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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

Read first time 01/24/17. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to promoting the completion of environmental  
2 impact statements within two years; adding a new section to chapter  
3 43.21C RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the analysis of  
6 environmental impacts required under the state environmental policy  
7 act adds value to government decision-making processes in Washington  
8 state and helps minimize the potential environmental harm coming from  
9 those government decisions. However, the legislature also recognizes  
10 that excessive delays in the environmental impact analysis process  
11 adds uncertainty and burdensome costs to those seeking to do business  
12 in the state of Washington. Therefore, it is the intent of the  
13 legislature to promote timely completion of state environmental  
14 policy act processes. In doing so, the legislature intends to restore  
15 balance between the need to carefully consider environmental impacts  
16 and the need to maintain the economic competitiveness of state  
17 businesses.

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

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

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

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

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

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

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

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

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

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