
SUBSTITUTE HOUSE BILL 1086

State of Washington 65th Legislature 2017 Regular Session

By House Environment (originally sponsored by Representatives Blake, J. Walsh, Springer, Wilcox, and Hargrove)

READ FIRST TIME 02/03/17.

1 AN ACT Relating to promoting the completion of environmental
2 impact statements within two years; adding a new section to chapter
3 43.21C RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the analysis of
6 environmental impacts required under the state environmental policy
7 act adds value to government decision-making processes in Washington
8 state and helps minimize the potential environmental harm coming from
9 those government decisions. However, the legislature also recognizes
10 that excessive delays in the environmental impact analysis process
11 adds uncertainty and burdensome costs to those seeking to do business
12 in the state of Washington. Therefore, it is the intent of the
13 legislature to promote timely completion of state environmental
14 policy act processes. In doing so, the legislature intends to restore
15 balance between the need to carefully consider environmental impacts
16 and the need to maintain the economic competitiveness of state
17 businesses.

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

1 (1) A lead agency shall aspire to prepare a final environmental
2 impact statement required by RCW 43.21C.030(2) in as expeditious a
3 manner as possible while not compromising the integrity of the
4 analysis.

5 (a) For even the most complex government decisions associated
6 with a broad scope of possible environmental impacts, a lead agency
7 shall aspire to prepare a final environmental impact statement
8 required by RCW 43.21C.030(2) within twenty-four months of a
9 threshold determination of a probable significant, adverse
10 environmental impact.

11 (b) Wherever possible, a lead agency shall aspire to far outpace
12 the twenty-four month time limit established in this section for more
13 commonplace government decisions associated with narrower and more
14 easily identifiable environmental impacts.

15 (2) In the event that a lead agency exceeds the aspirational time
16 limit established in subsection (1)(a) of this section, the lead
17 agency must submit a brief report to the legislature no later than
18 thirty days after the date of the twenty-four month aspirational time
19 limit. The report to the legislature must include:

20 (a) An explanation of any mitigating circumstances that caused
21 the lead agency to fail to meet the aspirational time limit;

22 (b) An estimate of when the tardy environmental impact statement
23 will be completed; and

24 (c) A plan of action to ensure that future environmental impact
25 statements undertaken by the lead agency are prepared within the time
26 limits established in subsection (1) of this section.

27 (3) The preparation of a final environmental impact statement is
28 not subject to the aspirational time limit in subsection (1) of this
29 section and a lead agency is not required to produce the report
30 specified in subsection (2) of this section if a project proponent
31 and the lead agency agree, at any time before or after a threshold
32 determination is made, that a proposal is not subject to this
33 section.

34 (4) Nothing in this section creates any civil liability for a
35 lead agency or creates a new cause of action against a lead agency.

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HB 1086-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires a lead agency to prepare a final environmental impact statement in as expeditious a manner as possible while not compromising the integrity of the analysis.