
SENATE BILL 6762

State of Washington

61st Legislature

2010 Regular Session

By Senators Fraser, Haugen, and Kline

Read first time 01/25/10. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to compliance with the state environmental policy
2 act; amending RCW 43.21C.031; and adding a new section to chapter
3 43.21C RCW.

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

5 **Sec. 1.** RCW 43.21C.031 and 1995 c 347 s 203 are each amended to
6 read as follows:

7 (1)(a) An environmental impact statement (the detailed statement
8 required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for
9 legislation and other major actions having a probable significant,
10 adverse environmental impact. The environmental impact statement may
11 be combined with the recommendation or report on the proposal or issued
12 as a separate document. The substantive decisions or recommendations
13 shall be clearly identifiable in the combined document. Actions
14 categorically exempt under RCW 43.21C.110(1)(a) do not require
15 environmental review or the preparation of an environmental impact
16 statement under this chapter. Proposals for actions that are closely
17 related enough to in effect be a single course of action must be
18 evaluated in the same environmental document. In a county, city, or
19 town planning under RCW 36.70A.040, a planned action, as provided for

1 in subsection (2) of this section, does not require a threshold
2 determination or the preparation of an environmental impact statement
3 under this chapter, but is subject to environmental review and
4 mitigation as provided in this chapter.

5 (b) An environmental impact statement is required to analyze only
6 those probable adverse environmental impacts which are significant.
7 Beneficial environmental impacts may be discussed. The cumulative
8 impacts of the action when added to other past, present, and reasonably
9 foreseeable future actions must also be discussed. The responsible
10 official shall consult with agencies and the public to identify such
11 impacts and limit the scope of an environmental impact statement. The
12 subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate
13 sections of an environmental impact statement. Discussions of
14 significant short-term and long-term environmental impacts, significant
15 irrevocable commitments of natural resources, significant alternatives
16 including mitigation measures, and significant environmental impacts
17 which cannot be mitigated should be consolidated or included, as
18 applicable, in those sections of an environmental impact statement
19 where the responsible official decides they logically belong.

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

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

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

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

31 (iv) Are located within an urban growth area, as defined in RCW
32 36.70A.030;

33 (v) Are not essential public facilities, as defined in RCW
34 36.70A.200; and

35 (vi) Are consistent with a comprehensive plan adopted under chapter
36 36.70A RCW.

37 (b) A county, city, or town shall limit planned actions to certain
38 types of development or to specific geographical areas that are less

1 extensive than the jurisdictional boundaries of the county, city, or
2 town and may limit a planned action to a time period identified in the
3 environmental impact statement or the ordinance or resolution adopted
4 under this subsection.

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

7 (1) When an agency initiates a proposal, that agency is the lead
8 agency for that proposal for purposes of compliance with the
9 environmental review requirements of RCW 43.21C.030 and 43.21C.031. If
10 two or more agencies share in the implementation of a proposal, the
11 agencies shall by agreement determine which agency will be the lead
12 agency. For the purposes of this section, a proposal by an agency does
13 not include proposals to license private activity.

14 (2) Whenever possible, the agency staff carrying out the
15 environmental review procedures of RCW 43.21C.030 and 43.21C.031 must
16 be different from the agency staff developing the proposal.

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