

SHB 3096 - H AMD 1235

By Representative Schindler

NOT ADOPTED 02/29/2008

1 On page 3, after line 21, insert the following:

2 "NEW SECTION. **Sec. 5.** A new section is added to chapter 47.01 RCW
3 to read as follows:

4 The department shall use the process described under subsections
5 (1) through (6) of this section for the state route number 520 bridge
6 replacement project. The department shall determine which steps have
7 already been completed and begin at the appropriate step in the process
8 described in this section.

9 (1) Step 1: Conceptual description. The department shall identify
10 project purposes, the approximate location or alternative locations,
11 the federal, state, and local agencies that might have authority to
12 review and approve the project or portions of the project at any such
13 locations, a preliminary interagency communication list identifying
14 agencies that may be interested in the proposed project, and, where
15 known, contact persons in such agencies. If the department intends to
16 proceed with step 2 or abandon the project, it may complete this step
17 by: (a) Providing a summary of the outcome to all agencies on the
18 interagency communication list; and (b) making the summary available to
19 the public.

20 (2) Step 2: Early involvement of other agencies.

21 (a) At any time after completing step 1, the department shall
22 provide notice to all agencies on the interagency communication list
23 and the public. Within thirty days, or a longer period of time if
24 specified by the department, each state, local, and federal agency must
25 be encouraged to identify:

26 (i) A primary contact person to coordinate future communications
27 with the department and other interested agencies regarding the
28 project, or indicate that it has no interest in the project and does
29 not need to remain on the project information list;

30 (ii) Its role with respect to the proposed project;

1 (iii) Additional alternative locations the department should
2 consider and the roles it would expect to have with the project at
3 those locations;

4 (iv) Other agencies it believes should be added to the interagency
5 communication list for the project; and

6 (v) Other information it requests the department to consider.

7 (b) After all state and local agencies on the interagency
8 communication list have responded, or at least ten days after the
9 expiration of the specified response time, the department may complete
10 this step by: (i) Proposing one or more conceptual designs for the
11 project at a proposed location and any alternative locations then being
12 considered; (ii) providing a summary of the results of this step,
13 including a statement that the department considers this step to be
14 complete or complete except for specified issues remaining to be
15 resolved with specified agencies, to all agencies on the interagency
16 communication list; and (iii) making the summary available to the
17 public.

18 (3) Step 3: Identify environmental reviews, permits, and other
19 approvals, application procedures, and decision standards.

20 (a) At any time after completing step 2, the department may
21 initiate this step by providing notice to all agencies on the
22 interagency communication list and the public. This notice may include
23 a threshold determination on whether an environmental impact statement
24 or supplemental environmental impact statement will be prepared or an
25 environmental checklist and request for comments on what steps should
26 be taken to comply with chapter 43.21C RCW. Within thirty days, or a
27 longer period of time if specified by the department, each state,
28 local, and federal agency must be encouraged to identify:

29 (i) The procedures under which it expects environmental reviews of
30 the project to occur;

31 (ii) All permits and other approvals it might require for the
32 project at each alternative location and conceptual design;

33 (iii) What is needed for the department to file a complete
34 application for each permit or other approval;

35 (iv) The laws, regulations, ordinances, and policies it would
36 administer with respect to the project at each alternative location and
37 conceptual design; and

1 (v) Other information it requests the department to consider in
2 deciding whether, when, where, or how to proceed with the project.

3 (b) After all state and local agencies on the interagency
4 communication list have responded, or at least ten days after the
5 expiration of the specified response time, the department may complete
6 this step by:

7 (i) Adopting a list of all environmental reviews, permits, and
8 other approvals it believes are needed for the project under each
9 alternative being considered;

10 (ii) Providing all agencies on the interagency communication list
11 a copy of that list and a summary of the results of this step,
12 including a statement that the department considers this step to be
13 complete or complete except for specified issues remaining to be
14 resolved with specified agencies; and

15 (iii) Making the list described under (b)(i) of this subsection and
16 summary available to the public.

17 (c) The list described under (b)(i) of this subsection and summary
18 are presumed to accurately identify all environmental reviews, permits,
19 and other approvals needed for each alternative described, what is
20 required for applications to be considered complete, and the standards
21 under which applications will be reviewed and approved, unless an
22 aggrieved agency or person files objections within thirty days after
23 the list and summary are distributed.

24 (4) Step 4: Tentative selection of a preferred alternative.

25 (a) At any time after completing step 3, the department may
26 initiate this step by providing notice to all agencies on the
27 interagency communication list and the public. This notice may be
28 accompanied by a scoping notice for an environmental impact statement
29 or supplemental environmental impact statement or, if available, be
30 accompanied by a draft environmental impact statement or supplemental
31 environmental impact statement. It also may be accompanied by the
32 department's preliminary analysis of the advantages and disadvantages
33 of each identified alternative, or other information that may be
34 helpful to other interested agencies and the public in identifying
35 advantages and disadvantages. Within fourteen days, or a longer period
36 of time if specified by the department, each state, local, and federal
37 agency must be encouraged to identify:

1 (i) For each identified alternative, the specific features it
2 considers significant with respect to its role in environmental
3 reviews, permits, or other approvals for the project, the reasons these
4 features are significant, and any concerns it may have about the
5 alternative because of potential adverse impacts of these features on
6 resources or social policies within its jurisdiction;

7 (ii) For each feature for which it raises concerns, recommendations
8 on how the potential adverse impacts could be avoided, minimized, and
9 mitigated;

10 (iii) For each feature for which it raises concerns, an assessment
11 of the relative ranking of each alternative with respect to whether and
12 to what extent these concerns apply;

13 (iv) Recommendations it may have as to which alternatives should be
14 retained or dropped from further consideration, and ways in which
15 alternatives might be modified or combined to address its concerns,
16 recognizing that (A) final decisions can be made only through the
17 applicable environmental review, permit, and other approval processes
18 and (B) the agency making these decisions is not bound with respect to
19 any future decisions it may make regarding the project; and

20 (v) Other information it requests the department to consider in
21 deciding whether, when, where, or how to proceed with the project.

22 (b) After all state and local agencies on the interagency
23 communication list have responded, or at least ten days after the
24 expiration of the specified response time, the department may complete
25 this step by:

26 (i) Selecting a preferred alternative for purposes of all
27 environmental reviews, permits, and other approvals needed for the
28 project;

29 (ii) Providing all agencies on the interagency communication list
30 with a description of the preferred alternative and summary of the
31 results of this step, including a statement that the department
32 considers this step to be complete or complete except for specified
33 issues remaining to be resolved with specified agencies; and

34 (iii) Making the preferred alternative and summary available to the
35 public. The preferred alternative must be identified in all
36 environmental reviews, permits, and other approvals needed for the
37 project.

1 (5) Step 5: Completing environmental reviews and applications for
2 permits and other approvals.

3 (a) At any time after completing step 4, the department may
4 initiate this step by providing notice to all agencies on the
5 interagency communication list and the public. A draft environmental
6 impact statement or supplemental environmental impact statement, the
7 department's draft plans and specifications for the project, and draft
8 applications for some or all permits and other approvals may be
9 provided with the notice or when these materials subsequently become
10 available. Within thirty days, or a longer period of time if specified
11 by the department, each state, local, and federal agency must be
12 encouraged to identify:

13 (i) All concerns it previously raised regarding the alternative,
14 and other alternatives still under consideration, that have not been
15 resolved to its satisfaction;

16 (ii) Additional concerns it may have, particularly concerns
17 resulting from additional information about the project location and
18 design and other new information received since the completion of step
19 4;

20 (iii) Additional environmental reviews, permits, or other approvals
21 needed for the preferred alternative because of changes in laws,
22 regulations, or policies, or changes in the project location or design,
23 since these issues were last reviewed under step 3 or 4;

24 (iv) Changes in applicable requirements for complete applications
25 for permits or other approvals under its jurisdiction since these
26 issues were last reviewed under step 3 or 4;

27 (v) Other changes in applicable laws, regulations, ordinances, or
28 policies administered by the agency since these issues were last
29 reviewed under step 3 or 4; and

30 (vi) Whether a draft application proposed by the department for a
31 permit or other approval from the agency is complete, and if not, what
32 additional information or other changes are needed for it to be
33 complete.

34 (b) When all state and local agencies on the interagency
35 communication list have responded, or at least ten days after the
36 expiration of the specified response time, the department may complete
37 this step by:

1 (i) Completing some or all of the environmental review processes
2 and draft application forms for permits and other approvals that it
3 reasonably believes to be complete;

4 (ii) Providing all agencies on the interagency communication list
5 with environmental review and application documents and a summary of
6 the results of this step, including a statement that the department
7 considers this step to be complete or complete except for specified
8 issues remaining to be resolved with specified agencies; and

9 (iii) Making the completed environmental review documents and
10 summary available to the public. The preferred alternative must be
11 identified in all environmental reviews, permits, and other approvals
12 needed for the project.

13 (c) If an interested agency or aggrieved person files objections
14 within fourteen days after the preferred alternative and summary are
15 distributed, the objections must be addressed in subsequent
16 environmental reviews and agency decisions regarding the project.

17 (6) Step 6: Completing the environmental review, permit, and other
18 approval processes.

19 (a) At any time after completing step 5, the department may
20 initiate this step by providing notice to all agencies on the
21 interagency communication list and the public and by filing
22 applications for some or all permits and other approvals needed for the
23 project. Within thirty days, or a longer period of time if specified
24 by the department, each state, local, and federal agency must be
25 encouraged to:

26 (i) Acknowledge receipt of draft environmental review documents and
27 provide comments on these documents;

28 (ii) Acknowledge receipt of final environmental review documents
29 and determine that these documents are adequate for purposes of their
30 roles regarding the project or specify what additional information or
31 changes are needed for these documents to be considered adequate;

32 (iii) Acknowledge receipt of each application filed and determine
33 that the application is complete or specify what additional information
34 or changes are needed for the application to be considered complete;

35 (iv) Acknowledge that the applications submitted will be processed
36 under the laws, regulations, ordinances, and policies previously
37 identified under steps 3, 4, and 5 or specify what changes have

1 occurred in the governing standards that were in effect on the date a
2 complete application was filed and, as a result, apply to the project;

3 (v) Identify the significant steps necessary for it to reach a
4 final decision on applications and the estimated time needed for each
5 step; and

6 (vi) Identify ways its decision-making process might be made more
7 efficient and effective through additional coordination with other
8 agencies, with any recommendations for such methods as joint
9 solicitation and review of public comments and jointly conducting
10 public hearings.

11 (b) This step may require an iterative process with several drafts
12 of various environmental review documents and applications being
13 considered and revised, and that changes in project location or design
14 resulting from the permit decisions of one agency may require revising
15 applications or reopening permit decisions of other agencies. All
16 state and local agencies are expected, and federal agencies are
17 encouraged, to communicate and cooperate to minimize the number of
18 iterations required and make the process as efficient and effective as
19 possible. Unless significant new information is obtained, decisions
20 made under this step should not be reopened except at the request of
21 the department, and the most recent information available under steps
22 3, 4, and 5 should be presumed accurate until significant new
23 information becomes available.

24 (c) If all environmental reviews have not been completed and all
25 permits and other approvals have not been obtained within forty-five
26 days after this step is initiated, the department, by providing notice
27 to all agencies on the interagency communication list and the public,
28 may set a deadline for completing reviews and decisions. At any time
29 after the deadline, the department may terminate the coordination
30 process of this section as to some or all of the reviews and decisions
31 that are still not completed."

32 Renumber the remaining section consecutively and correct the title.

EFFECT: Establishes a process for the Department of
Transportation to interact with interested parties regarding

environmental permitting issues related to the SR 520 bridge project.

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