

Guide to Commenting on SEPA Documents

Review and commenting provides an important opportunity for agencies, tribes and the public to environmental analysis in a SEPA document before agency decisions are made about a proposal. This section contains information to assist citizens and agency staff when reviewing and commenting on any type of SEPA or NEPA document. Document review should focus on the following questions (depending on the type of document in some cases):

1. Is the SEPA document complete and accurate?
2. Does it provide enough information to analyze the likely environmental impact?
3. Does it identifies mitigation measures) to avoid adverse impacts?
4. Is the evaluation and determination of significance supported with findings and conclusions?
5. Are there alternatives that appropriately address the purpose and need of the proposal?

General Tips

- Clearly identify the document under review.
 - Include the lead agency's file number, if available.
- Start with any general comments and follow with specific, page-by-page comments.
- If the comments are extensive, include a summary at the beginning of the letter.
- Use headings and/or topic sentences.
- Suggest specific language changes or additions.
- Identify the things that you support.
- Give specific examples to illustrate your concerns.
- Offer helpful solutions.
- Provide information about how and where to locate more information or guidance.
- Provide your contact information at the end of your comments.
- Make your comments easy to read.
 - Use plain talk principles.
 - Use short sentences.
 - Use the active voice.
 - Avoid or limit asking questions and use "if-then" statements instead
 - Make declaratory statements that are supported with facts.
 - Be respectful.
- Example of alternative to asking a question:
 - Do say: "*If this project will include the use of generators, then...*",
 - Don't say: "*It is unclear whether the proposal will include the use of generators.*"

Importance of Reviewing and Commenting on SEPA Documents

Q. Why do the SEPA rules require public comment periods?

Public comment periods allow other agencies, tribes and the public to review and comment on the likely environmental consequences of a proposal before an agency approves the proposal. This early involvement allows the applicant and agencies to work together to avoid or reduce likely environmental impacts from a proposal before agency decisions are made.

Q. Why should I review and comment on a SEPA document?

Review of a SEPA document provides an excellent opportunity to identify your concerns early in the planning process for a particular proposal. It is more effective to comment during SEPA review than to wait until the permitting process. In many instances, you can work with the applicant and lead agency to develop a project which is more environmentally sound than originally proposed.

Reviewing and commenting on a SEPA document allows you to:

- Identify and resolve concerns early in the review process.
- Identify required permits, applicable regulations, and permit conditions that are likely to be required.
- Identify missing or incomplete information.
- Raise concerns about the environmental analysis and/or the methods used to develop the analysis.
- Create a record.

Q. Are consulted agencies required to comment on a SEPA document?

Public agencies and organizations have environmental expertise for elements of the environment (air, water quality, water resources, solid waste, etc.). When consulted, agencies have a responsibility to provide timely information and comments to the lead agency.

The SEPA Rules require “consulted agencies” to respond in a timely and specific manner to a request for comments. A consulted agency is any state or local agency with jurisdiction or expertise that is requested by the lead agency to provide information during the SEPA process. ([WAC 197-11-500\(2\)](#))

Q. Are there any consequences if I don't comment?

Failure to comment on a SEPA document may limit or preclude your ability to comment in the future. It may also limit your agency's use of SEPA supplemental authority to condition or deny a permit based on the environmental impacts identified in the SEPA document and/or your ability to appeal a proposal.

Q. Can the lead agency still consider my comments if they are submitted after the close of the comment period?

Some lead agencies will consider late comments, others will not. Every effort should be made to submit comments before the close of the comment period to ensure consideration by the SEPA lead agency.

Deciding What Comments to Make

You can comment on:

- Methodology – how the lead agency evaluated the proposal
- Incomplete or inaccurate information – any corrections/additions
- Additional information – needed to analyze the proposal’s environmental impacts
- Mitigation measures – needed to reduce likely environmental impacts
- Determination of significance –if and how it is supported by the analysis of impacts

Your comments may:

- Identify problems with the analysis.
- Provide missing information.
- Identify needed information.
- Identify possible solutions, including mitigations measures.
- Identify permits or other approvals needed from local, state and federal agencies.

Q. Can I tell the lead agency that additional information is needed?

Yes. You can identify information or studies that are needed to help the agencies analyze the project and/or that you need to review a permit application –but be clear that this information is needed prior to finalizing the document and should be provided during the comment period otherwise an additional comment period may be required.

Q. Can I ask for additional or revised studies?

Yes. You can ask for additional studies or ask that the lead agency redo the studies that have been completed. If you disagree with the methodology used to evaluate the proposal, you should identify a different methodology and explain why the different methodology should be used.

Q. Should a copy of my comments be sent to anyone beside the SEPA lead agency?

You may want to send a copy of the comment letter to the applicant, other agencies with jurisdiction, and/or others interested in the proposal.

Commenting on Nonproject Actions

Nonproject actions will often plan for and regulate future on-the-ground projects. Review of a nonproject SEPA document provides the best opportunity to:

- Affect many future projects (some of which may be exempt from SEPA review and some where the SEPA document will not require a public comment period).
- Address cumulative impacts.
- Help address incremental impacts, such as climate change and wetland loss.
- Identify and choose options that avoid impacts, such as zoning a wetland area as open space instead of industrial development.
- Identify possible mitigation that will be applied to future projects to reduce or eliminate environmental impacts.
- Ensure adequate analysis of alternatives that meet the objectives of the proposal.

Q. When I review a nonproject action, should I think about the future projects that are likely to occur?

Yes. The nonproject action (comprehensive plan, zoning code, etc.) will regulate future activities. You need to think about the types of projects that will be allowed under those regulations and the likely impacts of the projects. You should identify any concerns or possible mitigation measures at the nonproject stage so they can be considered before the policy, plan or regulation is adopted. Some issues, such as the land use designation and density of residential development, may not be reconsidered when a proposed project meets the designations in the comprehensive plan and zoning code.

Q. What should I consider when I review a planned action?

Although the planned action is a nonproject action, the SEPA document should evaluate the likely environmental impacts of future construction projects. The EIS should contain enough information to understand what will be constructed in the future, the likely environmental impacts of construction, and any mitigation measures that will be required to reduce or eliminate the impacts. If this information is not contained in the EIS, your comments should ask for the information needed to evaluate future projects.

Commenting on EISs

Q. Why should I comment on a scoping notice?

The scoping notice allows early involvement in the environmental analysis of a major project. If you identify concerns during the scoping process, the concerns can be evaluated during preparation of the draft EIS. This is usually easier and more effective than commenting on a draft EIS after most of the analysis has been completed.

The items to consider include:

- Description of the proposal
 - Is the proposal clearly described? Is a purpose and need statement included?
 - Is the proposal properly defined, including any related or interdependent parts?
- Elements to be included in the EIS
 - Does the scoping notice identify all of the [elements](#) of the environment that will be significantly impacted and need to be addressed in the EIS?

- Alternatives
 - Is a range of alternatives included? Are there other alternatives that meet the proposal's objective that you think need to be considered?
- Environmental impacts
 - Are there specific issues that need to be addressed and have they been identified in the scoping notice?

Your letter should provide as much information as possible to help the lead agency define the “scope” of the EIS which includes the elements of the environmental to be evaluated, any studies and analyses needed, and the alternatives to be considered. The more detailed your comments at this point, the more likely that the issues will be adequately evaluated in the draft EIS.

Q. How should I comment on a draft EIS?

A draft environmental impact statement should include an impartial discussion of the total proposal, alternatives to the proposal, significant impacts, and mitigation measures. If you do not comment on a draft EIS, you are barred from alleging any defect in the lead agency's analysis of the proposal. If you have a permit to issue and the lead agency does not respond to your comments on the draft EIS, you have the option of preparing a supplemental EIS to evaluate the probable significant adverse impacts that have not been adequately addressed.

Some things to watch for:

- Is the proposal properly defined, including any related or interdependent parts?
- Have the probable significant adverse environmental impacts been identified and evaluated?
- Does the EIS evaluate a range of reasonable alternatives?
- Are possible mitigations identified?
- Are there other mitigation measures that should be considered?
- Does the EIS identify any significant adverse environmental impacts that cannot be reasonably mitigated?

Lead agency response to comments

Q. What does the lead agency do with my comments?

DNS - The lead agency must consider all comments received and may:

- Determine that the comments do not warrant additional review and retain the DNS.
- Decide that information should be added to the DNS and issue a modified DNS. The modified DNS may include revised information, additional mitigation measures, and changes to the proposal. The modified DNS is circulated to agencies with jurisdiction, but an additional comment period is not required.
- Withdraw the DNS, conduct additional review, and issue a new SEPA document.

Scoping Notice – The lead agency will use the comments to help define the scope (outline) of the EIS. Occasionally the lead agency will prepare a scoping summary document that consolidates the scoping comments.

Draft EIS – All comments received on a draft EIS must be included in the final EIS. The lead agency must respond to each comment received.

Q. Is the lead agency required to respond to my comments?

For most SEPA documents, the lead agency must consider all comments, but there is no requirement to respond to the comments unless it's an EIS or Supplemental EIS. When the comments are on a draft EIS, the lead agency must include the comments and agency responses in the final EIS.

Q. If my agency is concerned about the impacts of a proposal; can we take over as lead agency for the entire SEPA review?

When an agency with [jurisdiction](#) (permit, approval, funding etc.) identifies a significant adverse environmental impact that has not been evaluated in a DNS, it may assume lead agency status. Lead agency assumption can only occur during the 14-day comment period on the DNS or during the comment period on the notice of application when the optional DNS process is used. ([WAC 197-11-948](#)).

Q. What can I do if the lead agency does not respond or address my comments?

In most cases, other agencies cannot require additional SEPA environmental review and issue a new threshold determination unless there are changes to the proposals, new information or misrepresentation by the applicant. When the lead agency issues a SEPA document, it is final and binding on all agencies except in the circumstances listed in WAC 197-11-340, [197-11-390](#) and [197-11-600](#).

Reviewing a SEPA Checklist

The following questions are intended as a general guide to help reviewers think about possible missing, incomplete, or inaccurate information. It does not contain every issue that should be considered, nor does it require the reviewer to answer every question.

These questions are primarily for review of a determination of nonsignificance and environmental checklist. Similar questions would also apply to review of an environmental impact statement or environmental assessment.

Project Description

- Is the proposal clearly and completely described in the SEPA document?
- Have all parts of the proposal been identified? For example, a subdivision should identify any utility line or road extensions needed for the development.
- Does the project description in the SEPA document match the project description in the permit application?
- Is a map or site plan included with the SEPA document?
- Have all agency actions been identified (permits, licenses, certificates, etc.)?

Existing Conditions

- In the environmental checklist, the first questions under many elements of the environment ask for information on the existing conditions at the project site.
- Are the existing conditions clearly described? For example, if steep slopes are identified, is the percent of slope included? If a water body is identified in the vicinity of the site, does the checklist describe the type of water body, provide the name of the water body, and indicate what stream or river it flows into?
- Are supporting studies identified in the SEPA document? Examples include a wetland delineation, traffic study, hydrology study.
- Are the studies included with the SEPA document? If not, do you need the information to review the proposal? The studies should be available from the lead agency or the applicant.
- Are additional studies needed?
- Do you have information about the site or surrounding areas that is not identified in the checklist? For example, is there contaminated material on the project site or surrounding area; is there a wetland or other water body on or adjacent to the site; are there limitations on water supply or sewer capacity?

Environmental Impacts

- The environmental checklist does not have specific questions that ask the applicant to identify environmental impacts. This analysis is done by the SEPA lead agency. In some cases, the analysis will be included in the SEPA document or an accompanying staff report.
- Was information provided on the likely environmental impacts of the proposal? Was it complete and accurate?
- What environmental impacts do you expect to occur from the proposal? Have the impacts been identified in the SEPA document?
- Are there impacts to [elements](#) (WAC 197-11-444) of the environment that have not been addressed?
- Are studies needed to evaluate the likely impacts? Can you suggest methodologies for conducting the studies?

Mitigation Measures

- The environmental checklist asks the applicant to identify any proposed measures to reduce or control impacts to each element of the environment.
- Has the applicant proposed mitigation? Does the applicant's proposed mitigation adequately mitigate the environmental impacts of the proposal?
- If your agency has a permit or other agency action for this proposal, will you require additional mitigation (conditions) on the permit/decision document?
- After considering the mitigation proposed by the applicant and the mitigation required under permit regulations, is additional mitigation needed to prevent harm to the environment?