project application with added
21 sections including an environmental summary (see WAC 197-11-235(5)), in contrast to a format
22 described in WAC 197-11-430. Any separately bound supporting documents shall be clearly
23 identified in the consolidated permit application.

1 (b) A consolidated project permit application is not required to contain a separate section
2 on affected environment, significant impacts, and mitigation measures under WAC 197-11-
3 440(6), as long as this information is summarized as required by this section, and the basis for
4 this information can be readily found in the application and the supporting documentation.

5 (3) "Integrated non-EIS documents."

6 (a) If a proposed project is not likely to have a significant adverse environmental impact,
7 a consolidated project permit application shall be prepared that combines the formal SEPA
8 document (such as an environmental checklist/DNS, a notice of adoption or addendum) with the
9 GMA document. The provisions of subsections (1) and (2) of this section apply to these
10 integrated documents.

11 (b) If an environmental checklist is used and a DNS issued, only Parts A (which serves as
12 a fact sheet) and C (responsible official's signature) need be prepared, plus an environmental
13 summary as specified in subsection (5) of this section. Part D and the summary may be
14 combined.

15 (c) If an addendum is to accompany or be incorporated into an integrated GMA
16 document, it shall contain the information specified in WAC 197-11-235(5) for an environmental
17 summary.

18 (4) "Project application/EIS documents." Because these documents need to contain
19 sufficient environmental analysis for the local government's decision on the proposed project,
20 the same documents that meet project review needs should constitute the SEPA documents for
21 project review. An consolidated decision document will constitute the necessary formal SEPA
22 document, if accompanied by the following (as further specified by subsections (5) through (7)
23 of this section):

- 1 (a) Environmental summary and fact sheet;
- 2 (b) Concise analysis of alternatives;
- 3 (c) Comments and responses; and
- 4 (d) Appropriate technical and other materials.
- 5 (5) "Environmental summary and fact sheet."

6 (a) The environmental summary includes the contents required in WAC 197-11-440(4). It
7 should emphasize the major conclusions, significant areas of controversy and uncertainty, if any,
8 and the issues to be resolved, including the environmental choices to be made and the
9 effectiveness of mitigation measures.

10 (b) The summary should highlight from an environmental perspective the main options
11 that would be preserved or foreclosed by the proposed project. It should reflect SEPA's
12 substantive policies and focus on any significant irreversible or irretrievable commitments of
13 natural resources that would be likely to harm long-term environmental productivity, taking into
14 account cumulative impacts. A summary of the principal environmental impacts may be
15 presented in chart or matrix form, summarizing the relevant elements of the environment and
16 impact assessment required by WAC 197-11-440 (6)(b) through (e). The summary may discuss
17 nonenvironmental factors and should do so if relevant to resolving issues concerning the main
18 environmental choices facing decision makers.

19 (c) The summary should be no longer than necessary (generally no more than fifteen to
20 thirty pages for a project review/EIS) and include tables or graphics to assist readability.

21 (d) At a minimum the fact sheet shall contain the information required in WAC 197-11-
22 440(2). The fact sheet shall precede the summary in the consolidate project review decision
23 document.

1 (6) "Concise analysis of alternatives."

2 (a) This analysis focuses on a comparative evaluation of the environmental consequences
3 of the principal alternative courses of action that are or have been under consideration in the
4 project review process, as provided by WAC 197-11-440(5). The alternatives analysis shall
5 evaluate the proposed project compared to the principal alternative concepts and project elements
6 or regulatory options that were considered. This analysis allows decision makers, other agencies
7 and the public to determine if the proposed project action can or should be revised before
8 adoption to avoid or reduce environmental or other impacts. These alternatives may be:

9 (i) Those which are actively being considered; or

10 (ii) Those considered and screened earlier as part of the project review process.

11 (b) Descriptive material on the features of the alternatives (in contrast to comparing their
12 impacts) should be kept to the minimum necessary to understand the comparative evaluation. If
13 more description is necessary, it should be cited or located in the supporting record. Depending
14 on the scope of the proposed project, the text of the alternatives analysis should be less than forty
15 pages.

16 (7) "Comments and responses." The inclusion of comments and responses is not required
17 for a draft consolidated project decision document. For a final consolidated project review
18 decision document, comments (or a summary of comments) shall be compiled and response
19 prepared as provided in WAC 197-11-560(3). A local government may include comments (or a
20 summary of comments) received during the scoping process or on preliminary documents, as
21 well as general or specific responses to these comments if any have been prepared, with the
22 consolidated project review decision document on a proposed project. If this approach is not
23 used, these preliminary comments shall be included in the supporting record.

1 (8) "Supporting record, analyses, and materials."

2 (a) The consolidated project review decision document shall contain a list of the principal
3 analytical documents and other materials (such as meeting minutes, maps, models, tapes or
4 videos) that have been prepared, received, or used in developing the proposed project review
5 decision (see WAC 197-11-090). These materials shall be considered to be incorporated by
6 reference under SEPA and part of the supporting record for SEPA compliance, and their contents
7 need not be further described as required in WAC 197-11-635. Annotated lists are encouraged,
8 but not required, to assist current and future reviewers.

9 (b) Materials in the supporting record should enable agencies and members of the public
10 to identify and review the basis for the conclusions and analysis presented in the consolidated
11 permit review decision.