

SB 6762 - S AMD 104

By Senators Fraser, Haugen, Honeyford

ADOPTED 02/12/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.21C.031 and 1995 c 347 s 203 are each amended to
4 read as follows:

5 (1)(a) An environmental impact statement (the detailed statement
6 required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for
7 legislation and other major actions having a probable significant,
8 adverse environmental impact. The environmental impact statement may
9 be combined with the recommendation or report on the proposal or issued
10 as a separate document. The substantive decisions or recommendations
11 shall be clearly identifiable in the combined document. Actions
12 categorically exempt under RCW 43.21C.110(1)(a) do not require
13 environmental review or the preparation of an environmental impact
14 statement under this chapter. This subsection does not impose the
15 requirements of RCW 43.21C.030 or this section upon actions that are
16 statutorily exempt from this chapter's environmental review
17 requirements. Proposals, or parts of proposals, that are so closely
18 related as to be in effect a single course of action must be evaluated
19 in the same environmental document if the:

20 (i) Proposal, or parts of the proposal, cannot or will not proceed
21 unless implemented simultaneously; or

22 (ii) Larger proposal is necessary for justification or
23 implementation of parts of the proposal. In a county, city, or town
24 planning under RCW 36.70A.040, a planned action, as provided for in
25 subsection (2) of this section, does not require a threshold
26 determination or the preparation of an environmental impact statement
27 under this chapter, but is subject to environmental review and
28 mitigation as provided in this chapter.

29 (b) An environmental impact statement is required to analyze only
30 those probable adverse environmental impacts which are significant.

1 Beneficial environmental impacts may be discussed. The responsible
2 official shall consult with agencies and the public to identify such
3 impacts and limit the scope of an environmental impact statement. The
4 subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate
5 sections of an environmental impact statement. Discussions of
6 significant short-term and long-term environmental impacts, including
7 cumulative impacts, significant irrevocable commitments of natural
8 resources, significant alternatives including mitigation measures, and
9 significant environmental impacts which cannot be mitigated should be
10 consolidated or included, as applicable, in those sections of an
11 environmental impact statement where the responsible official decides
12 they logically belong.

13 (2)(a) For purposes of this section, a planned action means one or
14 more types of project action that:

15 (i) Are designated planned actions by an ordinance or resolution
16 adopted by a county, city, or town planning under RCW 36.70A.040;

17 (ii) Have had the significant impacts adequately addressed in an
18 environmental impact statement prepared in conjunction with (A) a
19 comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or
20 (B) a fully contained community, a master planned resort, a master
21 planned development, or a phased project;

22 (iii) Are subsequent or implementing projects for the proposals
23 listed in (a)(ii) of this subsection;

24 (iv) Are located within an urban growth area, as defined in RCW
25 36.70A.030;

26 (v) Are not essential public facilities, as defined in RCW
27 36.70A.200; and

28 (vi) Are consistent with a comprehensive plan adopted under chapter
29 36.70A RCW.

30 (b) A county, city, or town shall limit planned actions to certain
31 types of development or to specific geographical areas that are less
32 extensive than the jurisdictional boundaries of the county, city, or
33 town and may limit a planned action to a time period identified in the
34 environmental impact statement or the ordinance or resolution adopted
35 under this subsection.

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

1 (1) When an agency initiates a proposal, that agency is the lead
2 agency for that proposal for purposes of compliance with the
3 environmental review requirements of RCW 43.21C.030 and 43.21C.031. If
4 two or more agencies share in the implementation of a proposal, the
5 agencies shall by agreement determine which agency will be the lead
6 agency. For the purposes of this section, a proposal by an agency does
7 not include proposals to license private activity.
8 (2) Whenever possible, the agency staff carrying out the
9 environmental review procedures of RCW 43.21C.030 and 43.21C.031 must
10 be different from the agency staff developing the proposal."

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11 On page 1, line 2 of the title, after "act;" strike the remainder
12 of the title and insert "amending RCW 43.21C.031; and adding a new
13 section to chapter 43.21C RCW."

EFFECT: Clarifies that for the purposes of an environmental
evaluation, closely related proposals, or parts of proposals, means
those proposals that cannot proceed unless implemented simultaneously
or when the larger proposal is necessary to justify or implement parts
of the proposal.

Clarifies that the requirements of this section do not require an
environmental review or an environmental impact statement for actions
that are statutorily exempt. The statutory exemptions include: RCW
43.21C.035 - certain irrigation districts; RCW 43.21C.037 - forest
practices for applications for Class I, II, and III forest practices;
RCW 43.21C.038 - school closures; RCW 43.21C.0381 - decisions
pertaining to air operating permits; RCW 43.21C.0382 - watershed
restoration projects--fish habitat enhancement projects; RCW
43.21C.0383 - waste discharge permits; RCW 43.21C.0384 - personal
wireless services facilities (when meeting certain requirements); RCW
43.21C.150 - inapplicable when statement previously prepared pursuant
to national environmental policy act; RCW 43.21C.260 - threshold
determination on a watershed analysis; RCW 77.55.181 - fish habitat

enhancement project--permit review and approval process (when meeting certain requirements); and RCW 80.50.180 - proposals and actions by other state agencies and local political subdivisions pertaining to energy facilities exempt from "detailed statement" required by RCW 43.21C.030.

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