

RCW 43.21C.538 Clean energy projects—Nonproject environmental impact statements—Lead agency use. (1) A lead agency conducting a project-level environmental review under this chapter of a clean energy project identified in RCW 43.21C.535(1) must consider a nonproject environmental impact statement prepared pursuant to RCW 43.21C.535 in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2) (a) Project-level environmental review conducted pursuant to this chapter of a clean energy project identified in RCW 43.21C.535(1) must begin with review of the applicable nonproject environmental impact statement prepared pursuant to RCW 43.21C.535. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements prepared pursuant to RCW 43.21C.535. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for clean energy projects under this chapter shall use the nonproject review described in this section through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

(i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review;

(ii) Preparation of an addendum;

(iii) Incorporation by reference; or

(iv) Preparation of a supplemental environmental impact statement.

(3) Clean energy project proposals following the recommendations developed in the nonproject environment review completed pursuant to RCW 43.21C.535 must be considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review. [2023 c 230 § 303.]

Findings—Intent—2023 c 230: See note following RCW 43.394.010.