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**SENATE BILL 5969**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Brown and Braun

AN ACT Relating to updating the state environmental policy act; adding new sections to chapter 43.21C RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that infrastructure projects support the state's economy, enabling the state to maintain its position as one of the world's leading trade and logistics hubs. The legislature also finds that the development, maintenance, and expansion of infrastructure facilities are desirable in order to encourage economic development and private investment in the state. The legislature further finds that the state environmental policy act should not unreasonably delay or prevent economic growth and development of the state economy, including growth and development of infrastructure. The legislature reaffirms its desire to enhance job and business growth in the state and encourage the retention of viable existing firms and employment. Public agencies should continue to support these goals, and coordinate environmental reviews under the state environmental policy act with the federal government, where applicable, to avoid unnecessary delay in economic development, to encourage investment in the state, and to encourage more efficient use of limited state and private resources.

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

Where any environmental analysis under the national environmental policy act, 42 U.S.C. Sec. 4321 et seq., has been, or is being, prepared for any proposal that is subject to the requirements of this chapter, the governmental entity responsible for compliance with this chapter shall adopt unchanged and implement the scope of analysis contained in the federal environmental analysis as the scope of analysis required under this chapter, unless:

(1) The federal environmental analysis is found inadequate by: (a) A court; (b) the council on environmental quality; or (c) the administrator of the United States environmental protection agency under section 309 of the clean air act, 42 U.S.C. Sec. 7609; or

(2) The federal environmental analysis is at issue in a predecision referral to the council on environmental quality.

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

The following are exempt from the requirements of this chapter:

(1) Certifications under the coastal zone management act, 16 U.S.C. Sec. 1457 et seq.; and

(2) Certifications under section 401 of the clean water act, 33 U.S.C. Sec. 1341.

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

(1) A governmental entity responsible for complying with this chapter shall complete its environmental review of an application under this chapter no later than thirty days after publication of a categorical exclusion determination, a finding of no significant impact, or a final environmental impact statement, prepared under the national environmental policy act, 42 U.S.C. Sec. 4321 et seq., by a federal agency for the same proposal. If the governmental entity responsible for complying with this chapter fails to complete its environmental review of an application within the time period provided in this subsection, the requirements of this chapter are waived for the proposal under review.

(2)(a) For projects not requiring review under the national environmental policy act, 42 U.S.C. Sec. 4321 et seq., the governmental entity responsible for compliance with this chapter shall:

(i) Issue a threshold determination (determination of nonsignificance, mitigated determination of nonsignificance, or a determination of significance) no later than sixty days after submission of a complete application; and

(ii) Complete its environmental review of a project under this chapter no later than twelve months after submission of a complete application.

(b) If the governmental entity responsible for compliance with this chapter fails to complete its environmental review of a project under this chapter within the time period provided in this subsection, the requirements of this chapter shall be waived for the project under review.

(3) This chapter may not be deemed part of Washington state's coastal zone management program for purposes of the federal coastal zone management act, 16 U.S.C. Sec. 1451 et seq.

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