

Task 400-f: SEPA Checklist and Threshold Determination Process

See Also: [EM Chapter 400](#)

Effective Date: **June 2012**

Start Task: Region/Modal Project Office or Region Environmental Coordinator has reviewed the project file, and/or the entry in ERS/ECS database for the project, and determined that the project does not have a federal nexus.

End Task: The SEPA Threshold Determination has been made.

1. **Compare** the project to the categories of actions described in [WAC 197-11-800](#) and WAC 197-11-860, as further defined by WAC 468-12-800.
 - If the project qualifies as a CE, document the determination in the ERS/ECS database. Stop here.
 - If the project is not categorically exempt proceed to step 2.
2. **Prepare** the [SEPA Environmental Checklist](#)
 - Determine if the project impacts have been described in a previous environmental document that can be adopted under SEPA.
 - Collect data as needed to estimate the potential adverse environmental effects that may be caused by the project.
 - Fill out the ERS/ECS database.
3. **Describe** benefits of the project, and measures taken to reduce the overall impact of the project in appropriate sections.
4. **Determine** the probable level of environmental impact. Consider the data collected in Steps 1-3 and the following:
 - A project may have a significant adverse impact in one area and not in another.
 - The absolute quantitative effects of a proposal may result in significant impacts.
 - Several marginal impacts may result in a significant impact.
 - The potential impact on sensitive resources such as historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, and wilderness.
 - Endangered or threatened species and their habitat.
 - Potential conflict with adopted local, state, or federal laws or requirements for the protection of the environment.
5. **Make** a threshold determination. The determination will fall into one of the following categories.
 - Determination of No Significance (DNS) – the project will not have a probable significant adverse environmental impact. Documentation in the ECS SEPA checklist database is adequate.
 - Mitigated Determination of No Significance (MDNS) – appropriate mitigation measures are included in the project to offset identified probable significant adverse environmental impacts that otherwise would be caused by the project: An

MDNS may be adequately documented in the ERS/ECS database. Consult with REC and subject matter experts.

- Determination of Significance (DS) – the project will have a probable significant adverse environmental impact. Completion of an EIS is required.
6. **Obtain** the signature of the Regional/Modal Administrator or designee (typically the Region/Modal Environmental Manager).
- Document the decision by including a signed copy of the determination in the project file.
 - Distribute the determination and checklist to contacts on the EA/EIS distribution list. And, Send a copy of the checklist and the DNS to any party requesting information.
 - Post the property where there project will be built.
 - Accepted comments on the proposal during a 14-day mandatory comment period.
 - Contact HQ ESO Compliance Program for assistance with the distribution list, if needed.
7. **Review** comments received at the end of the 14 days and determine if:
- The DNS remains valid. No further action is required, but the Project Office may choose to publish a Notice of Action Taken (if so proceed to step 9).
 - The DNS should be revised to reflect a change to the project in response to agency and public comments. A revised DNS is issued and circulated to agencies with jurisdiction. No comment period is required. The Project Office may choose to publish a Notice of Action Taken (if so proceed to step 9).
 - The DNS should be withdrawn and a Determination of Significance (DS) issued in its place. (If so, an EIS will be required. See [PRO 400-b: Preparing an EIS](#)).
 - The DNS should be withdrawn because substantial changes to the proposal are likely to result in significant environmental impacts and further study is needed, or there is information available on the proposal's environmental impacts. If so additional study is conducted resulting in a new determination. Circulation of the new determination and a comment period will be required.
8. **Publish** a Notice of Action Taken to establish a statute of limitations on challenges to the environmental document. (Optional, but recommended for controversial projects.)
- Once a substantive action has been taken on the project, issue a Notice of Action according to 43.21C080 RCW, specifically:
 - Complete a [Notice of Action Taken](#) form.
 - Distribute the form to everyone that received the DNS, and all property owners that share a boundary with the project.
 - Circulate the Notice in a paper of general circulation on the same day of each week for two consecutive weeks
 - File a copy of the form in the Project File.
 - Print a copy of the SEPA Register including the notice and include it in the project file.