

# SENATE BILL REPORT

## SB 5438

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As Reported by Senate Committee On:  
Energy, Environment & Telecommunications, February 9, 2017

**Title:** An act relating to promoting the completion of environmental impact statements within two years.

**Brief Description:** Promoting the completion of environmental impact statements within two years.

**Sponsors:** Senators Braun, Angel, Bailey, Rivers, Becker, O'Ban, Schoesler, Brown, Warnick, King, Honeyford, Fortunato, Baumgartner, Rossi, Sheldon, Wilson and Takko.

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 2/08/17, 2/09/17 [DPS].

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Promotes completing environmental impact statements within 24 months.</li></ul>
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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown, Hobbs, Honeyford, Ranker, Short and Wellman.

**Staff:** Kelsey Morfitt (786-7407)

**Background:** The State Environmental Policy Act (SEPA) applies to decisions made by state and local agencies, including counties, cities, ports, and special districts. SEPA provides a framework to consider the environmental consequences of a proposed project prior to taking action on the proposal.

The SEPA process begins with a permit application or an agency proposal. For most proposals, one agency is designated as the lead agency.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The environmental review process involves a project applicant completing an environmental checklist to identify and evaluate probable environmental impacts, and to develop mitigation measures that will reduce adverse environmental impacts. The lead agency reviews this checklist to determine whether the proposal is likely to have a significant adverse environmental impact.

Next, the lead agency makes an environmental threshold determination on the significance of the environmental impact. This can be a determination of nonsignificance, a mitigated determination of nonsignificance, or a determination of significance. A determination of significance requires an environmental impact statement (EIS).

Unless an exemption applies, local governments and state agencies must prepare an EIS for major actions that significantly affect the quality of the environment. The EIS must include detailed information about the environmental impact of the proposed action, any adverse environmental effects that cannot be avoided if the proposal is implemented, and alternatives, including mitigation, to the proposed action.

**Summary of Bill (First Substitute):** The Legislature finds that the state should promote timely completion of the SEPA process. A lead agency should aspire to complete each EIS within 24 months, if not sooner.

The Department of Ecology must submit a biennial report to the Legislature regarding the amount of time it takes to complete an EIS.

A lead agency is not subject to civil liability due to a late EIS.

**EFFECT OF CHANGES MADE BY ENERGY, ENVIRONMENT & TELECOMMUNICATIONS COMMITTEE (First Substitute):**

- Replaces the lead agencies' reporting requirement with a biennial report to the Legislature from the Department of Ecology regarding the length of time it takes local governments to complete each EIS.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* None.

**Persons Testifying:** No one.

**Persons Signed In To Testify But Not Testifying:** No one.