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HILLIS, CLARK MARTIN & PETERSON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

CASCADE BICYCLE CLUB, et al.,

Plaintiffs,

v.

PUGET SOUND REGIONAL COUNCIL,

Defendant.

No. 10-2-22228-6 SEA

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER OF DISMISSAL**

*Clark's Action
Reg'd*

THIS MATTER came on for hearing before this Court on June 28, 2011, on Plaintiffs' Complaint for Direct Review under SEPA, Declaratory Relief and Constitutional Writ of Review. The record consisted of the Administrative Agency Record and its Supplement. Plaintiffs Cascade Bicycle Club and Sierra Club were represented by Jeffrey M. Eustis, Aramburu & Eustis LLP. Plaintiff Futurewise was represented by Tim Trohimovich. Defendant Puget Sound Regional Council ("PSRC") was represented by Melody B. McCutcheon and Karen D. Breckenridge of Hillis Clark Martin & Peterson P.S., and by Rodney L. Brown, Jr. and Joseph A. Rehberger of Cascadia Law Group.

The Court has reviewed excerpts from the record brought forward by the parties, and has considered the pleadings on file in this matter and the arguments of counsel at the hearing.

COPY

1 The Court makes the following Findings of Fact and Conclusions of Law and enters the
2 following Order:

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4 **I. FINDINGS OF FACT**

5 1. This action is a Complaint for Direct Review under the State Environmental
6 Policy Act in RCW 43.21C ("SEPA"), a request for Declaratory Relief under RCW 7.24, and
7 a Constitutional Writ of Review under Article IV, Section 6 of the Washington State
8 Constitution.

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10 2. PSRC is a Metropolitan Planning Organization under federal law. Under
11 RCW 47.80.020, regional transportation planning organizations ("RTPO") are formed
12 through the voluntary association of local governments. PSRC was formed as an RTPO
13 through an Interlocal Agreement.

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15 3. PSRC is responsible for preparation of a regional transportation plan for the
16 four-county Puget Sound region, consisting of King, Kitsap, Pierce and Snohomish counties.
17 Pursuant to SEPA, PSRC issued a Draft Environmental Impact Statement in May 2009, and a
18 Final Environmental Impact Statement in March 2010 (together referred to as the "EIS"),
19 which analyzed various alternatives for transportation planning in the four-county Puget
20 Sound region, the environmental impacts associated with those alternatives, and measures to
21 mitigate environmental impacts.

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23 4. In May 2010, PSRC adopted the regional transportation plan known as
24 Transportation 2040 ("T2040") to address transportation needs in the region for the next thirty
25 years. T2040 includes a four-part strategy for reducing greenhouse gas emissions from
26 transportation in the region.
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1 Under RCW 70.235.020, the state retains control over how the emissions limits in
2 RCW 70.235.020(1)(a) will be met.

3 4. Plaintiffs argued that the EIS violated SEPA by not adequately disclosing the
4 emissions impacts of T2040 and by not having an alternative or mitigation measure that:
5 1) met the state's emissions limits in RCW 70.235.020(1)(a), or 2) reduced greenhouse gas
6 emissions even further than the reductions achieved by T2040. PSRC's EIS was a non-
7 project EIS on a plan. The EIS needed to be mindful of the state's emissions limits, and the
8 record shows that those emissions limits, and greenhouse gas emissions in general, were
9 adequately analyzed and disclosed in the EIS. PSRC's work was well informed, it moves the
10 process of reducing emissions forward as PSRC said it would, and PSRC has done its part to
11 reduce emissions from transportation. Thus, the EIS is adequate under SEPA.
12
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14 **III. ORDER**

15 Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby
16 ORDERED, ADJUDGED AND DECREED that Plaintiffs' appeal of the adequacy of the EIS
17 is DENIED; Plaintiffs' Motion to Strike the Declaration of Janice Adair is DENIED; and
18 Plaintiffs' Complaint for Direct Review under SEPA, Declaratory Relief and Constitutional
19 Writ of Review is DISMISSED.
20

21 DONE IN OPEN COURT this 15 day of July, 2011.

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26 Judge Carol Schapira

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1 Presented by:

2 ARAMBURU & EUSTIS LLP

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