
SENATE BILL 5469

State of Washington

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By Senators Sutherland, Deccio, Bauer, McCaslin, Hargrove, Jesernig, Snyder, Oke and Hochstatter

Read first time 01/29/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to state environmental policy act threshold
2 determinations; and amending RCW 43.21C.033.

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

4 **Sec. 1.** RCW 43.21C.033 and 1992 c 208 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section, the
7 responsible official shall make a threshold determination on a
8 completed application within ninety days after the application and
9 supporting documentation are complete. The applicant may request an
10 additional thirty days for the threshold determination. The
11 governmental entity responsible for making the threshold determination
12 shall by rule, resolution, or ordinance adopt standards, consistent
13 with rules adopted by the department to implement this chapter, for
14 determining when an application and supporting documentation are
15 complete.

16 (2)(a) Within thirty days of receipt of an application and
17 environmental checklist, the lead agency shall either:

18 (i) Issue a threshold determination; or

1 (ii) Respond to the applicant in writing with a notification of
2 application or checklist completeness; or

3 (iii) Request in writing any additional information reasonably
4 related to whether or not the proposal is likely to have significant
5 adverse environmental impacts, notify the applicant as to what needs to
6 be done to complete the application process, and indicate what kind of
7 time frame the applicant can expect after having responded in writing
8 to this request.

9 (b) If the lead agency exercises the option under (a)(ii) of this
10 subsection, and a notification of completeness is provided the
11 applicant, the lead agency shall make a threshold determination in an
12 expeditious manner, not to exceed ninety days from the receipt of the
13 original application and checklist.

14 (c) If the lead agency exercises the option under (a)(iii) of this
15 subsection, and additional information is requested, and upon the
16 initial written response of the applicant to the request, either by
17 providing the information or indicating an inability to provide it, the
18 lead agency shall either:

19 (i) Issue a determination of nonsignificance within ninety days
20 from the receipt of the applicant's initial written response; or

21 (ii) Notify the applicant that a determination of significance is
22 likely and indicate the areas of likely impact. Regardless, a final
23 determination shall be made within ninety days from the receipt of the
24 applicant's initial written response, unless the applicant requests an
25 additional thirty days for the lead agency to evaluate mitigation
26 proposed by the applicant. The lead agency shall grant the extension,
27 if requested.

28 (d) The lead agency may request further information or
29 clarification after review of the initial written response for
30 additional information. However, the threshold determination must
31 still be made within the time frame outlined under this subsection.

32 (3) This section shall not apply to a city, town, or county that by
33 ordinance adopted prior to April 1, 1992, has adopted procedures to
34 integrate permit and land use decisions with the requirements of this
35 chapter.

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