
SENATE BILL 5969

State of Washington

64th Legislature

2015 Regular Session

By Senators Brown and Braun

Read first time 02/13/15. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to updating the state environmental policy act;
2 adding new sections to chapter 43.21C RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that infrastructure
6 projects support the state's economy, enabling the state to maintain
7 its position as one of the world's leading trade and logistics hubs.
8 The legislature also finds that the development, maintenance, and
9 expansion of infrastructure facilities are desirable in order to
10 encourage economic development and private investment in the state.
11 The legislature further finds that the state environmental policy act
12 should not unreasonably delay or prevent economic growth and
13 development of the state economy, including growth and development of
14 infrastructure. The legislature reaffirms its desire to enhance job
15 and business growth in the state and encourage the retention of
16 viable existing firms and employment. Public agencies should continue
17 to support these goals, and coordinate environmental reviews under
18 the state environmental policy act with the federal government, where
19 applicable, to avoid unnecessary delay in economic development, to
20 encourage investment in the state, and to encourage more efficient
21 use of limited state and private resources.

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

3 Where any environmental analysis under the national environmental
4 policy act, 42 U.S.C. Sec. 4321 et seq., has been, or is being,
5 prepared for any proposal that is subject to the requirements of this
6 chapter, the governmental entity responsible for compliance with this
7 chapter shall adopt unchanged and implement the scope of analysis
8 contained in the federal environmental analysis as the scope of
9 analysis required under this chapter, unless:

10 (1) The federal environmental analysis is found inadequate by:
11 (a) A court; (b) the council on environmental quality; or (c) the
12 administrator of the United States environmental protection agency
13 under section 309 of the clean air act, 42 U.S.C. Sec. 7609; or

14 (2) The federal environmental analysis is at issue in a
15 predecision referral to the council on environmental quality.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21C
17 RCW to read as follows:

18 The following are exempt from the requirements of this chapter:

19 (1) Certifications under the coastal zone management act, 16
20 U.S.C. Sec. 1457 et seq.; and

21 (2) Certifications under section 401 of the clean water act, 33
22 U.S.C. Sec. 1341.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21C
24 RCW to read as follows:

25 (1) A governmental entity responsible for complying with this
26 chapter shall complete its environmental review of an application
27 under this chapter no later than thirty days after publication of a
28 categorical exclusion determination, a finding of no significant
29 impact, or a final environmental impact statement, prepared under the
30 national environmental policy act, 42 U.S.C. Sec. 4321 et seq., by a
31 federal agency for the same proposal. If the governmental entity
32 responsible for complying with this chapter fails to complete its
33 environmental review of an application within the time period
34 provided in this subsection, the requirements of this chapter are
35 waived for the proposal under review.

36 (2)(a) For projects not requiring review under the national
37 environmental policy act, 42 U.S.C. Sec. 4321 et seq., the

1 governmental entity responsible for compliance with this chapter
2 shall:

3 (i) Issue a threshold determination (determination of
4 nonsignificance, mitigated determination of nonsignificance, or a
5 determination of significance) no later than sixty days after
6 submission of a complete application; and

7 (ii) Complete its environmental review of a project under this
8 chapter no later than twelve months after submission of a complete
9 application.

10 (b) If the governmental entity responsible for compliance with
11 this chapter fails to complete its environmental review of a project
12 under this chapter within the time period provided in this
13 subsection, the requirements of this chapter shall be waived for the
14 project under review.

15 (3) This chapter may not be deemed part of Washington state's
16 coastal zone management program for purposes of the federal coastal
17 zone management act, 16 U.S.C. Sec. 1451 et seq.

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