
HOUSE BILL 1587

State of Washington

64th Legislature

2015 Regular Session

By Representatives Taylor, Shea, Harris, Short, G. Hunt, Scott, Pike, and Condotta

Read first time 01/23/15. Referred to Committee on Environment.

1 AN ACT Relating to creating a cause of action for persons who are
2 adversely affected by the judicial review of a decision made under
3 the state environmental policy act; and adding a new section to
4 chapter 43.21C RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to
7 chapter 43.21C RCW to read as follows:

8 (1)(a) Any person or persons adversely affected by the
9 commencement of a judicial review of the adequacy of an environmental
10 impact statement prepared under RCW 43.21C.031 or of a threshold
11 determination made under RCW 43.21C.033 may bring an action in a
12 court of competent jurisdiction to recover any attorneys' fees, court
13 costs, and actual damages relating to the underlying project that
14 were reasonably incurred as a result of the judicial review,
15 including any delay in commencing or continuing the underlying
16 project resulting from the judicial review, from the person or
17 persons who brought the judicial review.

18 (b) An action under this section may only be commenced if the
19 ultimate result of the judicial review of the environmental impact
20 statement or threshold determination was either a dismissal by the

1 court or a finding by the court that the environmental impact
2 statement or threshold determination in question was adequate.

3 (2) In addition to actual damages recovered under subsection (1)
4 of this section, a party bringing an action under this section may
5 recover exemplary damages of up to fifty thousand dollars if a court
6 finds that the primary motivation of the original judicial review of
7 an environmental impact statement or threshold determination can
8 reasonably be identified as creating delay in the underlying project,
9 increasing expenses for the underlying project, or improving the
10 petitioning party's position in future negotiations regarding
11 mitigation and other protective measures.

--- END ---