
ENGROSSED SENATE BILL 6762

State of Washington

61st Legislature

2010 Regular Session

By Senators Fraser, Haugen, and Kline

Read first time 01/25/10. Referred to Committee on Environment,
Water & Energy.

1 AN ACT Relating to compliance with the state environmental policy
2 act; amending RCW 43.21C.031; and adding a new section to chapter
3 43.21C RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.21C.031 and 1995 c 347 s 203 are each amended to
6 read as follows:

7 (1)(a) An environmental impact statement (the detailed statement
8 required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for
9 legislation and other major actions having a probable significant,
10 adverse environmental impact. The environmental impact statement may
11 be combined with the recommendation or report on the proposal or issued
12 as a separate document. The substantive decisions or recommendations
13 shall be clearly identifiable in the combined document. Actions
14 categorically exempt under RCW 43.21C.110(1)(a) do not require
15 environmental review or the preparation of an environmental impact
16 statement under this chapter. This subsection does not impose the
17 requirements of RCW 43.21C.030 or this section upon actions that are
18 statutorily exempt from this chapter's environmental review

1 requirements. Proposals, or parts of proposals, that are so closely
2 related as to be in effect a single course of action must be evaluated
3 in the same environmental document if the:

4 (i) Proposal, or parts of the proposal, cannot or will not proceed
5 unless implemented simultaneously; or

6 (ii) Larger proposal is necessary for justification or
7 implementation of parts of the proposal. In a county, city, or town
8 planning under RCW 36.70A.040, a planned action, as provided for in
9 subsection (2) of this section, does not require a threshold
10 determination or the preparation of an environmental impact statement
11 under this chapter, but is subject to environmental review and
12 mitigation as provided in this chapter.

13 (b) An environmental impact statement is required to analyze only
14 those probable adverse environmental impacts which are significant.
15 Beneficial environmental impacts may be discussed. The responsible
16 official shall consult with agencies and the public to identify such
17 impacts and limit the scope of an environmental impact statement. The
18 subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate
19 sections of an environmental impact statement. Discussions of
20 significant short-term and long-term environmental impacts, including
21 cumulative impacts, significant irrevocable commitments of natural
22 resources, significant alternatives including mitigation measures, and
23 significant environmental impacts which cannot be mitigated should be
24 consolidated or included, as applicable, in those sections of an
25 environmental impact statement where the responsible official decides
26 they logically belong.

27 (2)(a) For purposes of this section, a planned action means one or
28 more types of project action that:

29 (i) Are designated planned actions by an ordinance or resolution
30 adopted by a county, city, or town planning under RCW 36.70A.040;

31 (ii) Have had the significant impacts adequately addressed in an
32 environmental impact statement prepared in conjunction with (A) a
33 comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or
34 (B) a fully contained community, a master planned resort, a master
35 planned development, or a phased project;

36 (iii) Are subsequent or implementing projects for the proposals
37 listed in (a)(ii) of this subsection;

1 (iv) Are located within an urban growth area, as defined in RCW
2 36.70A.030;

3 (v) Are not essential public facilities, as defined in RCW
4 36.70A.200; and

5 (vi) Are consistent with a comprehensive plan adopted under chapter
6 36.70A RCW.

7 (b) A county, city, or town shall limit planned actions to certain
8 types of development or to specific geographical areas that are less
9 extensive than the jurisdictional boundaries of the county, city, or
10 town and may limit a planned action to a time period identified in the
11 environmental impact statement or the ordinance or resolution adopted
12 under this subsection.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C RCW
14 to read as follows:

15 (1) When an agency initiates a proposal, that agency is the lead
16 agency for that proposal for purposes of compliance with the
17 environmental review requirements of RCW 43.21C.030 and 43.21C.031. If
18 two or more agencies share in the implementation of a proposal, the
19 agencies shall by agreement determine which agency will be the lead
20 agency. For the purposes of this section, a proposal by an agency does
21 not include proposals to license private activity.

22 (2) Whenever possible, the agency staff carrying out the
23 environmental review procedures of RCW 43.21C.030 and 43.21C.031 must
24 be different from the agency staff developing the proposal.

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