
Environment Committee

HB 1086

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

Sponsors: Representatives Blake, J. Walsh, Springer, Wilcox and Hargrove.

Brief Summary of Bill

- Directs lead agencies to aspire to complete Environmental Impact Statements (EIS) under the State Environmental Policy Act within two years of making a threshold determination that an EIS is required.
- Directs lead agencies that miss the aspirational two-year deadline to submit a report to the Legislature explaining the reason the EIS is late, an estimate of when the EIS will be completed, and a plan of action to ensure timely completion of future EISs.

Hearing Date: 1/17/17

Staff: Jacob Lipson (786-7196).

Background:

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. If an initial review of the checklist and supporting documents results in a determination that the government decision has a probable significant adverse environmental impact (threshold determination), the proposal must undergo a more comprehensive environmental analysis in the form of an environmental impact statement (EIS). Under SEPA, a government agency is designated as the lead agency, and in that role is assigned responsibility for complying with SEPA's procedural requirements, including making a threshold determination and preparing the EIS when one is required.

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.

Administrative rules adopted to implement the SEPA direct lead agencies to commence EIS preparation as close as possible to the time the agency is developing or is presented with the proposal, so that the EIS can be included in final recommendations or reports of the lead agency for the associated government decision.

Summary of Bill:

Lead agencies undertaking a State Environmental Policy Act (SEPA) review are directed to aspire to finish an EIS as expeditiously as possible without compromising the integrity of the analysis. For complex government decisions, the lead agency must aspire to finish an environmental impact statement (EIS) within twenty-four months of making a threshold determination that an EIS is needed, and to finish in far less time than twenty-four months for government decisions with narrower and more easily identified environmental impacts.

If a lead agency fails to meet the twenty-four-month aspirational time limit, the agency must submit a report to the Legislature within 30 days of missing the time limit. The report must describe any mitigating circumstances prompting the delay, an estimate of when the EIS will be completed, and a plan of action for the lead agency to meet time limits when completing an EIS in the future.

The aspirational time limit does not create civil liability or a new cause of action against a lead agency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.