

**SSB 5165** - H COMM AMD

By Committee on Environment & Energy

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

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

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

12 (7) The legislature intends and affirms that the option to use  
13 local government permitting processes remains available for  
14 transmission projects not subject to mandatory jurisdiction under RCW  
15 80.50.060(2).

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

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

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

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

33 (1) Utilities with more than (~~twenty-five thousand~~) 25,000  
34 customers that are not full requirements customers must develop or  
35 update an integrated resource plan by September 1, 2008. At a  
36 minimum, progress reports reflecting changing conditions and the  
37 progress of the integrated resource plan must be produced every two  
38 years thereafter. An updated integrated resource plan must be  
39 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 reductions of burdens to vulnerable populations and highly impacted  
37 communities; long-term and short-term public health and environmental  
38 benefits, costs, and risks; and energy security and risk;

39 (l) A ~~((ten))~~ 10-year clean energy action plan for implementing  
40 RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and

1 at an acceptable resource adequacy standard, that identifies the  
2 specific actions to be taken by the utility consistent with the  
3 long-range integrated resource plan; and

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

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

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

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

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

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

23 (~~(establish)~~) Establish a resource adequacy requirement;

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

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

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

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

39 (3)(a) An electric utility shall consider the social cost of  
40 greenhouse gas emissions, as determined by the commission for

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

6 (i) Evaluating and selecting conservation policies, programs, and  
7 targets;

8 (ii) Developing integrated resource plans and clean energy action  
9 plans; and

10 (iii) Evaluating and selecting intermediate term and long-term  
11 resource options.

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

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

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

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

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

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

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

39 (e) Accounts for:

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

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

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

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

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

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

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

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

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

36 ~~((11) By December 31, 2021, the department and the commission  
37 must adopt rules establishing the requirements for incorporating the  
38 cumulative impact analysis developed under RCW 19.405.140 into the  
39 criteria for developing clean energy action plans under this  
40 section.))~~

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

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

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

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

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

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

35        (b) If applicants proposing the following types of facilities  
36   choose to receive certification under this chapter, the provisions of  
37   this chapter apply to the construction, reconstruction, or  
38   enlargement of these new or existing facilities:



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

3 (ii) Alternative energy resource facilities;

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

8 (iv) Clean energy product manufacturing facilities; and

9 (v) Storage facilities.

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

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

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

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

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

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

38 (4) Applications for certification of energy facilities made  
39 prior to July 15, 1977, shall continue to be governed by the  
40 applicable provisions of law in effect on the day immediately

1 preceding July 15, 1977, with the exceptions of RCW 80.50.071 which  
2 shall apply to such prior applications and to site certifications  
3 prospectively from July 15, 1977.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27       (5) For electrical transmission projects proposed or sited by a  
28 federal agency, the director must coordinate state agency  
29 participation in environmental review under the national  
30 environmental policy act.

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

33       NONPROJECT ENVIRONMENTAL REVIEWS. (1) The energy facility site  
34 evaluation council shall prepare nonproject environmental impact  
35 statements, pursuant to RCW 43.21C.030, that assess and disclose the  
36 probable significant adverse environmental impacts, and that identify  
37 related mitigation measures for electrical transmission facilities  
38 with a nominal voltage of 230kV or greater.

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

12 (3)(a) The scope of nonproject environmental impact statements  
13 must consider, as appropriate, analysis of the following probable  
14 significant adverse environmental impacts, including direct,  
15 indirect, and cumulative impacts to:

16 (i) Historic and cultural resources;

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

19 (iii) Landscape scale habitat connectivity and wildlife migration  
20 corridors;

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

23 (v) Cultural resources and elements of the environment relevant  
24 to tribal rights, interests, and resources including tribal cultural  
25 resources, and fish, wildlife, and their habitat;

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

27 (vii) Military installations and operations.

28 (b) The nonproject environmental impact statements must identify  
29 measures to avoid, minimize, and mitigate probable significant  
30 adverse environmental impacts identified during the review. These  
31 include measures to mitigate probable significant adverse  
32 environmental impacts to elements of the environment as defined in  
33 WAC 197-11-444 as it existed as of January 1, 2023, tribal rights,  
34 interests, and resources, including tribal cultural resources, as  
35 identified in RCW 70A.65.305, and overburdened communities as defined  
36 in RCW 70A.02.010. The energy facility site evaluation council shall  
37 consult with other agencies with expertise in identification and  
38 mitigation of probable, significant adverse environmental impacts  
39 including, but not limited to, the department of fish and wildlife.  
40 The energy facility site evaluation council shall further specify

1 when probable, significant adverse environmental impacts cannot be  
2 mitigated.

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

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

32 (6) Final nonproject environmental review documents for the  
33 electrical transmission facilities with a nominal voltage of 230kV or  
34 greater, where applicable, must include maps identifying probable,  
35 significant adverse environmental impacts for the resources  
36 evaluated. Maps must be prepared with the intention to illustrate  
37 probable, significant impacts and areas where impacts are avoided or  
38 capable of being minimized or mitigated, creating a tool that may be  
39 used by project proponents, tribes, and government to inform decision  
40 making. Maps may not include confidential information, such as

1 locations of sacred cultural sites or locations of populations of  
2 certain protected species.

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

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

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

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

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

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

36 (ii) Preparation of an addendum;

37 (iii) Incorporation by reference; or

38 (iv) Preparation of a supplemental environmental impact  
39 statement.

1 (3) Proposals for electrical transmission facilities with a  
2 nominal voltage of 230kV or greater following the recommendations  
3 developed in the nonproject environmental review completed pursuant  
4 to section 6 of this act are considered to have mitigated the  
5 probable significant adverse project-specific environmental impacts  
6 under this chapter for which recommendations were specifically  
7 developed unless the project-specific environmental review identifies  
8 project-level probable significant adverse environmental impacts not  
9 addressed in the nonproject environmental review."

10 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.

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