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**SUBSTITUTE SENATE BILL 5266**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Natural Resources & Marine Waters (originally sponsored by Senator Swecker)

READ FIRST TIME 02/17/11.

1        AN ACT Relating to facilitating improvement of the state's  
2        permitting processes; adding a new section to chapter 43.21A RCW;  
3        adding a new section to chapter 77.55 RCW; adding a new section to  
4        chapter 43.30 RCW; creating new sections; and providing an expiration  
5        date.

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

7        NEW SECTION.        **Sec. 1.**        (1) The legislature finds that the  
8        department of ecology, the department of fish and wildlife, and the  
9        department of natural resources issue thousands of permits each year at  
10       a substantial commitment of government time and resources. The  
11       legislature recognizes the importance of the permitting process to  
12       protect the environment of Washington.

13       (2) The legislature further finds that many permit applicants and  
14       potential permit applicants find the current permitting system complex,  
15       and may have to expend significant resources to adequately navigate the  
16       process.

17       (3) The legislature further finds that by making examples of  
18       quality permit applications and issued permits readily available, the  
19       department of ecology, the department of fish and wildlife, and the

1 department of natural resources could: Simplify the permit application  
2 process for applicants and potential applicants; help permit applicants  
3 and potential permit applicants complete permit applications in a more  
4 efficient and effective manner; and help the departments process permit  
5 applications in a more efficient and effective manner by improving the  
6 quality of the applications received.

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

9 (1) By December 31, 2011, the department must make examples of  
10 complete, high quality permit applications and the resulting issued  
11 permits readily available to the public on its internet site, as well  
12 as the internet site of the office of regulatory assistance established  
13 in RCW 43.42.010.

14 (2) The department must maximize assistance to the public and  
15 interested parties by seeking to make readily available examples from  
16 project types that generate significant permitting activity or frequent  
17 questions. These examples may include, but are not limited to,  
18 complete, high quality permit applications and the resulting issued  
19 permits for permits utilizing a joint aquatic resources permit  
20 application form, construction storm water general permits, and state  
21 environmental policy act environmental checklists.

22 (3) The department must regularly review and update the examples  
23 required to be made available on the internet under subsection (2) of  
24 this section.

25 (4) The department must obtain the written permission of a permit  
26 applicant or permittee before making publicly available that applicant  
27 or permittee's application or permit and must work cooperatively with  
28 the permit applicant or permittee to ensure that no personal or  
29 propriety information is made available.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.55 RCW  
31 to read as follows:

32 (1) By December 31, 2011, the department must make examples of  
33 complete, high quality permit applications and the resulting issued  
34 permits readily available to the public on its internet site, as well  
35 as the internet site of the office of regulatory assistance established  
36 in RCW 43.42.010.

1 (2) The department must maximize assistance to the public and  
2 interested parties by seeking to make readily available examples from  
3 project types that generate significant permitting activity or frequent  
4 questions. These examples may include, but are not limited to,  
5 complete, high quality permit applications and the resulting issued  
6 permits for hydraulic project approvals or other permits utilizing a  
7 joint aquatic resources permit application form.

8 (3) The department must regularly review and update the examples  
9 required to be made available on the internet under subsection (2) of  
10 this section.

11 (4) The department must obtain the written permission of a permit  
12 applicant or permittee before making publicly available that applicant  
13 or permittee's application or permit and must work cooperatively with  
14 the permit applicant or permittee to ensure that no personal or  
15 propriety information is made available.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.30 RCW  
17 to read as follows:

18 (1) By December 31, 2011, the department must make examples of  
19 complete, high quality permit applications and the resulting issued  
20 permits readily available to the public on its internet site, as well  
21 as the internet site of the office of regulatory assistance established  
22 in RCW 43.42.010.

23 (2) The department must maximize assistance to the public and  
24 interested parties by seeking to make readily available examples from  
25 project types that generate significant permitting activity or frequent  
26 questions. These examples may include, but are not limited to,  
27 complete, high quality permit applications and the resulting issued  
28 permits for forest practices permits and aquatic use authorizations.

29 (3) The department must regularly review and update the examples  
30 required to be made available on the internet under subsection (2) of  
31 this section.

32 (4) The department must obtain the written permission of a permit  
33 applicant or permittee before making publicly available that applicant  
34 or permittee's application or permit and must work cooperatively with  
35 the permit applicant or permittee to ensure that no personal or  
36 propriety information is made available.

1        NEW SECTION.        **Sec. 5.**        (1)(a) A permitting work group is  
2 established to monitor and provide policy guidance to the department of  
3 ecology, department of fish and wildlife, and department of natural  
4 resources as the departments implement sections 2 through 4 of this  
5 act. The work group may also explore the potential for development of  
6 other resources or processes that could promote a more efficient and  
7 effective permit process. The work group consists of:

8        (i) One member from each of the two largest caucuses of the senate,  
9 appointed by the president of the senate;

10        (ii) One member from each of the two largest caucuses of the house  
11 of representatives, appointed by the speaker of the house of  
12 representatives;

13        (iii) The director of the department of ecology or the director's  
14 designee;

15        (iv) The director of the department of fish and wildlife or the  
16 director's designee;

17        (v) The commissioner of public lands or the commissioner's  
18 designee; and

19        (vi) The director of the office of regulatory assistance or the  
20 director's designee.

21        (b) The permitting work group shall choose bipartisan cochair from  
22 among its legislative membership. The legislators shall convene the  
23 initial meeting of the permitting work group.

24        (2) The permitting work group shall use legislative facilities and  
25 staff support must be provided by senate committee services and the  
26 house of representatives office of program research.

27        (3) Legislative members of the permitting work group shall be  
28 reimbursed for travel expenses in accordance with RCW 44.04.120.  
29 Legislative expenses of the permitting work group shall be paid jointly  
30 by the senate and the house of representatives, and such expenses are  
31 subject to approval by the senate facilities and operations committee  
32 and the house executive rules committee, or their successor committees.

33        (4) The department of ecology, the department of fish and wildlife,  
34 and the department of natural resources must work cooperatively with  
35 the permitting work group and provide relevant information in response  
36 to requests from the permitting work group.

37        (5) The permitting work group must meet at least twice in 2011 and  
38 at least four times in 2012.

1           (6) By December 1, 2012, the permitting work group shall submit a  
2 summary of the implementation of sections 2 through 4 of this act, its  
3 work, and any recommendations to the appropriate committees of the  
4 legislature.

5           (7) This section expires December 31, 2012.

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