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**SENATE BILL 5438**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Braun, Angel, Bailey, Rivers, Becker, O'Ban, Schoesler, Brown, Warnick, King, Honeyford, Fortunato, Baumgartner, Rossi, Sheldon, Wilson, and Takko

AN ACT Relating to promoting the completion of environmental impact statements within two years; adding a new section 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 the analysis of environmental impacts required under the state environmental policy act adds value to government decision-making processes in Washington state and helps minimize the potential environmental harm coming from those government decisions. However, the legislature also recognizes that excessive delays in the environmental impact analysis process adds uncertainty and burdensome costs to those seeking to do business in the state of Washington. Therefore, it is the intent of the legislature to promote timely completion of state environmental policy act processes. In doing so, the legislature intends to restore balance between the need to carefully consider environmental impacts and the need to maintain the economic competitiveness of state businesses.

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

(1) A lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) in as expeditious a manner as possible while not compromising the integrity of the analysis.

(a) For even the most complex government decisions associated with a broad scope of possible environmental impacts, a lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) within twenty-four months of a threshold determination of a probable significant, adverse environmental impact.

(b) Wherever possible, a lead agency shall aspire to far outpace the twenty-four month time limit established in this section for more commonplace government decisions associated with narrower and more easily identifiable environmental impacts.

(2) In the event that a lead agency exceeds the aspirational time limit established in subsection (1)(a) of this section, the lead agency must submit a brief report to the legislature no later than thirty days after the date of the twenty-four month aspirational time limit. The report to the legislature must include:

(a) An explanation of any mitigating circumstances that caused the lead agency to fail to meet the aspirational time limit;

(b) An estimate of when the tardy environmental impact statement will be completed; and

(c) A plan of action to ensure that future environmental impact statements undertaken by the lead agency are prepared within the time limits established in subsection (1) of this section.

(3) Nothing in this section creates any civil liability for a lead agency or creates a new cause of action against a lead agency.

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