

SSB 5165 - H COMM AMD

By Committee on Environment & Energy

ADOPTED 04/05/2023

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the
4 electric power system serving Washington will require additional high
5 voltage transmission capacity to achieve the state's objectives and
6 legal requirements. Washington must reduce its greenhouse gas
7 emissions under state law, and the 2021 state energy strategy finds
8 that this will require a significant increase in the use of renewable
9 or nonemitting electricity in place of fossil fuels now used in the
10 transportation, industry, and building sectors.

11 (2) The legislature anticipated the crucial role of additional
12 transmission capacity in 2019 in the enactment of the clean energy
13 transformation act and directed the energy facilities site evaluation
14 council to convene a transmission corridors work group. The
15 transmission corridors work group issued its final report on October
16 31, 2022, in which it confirmed the central role of transmission and
17 recommended actions to achieve the expansion of transmission capacity
18 to address this need.

19 (3) Expanded transmission capacity and the more effective use of
20 existing transmission capacity will provide benefits to electricity
21 consumers in the state by enhancing the reliability of the electric
22 power system and increasing access to more affordable sources of
23 electricity within the state and across the western United States and
24 Canada.

25 (4) Existing constraints on transmission capacity within the
26 state already present challenges in ensuring adequate and affordable
27 supplies of clean electricity. Of particular concern is the
28 capability of the transmission system to deliver clean electricity
29 into and within the central Puget Sound area.

30 (5) There are multiple issues that contribute to the challenge of
31 making timely and cost-effective expansions of the high voltage
32 transmission system. Among those challenges is the need for a more

1 proactive transmission planning process using a longer planning
2 period than current law requires. Transmission planning must reflect
3 not just the requirements to connect individual generating resources
4 to the grid but also the need to transfer electricity across the
5 state and the west. Transmission planning must incorporate state
6 policies and laws in planning objectives.

7 (6) Certain transmission projects are of significant state
8 interest due to their impact on the access of multiple utilities and
9 communities to gain access to clean, affordable electricity supplies
10 and obtain electricity that is necessary to comply with state laws.

11 (7) The legislature intends and affirms that the option to use
12 local government permitting processes remains available for
13 transmission projects not subject to mandatory jurisdiction under RCW
14 80.50.060(2).

15 (8) Transmission projects typically take at least a decade to
16 develop and permit. This timing presents particular challenges for
17 achieving the state's greenhouse gas emissions reduction mandates,
18 which include ambitious benchmarks as early as 2030. There is a need
19 to accelerate the timeline for transmission development while still
20 protecting other Washington values.

21 (9) Some electric utilities rely entirely or primarily on a
22 contracted network transmission provider for required transmission
23 services. These electric utilities may contribute to the objectives
24 of this act by requesting that each provider of network transmission
25 service to the utilities include the provisions of chapter 288, Laws
26 of 2019 and chapter 70A.45 RCW as public policy mandates in the
27 transmission service provider's transmission planning process.

28 **Sec. 2.** RCW 19.280.030 and 2021 c 300 s 3 are each amended to
29 read as follows:

30 Each electric utility must develop a plan consistent with this
31 section.

32 (1) Utilities with more than (~~twenty-five thousand~~) 25,000
33 customers that are not full requirements customers must develop or
34 update an integrated resource plan by September 1, 2008. At a
35 minimum, progress reports reflecting changing conditions and the
36 progress of the integrated resource plan must be produced every two
37 years thereafter. An updated integrated resource plan must be
38 developed at least every four years subsequent to the 2008 integrated

1 resource plan. The integrated resource plan, at a minimum, must
2 include:

3 (a) A range of forecasts, for at least the next (~~ten~~) 10 years
4 or longer, of projected customer demand which takes into account
5 econometric data and customer usage;

6 (b) An assessment of commercially available conservation and
7 efficiency resources, as informed, as applicable, by the assessment
8 for conservation potential under RCW 19.285.040 for the planning
9 horizon consistent with (a) of this subsection. Such assessment may
10 include, as appropriate, opportunities for development of combined
11 heat and power as an energy and capacity resource, demand response
12 and load management programs, and currently employed and new policies
13 and programs needed to obtain the conservation and efficiency
14 resources;

15 (c) An assessment of commercially available, utility scale
16 renewable and nonrenewable generating technologies including a
17 comparison of the benefits and risks of purchasing power or building
18 new resources;

19 (d) A comparative evaluation of renewable and nonrenewable
20 generating resources, including transmission and distribution
21 delivery costs, and conservation and efficiency resources using
22 "lowest reasonable cost" as a criterion;

23 (e) An assessment of methods, commercially available
24 technologies, or facilities for integrating renewable resources,
25 including but not limited to battery storage and pumped storage, and
26 addressing overgeneration events, if applicable to the utility's
27 resource portfolio;

28 (f) An assessment and (~~ten~~) 20-year forecast of the
29 availability of and requirements for regional generation and
30 transmission capacity (~~on which the utility may rely~~) to provide
31 and deliver electricity to (~~its customers~~)the utility's customers
32 and to meet the requirements of chapter 288, Laws of 2019 and the
33 state's greenhouse gas emissions reduction limits in RCW 70A.45.020.
34 The transmission assessment must identify the utility's expected
35 needs to acquire new long-term firm rights, develop new, or expand or
36 upgrade existing, bulk transmission facilities consistent with the
37 requirements of this section and reliability standards;

38 (i) If an electric utility operates transmission assets rated at
39 115,000 volts or greater, the transmission assessment must take into
40 account opportunities to make more effective use of existing

1 transmission capacity through improved transmission system operating
2 practices, energy efficiency, demand response, grid modernization,
3 nonwires solutions, and other programs if applicable;

4 (ii) An electric utility that relies entirely or primarily on a
5 contract for transmission service to provide necessary transmission
6 services may comply with the transmission requirements of this
7 subsection by requesting that the counterparty to the transmission
8 service contract include the provisions of chapter 288, Laws of 2019
9 and chapter 70A.45 RCW as public policy mandates in the transmission
10 service provider's process for assessing transmission need, and
11 planning and acquiring necessary transmission capacity;

12 (iii) An electric utility may comply with the requirements of
13 this subsection (1)(f) by relying on and incorporating the results of
14 a separate transmission assessment process, conducted individually or
15 jointly with other utilities and transmission system users, if that
16 assessment process meets the requirements of this subsection;

17 (g) A determination of resource adequacy metrics for the resource
18 plan consistent with the forecasts;

19 (h) A forecast of distributed energy resources that may be
20 installed by the utility's customers and an assessment of their
21 effect on the utility's load and operations;

22 (i) An identification of an appropriate resource adequacy
23 requirement and measurement metric consistent with prudent utility
24 practice in implementing RCW 19.405.030 through 19.405.050;

25 (j) The integration of the demand forecasts, resource
26 evaluations, and resource adequacy requirement into a long-range
27 assessment describing the mix of supply side generating resources and
28 conservation and efficiency resources that will meet current and
29 projected needs, including mitigating overgeneration events and
30 implementing RCW 19.405.030 through 19.405.050, at the lowest
31 reasonable cost and risk to the utility and its customers, while
32 maintaining and protecting the safety, reliable operation, and
33 balancing of its electric system;

34 (k) An assessment, informed by the cumulative impact analysis
35 conducted under RCW 19.405.140, of: Energy and nonenergy benefits and
36 the avoidance and reductions of burdens to vulnerable populations and
37 highly impacted communities; long-term and short-term public health
38 and environmental benefits, costs, and risks; and energy security and
39 risk;

1 (1) A (~~ten~~) 10-year clean energy action plan for implementing
2 RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and
3 at an acceptable resource adequacy standard, that identifies the
4 specific actions to be taken by the utility consistent with the
5 long-range integrated resource plan; and

6 (m) An analysis of how the plan accounts for:

7 (i) Modeled load forecast scenarios that consider the anticipated
8 levels of zero emissions vehicle use in a utility's service area,
9 including anticipated levels of zero emissions vehicle use in the
10 utility's service area provided in RCW 47.01.520, if feasible;

11 (ii) Analysis, research, findings, recommendations, actions, and
12 any other relevant information found in the electrification of
13 transportation plans submitted under RCW 35.92.450, 54.16.430, and
14 80.28.365; and

15 (iii) Assumed use case forecasts and the associated energy
16 impacts. Electric utilities may, but are not required to, use the
17 forecasts generated by the mapping and forecasting tool created in
18 RCW 47.01.520. This subsection (1)(m)(iii) applies only to plans due
19 to be filed after September 1, 2023.

20 (2) (~~For an investor-owned utility, the~~) The clean energy
21 action plan must:

22 (a) Identify and be informed by the utility's (~~ten~~) 10-year
23 cost-effective conservation potential assessment as determined under
24 RCW 19.285.040, if applicable;

25 (b) (~~establish~~) Establish a resource adequacy requirement;

26 (c) (~~identify~~) Identify the potential cost-effective demand
27 response and load management programs that may be acquired;

28 (d) (~~identify~~) Identify renewable resources, nonemitting
29 electric generation, and distributed energy resources that may be
30 acquired and evaluate how each identified resource may be expected to
31 contribute to meeting the utility's resource adequacy requirement;

32 (e) (~~identify~~) Identify any need to develop new, or expand or
33 upgrade existing, bulk transmission and distribution facilities and
34 document existing and planned efforts by the utility to make more
35 effective use of existing transmission capacity and secure additional
36 transmission capacity consistent with the requirements of subsection
37 (1)(f) of this section; and

38 (f) (~~identify~~) Identify the nature and possible extent to which
39 the utility may need to rely on alternative compliance options under
40 RCW 19.405.040(1)(b), if appropriate.

1 (3) (a) An electric utility shall consider the social cost of
2 greenhouse gas emissions, as determined by the commission for
3 investor-owned utilities pursuant to RCW 80.28.405 and the department
4 for consumer-owned utilities, when developing integrated resource
5 plans and clean energy action plans. An electric utility must
6 incorporate the social cost of greenhouse gas emissions as a cost
7 adder when:

8 (i) Evaluating and selecting conservation policies, programs, and
9 targets;

10 (ii) Developing integrated resource plans and clean energy action
11 plans; and

12 (iii) Evaluating and selecting intermediate term and long-term
13 resource options.

14 (b) For the purposes of this subsection (3): (i) Gas consisting
15 largely of methane and other hydrocarbons derived from the
16 decomposition of organic material in landfills, wastewater treatment
17 facilities, and anaerobic digesters must be considered a nonemitting
18 resource; and (ii) qualified biomass energy must be considered a
19 nonemitting resource.

20 (4) To facilitate broad, equitable, and efficient implementation
21 of chapter 288, Laws of 2019, a consumer-owned energy utility may
22 enter into an agreement with a joint operating agency organized under
23 chapter 43.52 RCW or other nonprofit organization to develop and
24 implement a joint clean energy action plan in collaboration with
25 other utilities.

26 (5) All other utilities may elect to develop a full integrated
27 resource plan as set forth in subsection (1) of this section or, at a
28 minimum, shall develop a resource plan that:

29 (a) Estimates loads for the next five and (~~ten~~) 10 years;

30 (b) Enumerates the resources that will be maintained and/or
31 acquired to serve those loads;

32 (c) Explains why the resources in (b) of this subsection were
33 chosen and, if the resources chosen are not: (i) Renewable resources;
34 (ii) methods, commercially available technologies, or facilities for
35 integrating renewable resources, including addressing any
36 overgeneration event; or (iii) conservation and efficiency resources,
37 why such a decision was made;

38 (d) By December 31, 2020, and in every resource plan thereafter,
39 identifies how the utility plans over a (~~ten~~) 10-year period to
40 implement RCW 19.405.040 and 19.405.050; and

1 (e) Accounts for:

2 (i) Modeled load forecast scenarios that consider the anticipated
3 levels of zero emissions vehicle use in a utility's service area,
4 including anticipated levels of zero emissions vehicle use in the
5 utility's service area provided in RCW 47.01.520, if feasible;

6 (ii) Analysis, research, findings, recommendations, actions, and
7 any other relevant information found in the electrification of
8 transportation plans submitted under RCW 35.92.450, 54.16.430, and
9 80.28.365; and

10 (iii) Assumed use case forecasts and the associated energy
11 impacts. Electric utilities may, but are not required to, use the
12 forecasts generated by the mapping and forecasting tool created in
13 RCW 47.01.520. This subsection (5)(e)(iii) applies only to plans due
14 to be filed after September 1, 2023.

15 (6) Assessments for demand-side resources included in an
16 integrated resource plan may include combined heat and power systems
17 as one of the measures in a conservation supply curve. The value of
18 recoverable waste heat resulting from combined heat and power must be
19 reflected in analyses of cost-effectiveness under this subsection.

20 (7) An electric utility that is required to develop a resource
21 plan under this section must complete its initial plan by September
22 1, 2008.

23 (8) Plans developed under this section must be updated on a
24 regular basis, on intervals approved by the commission or the
25 department, or at a minimum on intervals of two years.

26 (9) Plans shall not be a basis to bring legal action against
27 electric utilities.

28 (10)(a) To maximize transparency, the commission, for investor-
29 owned utilities, or the governing body, for consumer-owned utilities,
30 may require an electric utility to make the utility's data input
31 files available in a native format. Each electric utility shall
32 publish its final plan either as part of an annual report or as a
33 separate document available to the public. The report may be in an
34 electronic form.

35 (b) Nothing in this subsection limits the protection of records
36 containing commercial information under RCW 80.04.095.

37 ~~((11) By December 31, 2021, the department and the commission~~
38 ~~must adopt rules establishing the requirements for incorporating the~~
39 ~~cumulative impact analysis developed under RCW 19.405.140 into the~~

1 ~~criteria for developing clean energy action plans under this~~
2 ~~section.)~~)

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.280
4 RCW to read as follows:

5 (1) Electric utilities must in their planning and selection of
6 renewable resources give reasonable consideration, consistent with
7 prudent utility practice, to renewable resources that would use
8 transmission services considered to be conditional firm under the
9 tariff of the relevant transmission provider. For the purposes of
10 this section, conditional firm service means any form of long-term
11 firm point-to-point transmission service in which transmission
12 customers are able to reserve service subject to specific and limited
13 conditions under which the transmission provider may curtail the
14 transmission customer's reservation of service prior to curtailment
15 of other firm service.

16 (2) Electric utilities are encouraged to participate and
17 contribute to statewide or multiutility planning activities and
18 through interstate transmission planning processes.

19 (3) Electric utilities must consult with federal, interstate, and
20 voluntary industry organizations with a role in the bulk power
21 transmission system, including but not limited to the Bonneville
22 power administration, the Pacific Northwest electric power and
23 conservation planning council, NorthernGrid, the Western Power Pool,
24 and public interest organizations in improving the planning and
25 development of transmission capacity consistent with this act.

26 **Sec. 4.** RCW 80.50.060 and 2022 c 183 s 6 are each amended to
27 read as follows:

28 (1)(a) The provisions of this chapter apply to the construction
29 of energy facilities which includes the new construction of energy
30 facilities and the reconstruction or enlargement of existing energy
31 facilities where the net increase in physical capacity or dimensions
32 resulting from such reconstruction or enlargement meets or exceeds
33 those capacities or dimensions set forth in RCW 80.50.020 (14) and
34 (29). No construction or reconstruction of such energy facilities may
35 be undertaken, except as otherwise provided in this chapter, without
36 first obtaining certification in the manner provided in this chapter.

37 (b) If applicants proposing the following types of facilities
38 choose to receive certification under this chapter, the provisions of

1 this chapter apply to the construction, reconstruction, or
2 enlargement of these new or existing facilities:

3 (i) Facilities that produce refined biofuel, but which are not
4 capable of producing 25,000 barrels or more per day;

5 (ii) Alternative energy resource facilities;

6 (iii) Electrical transmission facilities: (A) Of a nominal
7 voltage of at least 115,000 volts; and (B) located in more than one
8 jurisdiction that has promulgated land use plans or zoning
9 ordinances;

10 (iv) Clean energy product manufacturing facilities; and

11 (v) Storage facilities.

12 (c) All of the council's powers with regard to energy facilities
13 apply to all of the facilities in (b) of this subsection and these
14 facilities are subject to all provisions of this chapter that apply
15 to an energy facility.

16 (2) (a) The provisions of this chapter must apply to ~~((the))~~:

17 (i) The construction, reconstruction, or enlargement of new or
18 existing electrical transmission facilities: (A) Of a nominal voltage
19 of at least 500,000 volts alternating current or at least 300,000
20 volts direct current; (B) located in more than one county; and (C)
21 located in the Washington service area of more than one retail
22 electric utility; and

23 (ii) The construction, reconstruction, or modification of
24 electrical transmission facilities when the facilities are located in
25 a national interest electric transmission corridor as specified in
26 RCW 80.50.045.

27 (b) For the purposes of this subsection, "modification" means a
28 significant change to an electrical transmission facility and does
29 not include the following: (i) Minor improvements such as the
30 replacement of existing transmission line facilities or supporting
31 structures with equivalent facilities or structures; (ii) the
32 relocation of existing electrical transmission line facilities; (iii)
33 the conversion of existing overhead lines to underground; or (iv) the
34 placing of new or additional conductors, supporting structures,
35 insulators, or their accessories on or replacement of supporting
36 structures already built.

37 (3) The provisions of this chapter shall not apply to normal
38 maintenance and repairs which do not increase the capacity or
39 dimensions beyond those set forth in RCW 80.50.020 (14) and (29).

1 (4) Applications for certification of energy facilities made
2 prior to July 15, 1977, shall continue to be governed by the
3 applicable provisions of law in effect on the day immediately
4 preceding July 15, 1977, with the exceptions of RCW 80.50.071 which
5 shall apply to such prior applications and to site certifications
6 prospectively from July 15, 1977.

7 (5) Applications for certification shall be upon forms prescribed
8 by the council and shall be supported by such information and
9 technical studies as the council may require.

10 (6) Upon receipt of an application for certification under this
11 chapter, the chair of the council shall notify:

12 (a) The appropriate county legislative authority or authorities
13 where the proposed facility is located;

14 (b) The appropriate city legislative authority or authorities
15 where the proposed facility is located;

16 (c) The department of archaeology and historic preservation; and

17 (d) The appropriate federally recognized tribal governments that
18 may be affected by the proposed facility.

19 (7) The council must work with local governments where a project
20 is proposed to be sited in order to provide for meaningful
21 participation and input during siting review and compliance
22 monitoring.

23 (8) The council must consult with all federally recognized tribes
24 that possess resources, rights, or interests reserved or protected by
25 federal treaty, statute, or executive order in the area where an
26 energy facility is proposed to be located to provide early and
27 meaningful participation and input during siting review and
28 compliance monitoring. The chair and designated staff must offer to
29 conduct government-to-government consultation to address issues of
30 concern raised by such a tribe. The goal of the consultation process
31 is to identify tribal resources or rights potentially affected by the
32 proposed energy facility and to seek ways to avoid, minimize, or
33 mitigate any adverse effects on tribal resources or rights. The chair
34 must provide regular updates on the consultation to the council
35 throughout the application review process. The report from the
36 council to the governor required in RCW 80.50.100 must include a
37 summary of the government-to-government consultation process that
38 complies with RCW 42.56.300, including the issues and proposed
39 resolutions.

1 (9) The department of archaeology and historic preservation shall
2 coordinate with the affected federally recognized tribes and the
3 applicant in order to assess potential effects to tribal cultural
4 resources, archaeological sites, and sacred sites.

5 **Sec. 5.** RCW 80.50.045 and 2006 c 196 s 3 are each amended to
6 read as follows:

7 (1) The council shall consult with other state agencies,
8 utilities, local municipal governments, public interest groups,
9 tribes, and other interested persons to convey their views to the
10 secretary and the federal energy regulatory commission regarding
11 appropriate limits on federal regulatory authority in the siting of
12 electrical transmission corridors in the state of Washington.

13 (2) The council is designated as the state authority for purposes
14 of siting transmission facilities under (~~the national energy policy~~
15 ~~act of 2005~~) Title 16 U.S.C. Sec. 824p and for purposes of other
16 such rules or regulations adopted by the secretary. The council's
17 authority regarding transmission facilities under this subsection is
18 limited to those transmission facilities that are the subject of
19 (~~section 1221 of the national energy policy act~~) Title 16 U.S.C.
20 Sec. 824p and this chapter.

21 (3) For the construction and modification of transmission
22 facilities that are the subject of (~~section 1221 of the national~~
23 ~~energy policy act~~) Title 16 U.S.C. Sec. 824p, the council may: (a)
24 Approve the siting of the facilities; and (b) consider the interstate
25 benefits expected to be achieved by the proposed construction or
26 modification of the facilities in the state.

27 (4) When developing recommendations as to the disposition of an
28 application for the construction or modification of transmission
29 facilities under this chapter, the fuel source of the electricity
30 carried by the transmission facilities shall not be considered.

31 (5) For electrical transmission projects proposed or sited by a
32 federal agency, the director must coordinate state agency
33 participation in environmental review under the national
34 environmental policy act.

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

37 NONPROJECT ENVIRONMENTAL REVIEWS. (1) The energy facility site
38 evaluation council shall prepare nonproject environmental impact

1 statements, pursuant to RCW 43.21C.030, that assess and disclose the
2 probable significant adverse environmental impacts, and that identify
3 related mitigation measures for electrical transmission facilities
4 with a nominal voltage of 230kV or greater.

5 (2) The scope of a nonproject environmental review is limited to
6 the probable, significant adverse environmental impacts in geographic
7 areas that are suitable for the electrical transmission facilities
8 with a nominal voltage of 230kV or greater. The energy facility site
9 evaluation council may consider standard attributes for likely
10 development, proximity to existing transmission or complementary
11 facilities, and planned corridors for transmission capacity
12 construction, reconstruction, or enlargement. The nonproject review
13 is not required to evaluate geographic areas that lack the
14 characteristics necessary for electrical transmission facilities with
15 a nominal voltage of 230kV or greater.

16 (3) (a) The scope of nonproject environmental impact statements
17 must consider, as appropriate, analysis of the following probable
18 significant adverse environmental impacts, including direct,
19 indirect, and cumulative impacts to:

20 (i) Historic and cultural resources;

21 (ii) Species designated for protection under RCW 77.12.020 or the
22 federal endangered species act;

23 (iii) Landscape scale habitat connectivity and wildlife migration
24 corridors;

25 (iv) Environmental justice and overburdened communities as
26 defined in RCW 70A.02.010;

27 (v) Cultural resources and elements of the environment relevant
28 to tribal rights, interests, and resources including tribal cultural
29 resources, and fish, wildlife, and their habitat;

30 (vi) Land uses, including agricultural and ranching uses; and

31 (vii) Military installations and operations.

32 (b) The nonproject environmental impact statements must identify
33 measures to avoid, minimize, and mitigate probable significant
34 adverse environmental impacts identified during the review. These
35 include measures to mitigate probable significant adverse
36 environmental impacts to elements of the environment as defined in
37 WAC 197-11-444 as it existed as of January 1, 2023, tribal rights,
38 interests, and resources, including tribal cultural resources, as
39 identified in RCW 70A.65.305, and overburdened communities as defined
40 in RCW 70A.02.010. The energy facility site evaluation council shall

1 consult with other agencies with expertise in identification and
2 mitigation of probable, significant adverse environmental impacts
3 including, but not limited to, the department of fish and wildlife.
4 The energy facility site evaluation council shall further specify
5 when probable, significant adverse environmental impacts cannot be
6 mitigated.

7 (4) In defining the scope of nonproject review of electrical
8 transmission facilities with a nominal voltage of 230kV or greater,
9 the energy facility site evaluation council shall request input from
10 agencies, federally recognized Indian tribes, industry, stakeholders,
11 local governments, and the public to identify the geographic areas
12 suitable for electrical transmission facilities with a nominal
13 voltage of 230kV or greater, based on the climatic and geophysical
14 attributes conducive to or required for project development. The
15 energy facility site evaluation council will provide opportunities
16 for the engagement of tribes, overburdened communities, and
17 stakeholders that self-identify an interest in participating in the
18 process.

19 (5) The energy facility site evaluation council must offer early
20 and meaningful consultation with any affected federally recognized
21 Indian tribe on the nonproject review under this section for the
22 purpose of understanding potential impacts to tribal rights and
23 resources, including tribal cultural resources, archaeological sites,
24 sacred sites, fisheries, or other rights and interests in tribal
25 lands and lands within which an Indian tribe or tribes possess rights
26 reserved or protected by federal treaty, statute, or executive order.
27 The consultation is independent of, and in addition to, any public
28 participation process required by state law, or by a state agency.
29 The goal of the consultation process is to support the nonproject
30 review by early identification of tribal rights, interests, or
31 resources, including tribal cultural resources, potentially affected
32 by the project type and identifying solutions, when possible, to
33 avoid, minimize, or mitigate any adverse effects on tribal rights,
34 interests, or resources, including tribal cultural resources, based
35 on environmental or permit review.

36 (6) Final nonproject environmental review documents for the
37 electrical transmission facilities with a nominal voltage of 230kV or
38 greater, where applicable, must include maps identifying probable,
39 significant adverse environmental impacts for the resources
40 evaluated. Maps must be prepared with the intention to illustrate

1 probable, significant impacts and areas where impacts are avoided or
2 capable of being minimized or mitigated, creating a tool that may be
3 used by project proponents, tribes, and government to inform decision
4 making. Maps may not include confidential information, such as
5 locations of sacred cultural sites or locations of populations of
6 certain protected species.

7 (7) For transmission line projects utilizing an existing
8 transmission right-of-way or that are located along a transportation
9 corridor or transmission projects utilizing an existing transmission
10 right-of-way, the reasonable alternatives analysis required under
11 this section is limited to the proposed action and a no action
12 alternative.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.21C
14 RCW to read as follows:

15 LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT. (1)
16 A lead agency conducting a project-level environmental review under
17 this chapter of an electrical transmission facility with a nominal
18 voltage of 230kV or greater must consider a nonproject environmental
19 impact statement completed pursuant to section 6 of this act in order
20 to identify and mitigate project-level probable significant adverse
21 environmental impacts.

22 (2)(a) Project-level environmental review conducted pursuant to
23 this chapter of an electrical transmission facility with a nominal
24 voltage of 230kV or greater must begin with the review of the
25 applicable nonproject environmental impact statement completed
26 pursuant to section 6 of this act. The review must address any
27 probable significant adverse environmental impacts associated with
28 the proposal that were not analyzed in the nonproject environmental
29 impact statements pursuant to section 6 of this act. The review must
30 identify any mitigation measures specific to the project for probable
31 significant adverse environmental impacts.

32 (b) Lead agencies reviewing site-specific project proposals for
33 electrical transmission facilities with a nominal voltage of 230kV or
34 greater shall use the nonproject review described in section 6 of
35 this act through one of the following methods and in accordance with
36 WAC 197-11-600, as it existed as of January 1, 2023:

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

- 1 (ii) Preparation of an addendum;
2 (iii) Incorporation by reference; or
3 (iv) Preparation of a supplemental environmental impact
4 statement.
- 5 (3) Proposals for electrical transmission facilities with a
6 nominal voltage of 230kV or greater following the recommendations
7 developed in the nonproject environmental review completed pursuant
8 to section 6 of this act are considered to have mitigated the
9 probable significant adverse project-specific environmental impacts
10 under this chapter for which recommendations were specifically
11 developed unless the project-specific environmental review identifies
12 project-level probable significant adverse environmental impacts not
13 addressed in the nonproject environmental review."

14 Correct the title.

EFFECT: Adds intent language related to how utilities that rely entirely or primarily on a contracted network provider for transmission services may contribute to the objectives of the bill.

Adds that a utility's transmission assessment in its integrated resource plan (IRP) must identify needs to acquire new long-term firm rights. Limits the utilities that must consider opportunities to make more effective use of existing transmission capacity in their IRPs to utilities that operate transmission assets rated at 115,000 volts or more. Specifies that utilities relying on a contract for transmission services may comply with the IRP transmission planning requirements by requesting that the counterparty to the contract include certain provisions of state law in the provider's process for assessing transmission need and for transmission planning and acquisition. Allows utilities to satisfy the IRP transmission assessment and 20-year forecast requirements through a separate assessment process if that assessment meets the same requirements as those for the IRP.

Clarifies that a utility's consideration of conditional firm transmission services must be consistent with prudent utility practice and must be considered not only their selection of but also in their planning of renewable resources. Clarifies that utilities are encouraged to participate and contribute to, rather than satisfy requirements through, statewide or multiutility planning activities. Clarifies that utilities must consult with, rather than seek the support of, other entities in transmission planning and development.

Directs the energy facility site evaluation council (EFSEC) to prepare nonproject environmental impact statements (EISs) for transmission facilities with 230 kilovolts or more and specifies requirements for the content and development of the scope of nonproject EISs. Requires EFSEC to offer early and meaningful consultation with any affected federally recognized Indian tribe on reviews of transmission nonproject EISs. Includes requirements for maps that must be prepared with transmission nonproject EIS documents for transmission facilities. Specifies that the reasonable alternatives analysis is limited to the proposed action and a no action alternative for certain transmission projects.

Sets process and consideration requirements for a lead agency conducting a project-level environmental review for transmission facilities with 230 kilovolts or more, including that the lead agency consider the nonproject EIS for transmission facilities. Specifies that transmission facility proposals following recommendations from a nonproject EIS review must be considered to have mitigated probable impacts unless the project-specific environmental review identifies impacts not addressed in the nonproject EIS.

Modifies the requirements for an assessment that must be included in electric utilities' integrated resource plans by adding that the assessment must include the avoidance of burdens to vulnerable populations and highly impacted communities.

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