
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2420.2/99 2nd draft

ATTY/TYPIST: KT:as

BRIEF TITLE:

2 **2SHB 1893 - H AMD 0099 ADOPTED 03/18/99**

3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that facilitating the
8 environmental permit process will increase citizen satisfaction and
9 compliance with state and local permit requirements. Lack of
10 coordination in the processing of permit applications causes costly
11 delays and frustration to the applicant. The public deserves a clear,
12 predictable system for land-use decisions. The legislature also finds
13 that permit issuance can be expedited by requiring state agencies and
14 local jurisdictions to coordinate their permit processes.

15 **Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
16 amended to read as follows:

17 The following goals are adopted to guide the development and
18 adoption of comprehensive plans and development regulations of those
19 counties and cities that are required or choose to plan under RCW
20 36.70A.040. The following goals are not listed in order of priority
21 and shall be used exclusively for the purpose of guiding the
22 development of comprehensive plans and development regulations:

23 (1) Urban growth. Encourage development in urban areas where
24 adequate public facilities and services exist or can be provided in an
25 efficient manner.

26 (2) Reduce sprawl. Reduce the inappropriate conversion of
27 undeveloped land into sprawling, low-density development.

28 (3) Transportation. Encourage efficient multimodal transportation
29 systems that are based on regional priorities and coordinated with
30 county and city comprehensive plans.

31 (4) Housing. Encourage the availability of affordable housing to
32 all economic segments of the population of this state, promote a
33 variety of residential densities and housing types, and encourage
34 preservation of existing housing stock.

1 (5) Economic development. Encourage economic development
2 throughout the state that is consistent with adopted comprehensive
3 plans, promote economic opportunity for all citizens of this state,
4 especially for unemployed and for disadvantaged persons, and encourage
5 growth in areas experiencing insufficient economic growth, all within
6 the capacities of the state's natural resources, public services, and
7 public facilities.

8 (6) Property rights. Private property shall not be taken for
9 public use without just compensation having been made. The property
10 rights of landowners shall be protected from arbitrary and
11 discriminatory actions.

12 (7) Permits. (~~Applications for both~~) State and local government
13 permit(~~s~~) agencies should (~~be processed~~) coordinate and process
14 permits in a timely and fair manner to ensure predictability for
15 applicants.

16 (8) Natural resource industries. Maintain and enhance natural
17 resource-based industries, including productive timber, agricultural,
18 and fisheries industries. Encourage the conservation of productive
19 forest lands and productive agricultural lands, and discourage
20 incompatible uses.

21 (9) Open space and recreation. Encourage the retention of open
22 space and development of recreational opportunities, conserve fish and
23 wildlife habitat, increase access to natural resource lands and water,
24 and develop parks.

25 (10) Environment. Protect the environment and enhance the state's
26 high quality of life, including air and water quality, and the
27 availability of water.

28 (11) Citizen participation and coordination. Encourage the
29 involvement of citizens in the planning process and ensure coordination
30 between communities and jurisdictions to reconcile conflicts.

31 (12) Public facilities and services. Ensure that those public
32 facilities and services necessary to support development shall be
33 adequate to serve the development at the time the development is
34 available for occupancy and use without decreasing current service
35 levels below locally established minimum standards.

36 (13) Historic preservation. Identify and encourage the
37 preservation of lands, sites, and structures, that have historical or
38 archaeological significance.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
2 to read as follows:

3 (1) This section applies to the issuance of all new permits under
4 this chapter except permits issued pursuant to RCW 90.48.215,
5 90.48.220, and 90.48.260.

6 (2) Except as otherwise provided in subsection (3) of this section,
7 the department shall issue a final permit determination based on a
8 project permit application within sixty days after the department
9 notifies the applicant that the application is complete. In
10 determining the number of days that have elapsed after the department
11 has notified the applicant that the application is complete, the
12 following periods shall be excluded:

13 (a)(i) Any period during which the applicant has been requested by
14 the department to correct plans, perform required studies, or provide
15 additional required information. The period shall be calculated from
16 the date the department notifies the applicant of the need for
17 additional information until the earlier of the date the department
18 determines whether the additional information satisfies the request for
19 information or fourteen days after the date the information has been
20 provided to the department.

21 (ii) If the department determines that the information submitted by
22 the applicant under (a)(i) of this subsection is insufficient, it shall
23 notify the applicant of the deficiencies and the procedures under
24 (a)(i) of this subsection shall apply as if a new request for studies
25 had been made;

26 (b) Any period for administrative appeals of project permits, if an
27 open record appeal hearing or a closed record appeal, or both, are
28 allowed; and

29 (c) Any extension of time mutually agreed upon by the applicant and
30 the department.

31 (3) The time limits established by subsection (2) of this section
32 do not apply if a project permit application is substantially revised
33 by the applicant, in which case the time period shall start from the
34 date at which the revised project application is determined to be
35 complete under section 4 of this act.

36 (4) Until July 1, 2000, if the department is unable to issue a
37 final permit determination within the time limits provided for in this
38 section, it shall provide written notice of this fact to the project
39 applicant. The notice shall include a statement of reasons why the

1 time limits have not been met and an estimated date for issuance of the
2 final permit determination. On and after July 1, 2000, if the
3 department is unable to issue a final permit determination within the
4 time limits provided for in this section, the applicant is deemed to
5 have received a temporary permit. The department shall provide written
6 notice to the project applicant that the applicant is deemed to have a
7 temporary permit and may discharge waste materials as proposed in the
8 permit application.

9 (5)(a) Temporary permits issued under this section remain fully
10 effective and enforceable based on the information submitted as part of
11 the completed application to discharge waste materials.

12 (b) Temporary permits shall be valid for no more than five years
13 and shall continue in force until:

14 (i) The effective date of a permit issued by the department; or

15 (ii) The temporary permit is revoked by the department.

16 (c) The department may revoke a temporary permit or may initiate
17 other actions under this chapter if:

18 (i) There is an unreported change in the nature or character of the
19 wastes being discharged; or

20 (ii) If the department determines that the continued discharge as
21 authorized by the temporary permit will pollute the waters of the state
22 in violation of state or federal standards adopted under this chapter.

23 (6) Beginning July 1, 1999, the department shall track the number
24 of permits issued within sixty days, the number of approvals issued
25 after the sixty-day timeline, the number of denials, the number of
26 requests for information, and the number of applications that are
27 withdrawn.

28 (7) This section applies to project permit applications filed on or
29 after July 1, 1999.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48 RCW
31 to read as follows:

32 (1) This section applies to the issuance of all new permits
33 pursuant to RCW 90.48.215, 90.48.220, and 90.48.260.

34 (2) Except as otherwise provided in subsection (3) of this section,
35 the department shall issue a final permit determination on a project
36 permit application within one hundred twenty days after the department
37 notifies the applicant that the application is complete, except when
38 federal law requires otherwise, as provided in section 5 of this act.

1 In determining the number of days that have elapsed after the
2 department has notified the applicant that the application is complete,
3 the following periods shall be excluded:

4 (a)(i) Any period during which the applicant has been requested by
5 the department to correct plans, perform required studies, or provide
6 additional required information. The period shall be calculated from
7 the date the department notifies the applicant of the need for
8 additional information until the earlier of the date the department
9 determines whether the additional information satisfies the request for
10 information or fourteen days after the date the information has been
11 provided to the department.

12 (ii) If the department determines that the information submitted by
13 the applicant under (a)(i) of this subsection is insufficient, it shall
14 notify the applicant of the deficiencies and the procedures under
15 (a)(i) of this subsection shall apply as if a new request for studies
16 had been made;

17 (b) Any period for administrative appeals of project permits, if an
18 open record appeal hearing or a closed record appeal, or both, are
19 allowed; and

20 (c) Any extension of time mutually agreed upon by the applicant and
21 the department.

22 (3) The time limits established by subsection (2) of this section
23 do not apply if a project permit application is substantially revised
24 by the applicant, in which case the time period shall start from the
25 date at which the revised project application is determined to be
26 complete under section 5 of this act.

27 (4) If the department is unable to issue a final permit
28 determination within the time limits specified in this section, the
29 department shall provide written notice of this fact to the project
30 applicant. The notice shall include a statement of reasons why the
31 time limits have not been met and an estimated date for issuance of the
32 final permit determination.

33 (5) Beginning July 1, 1999, the department shall track the number
34 of permits issued within one hundred twenty days, the number of
35 approvals issued after the one hundred twenty-day timeline, the number
36 of denials, the number of requests for information, and the number of
37 applications that are withdrawn.

38 (6) This section applies to project permit applications filed on or
39 after July 1, 1999.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.48 RCW
2 to read as follows:

3 (1) Within twenty-eight days after receiving a new project permit
4 application, the department shall mail or provide in person a written
5 determination to the applicant, stating either:

6 (a) That the application is complete; or

7 (b) That the application is incomplete and what is necessary to
8 make the application complete.

9 (2) A project permit application is complete for purposes of this
10 section when it: (a) Meets the procedural submission requirements of
11 the department; (b) has a threshold determination under chapter 43.21C
12 RCW for either a determination of nonsignificance or a mitigated
13 determination of nonsignificance or has a completed final environmental
14 impact statement; (c) meets procedural and substantive requirements of
15 federal law if applicable; and (d) is sufficient for continued
16 processing even though additional information may be required or
17 project modifications may be undertaken subsequently.

18 (3) Within fourteen days after an applicant has submitted to the
19 department additional information identified by the department as being
20 necessary for a complete application, the department shall notify the
21 applicant whether the application is complete or what additional
22 information is necessary.

23 (4) The determination of completeness shall not preclude the
24 department from requesting additional information or studies either at
25 the time of the notice of completeness or subsequently if new
26 information is required or substantial changes in the proposed action
27 occur.

28 (5) For purposes of determining time limits in sections 3 and 4 of
29 this act, an application shall be deemed complete under this section if
30 the department does not provide a written determination to the
31 applicant that the application is incomplete as provided in subsections
32 (1)(b) and (3) of this section.

33 **Sec. 6.** RCW 90.48.215 and 1989 c 293 s 1 are each amended to read
34 as follows:

35 (1) The following definition shall apply to this section: "Upland
36 finfish hatching and rearing facilities" means those facilities not
37 located within waters of the state where finfish are hatched, fed,
38 nurtured, held, maintained, or reared to reach the size of release or

1 for market sale. This shall include fish hatcheries, rearing ponds,
2 spawning channels, and other similarly constructed or fabricated public
3 or private facilities.

4 (2) Not later than September 30, 1989, the department shall adopt
5 standards pursuant to chapter 34.05 RCW for waste discharges from
6 upland finfish hatching and rearing facilities. In establishing these
7 standards, the department shall incorporate, to the extent applicable,
8 studies conducted by the United States environmental protection agency
9 on finfish rearing facilities and other relevant information. The
10 department shall also issue a general permit as authorized by the
11 federal clean water act, 33 U.S.C. 1251 et seq., or RCW 90.48.160 by
12 September 30, 1989, for upland finfish hatching and rearing facilities.
13 Except as provided in section 4 of this act, the department shall
14 approve or deny applications for coverage under the general permit for
15 upland finfish hatching and rearing facilities within one hundred
16 ((eighty)) twenty days ((from the date of application)) after the
17 department notifies the applicant that the application is complete
18 according to section 5 of this act, except when federal law requires
19 otherwise or unless a longer time is required to satisfy public
20 participation requirements in the permit process in accordance with
21 applicable rules, or compliance with the requirements of the state
22 environmental policy act under chapter 43.21C RCW. The department
23 shall notify applicants for coverage by a general permit as soon as it
24 determines that a proposed discharge meets or fails to comply with the
25 standards or general permit conditions set forth pursuant to this
26 section, or that a time period longer than one hundred ((eighty))
27 twenty days is necessary to satisfy public participation requirements
28 or the state environmental policy act.

29 **Sec. 7.** RCW 90.48.220 and 1993 c 296 s 1 are each amended to read
30 as follows:

31 (1) For the purposes of this section "marine finfish rearing
32 facilities" means those private and public facilities located within
33 the salt water of the state where finfish are fed, nurtured, held,
34 maintained, or reared to reach the size of release or for market sale.

35 (2) Not later than October 31, 1994, the department shall adopt
36 criteria under chapter 34.05 RCW for allowable sediment impacts from
37 organic enrichment due to marine finfish rearing facilities.

1 (3) Not later than June 30, 1995, the department shall adopt
2 standards under chapter 34.05 RCW for waste discharges from marine
3 finfish rearing facilities. In establishing these standards, the
4 department shall review and incorporate, to the extent possible,
5 studies conducted by state and federal agencies on waste discharges
6 from marine finfish rearing facilities, and any reports and other
7 materials prepared by technical committees on waste discharges from
8 marine finfish rearing facilities. Except as provided in section 4 of
9 this act, the department shall approve or deny discharge permit
10 applications for marine finfish rearing facilities within one hundred
11 ((eighty)) twenty days ((from the date of application)) after the
12 department notifies the applicant that the application is complete
13 according to section 5 of this act, except when federal law requires
14 otherwise or unless a longer time is required to satisfy public
15 participation requirements in the permit process in accordance with
16 applicable rules, or compliance with the requirements of the state
17 environmental policy act under chapter 43.21C RCW. The department
18 shall notify applicants as soon as it determines that a proposed
19 discharge meets or fails to comply with the standards adopted pursuant
20 to this section, or if a time period longer than one hundred eighty
21 days is necessary to satisfy public participation requirements of the
22 state environmental policy act.

23 (4) The department may adopt rules to exempt marine finfish rearing
24 facilities not requiring national pollutant discharge elimination
25 system permits under the federal water pollution control act from the
26 discharge permit requirement.

27 **Sec. 8.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read
28 as follows:

29 (1) A county, city, or town may adopt an ordinance providing for
30 the administrative review of a preliminary plat without a public
31 hearing ~~((by adopting an ordinance providing for such administrative~~
32 ~~review))~~. The ordinance may specify a threshold number of lots in a
33 subdivision above which a public hearing must be held, and may specify
34 other factors which necessitate the holding of a public hearing. ~~((The~~
35 ~~administrative review process shall include the))~~

36 (2) If the county, city, or town has not adopted consolidated
37 permitting procedures and time frames as provided in chapter 36.70B

1 RCW, it shall conduct administrative review of preliminary plats
2 consistent with the following minimum conditions:

3 ~~((1))~~ (a) The notice requirements of RCW 58.17.090 shall be
4 followed, except that the publication shall be made within ten days of
5 the filing of the application. Additionally, at least ten days after
6 the filing of the application notice both shall be: ~~((a))~~ (i) Posted
7 on or around the land proposed to be subdivided in at least five
8 conspicuous places designed to attract public awareness of the
9 proposal; and ~~((b))~~ (ii) mailed to the owner of each lot or parcel of
10 property located within at least three hundred feet of the site. The
11 applicant shall provide the county, city, or town with a list of such
12 property owners and their addresses. The notice shall include
13 notification that no public hearing will be held on the application,
14 except as provided by this section. The notice shall set out the
15 procedures and time limitations for persons to require a public hearing
16 and make comments.

17 ~~((2))~~ (b) Any person shall have a period of twenty days from the
18 date of the notice to comment upon the proposed preliminary plat. All
19 comments received shall be provided to the applicant. The applicant
20 has seven days from receipt of the comments to respond thereto.

21 ~~((3))~~ (c) A public hearing on the proposed subdivision shall be
22 held if any person files a request for a hearing with the county, city,
23 or town within twenty-one days of the publishing of such notice. If
24 such a hearing is requested, notice requirements for the public hearing
25 shall be in conformance with RCW 58.17.090, and the ninety-day period
26 for approval or disapproval of the proposed subdivision provided for in
27 RCW 58.17.140 shall commence with the date of the filing of the request
28 for a public hearing. Any hearing ordered under this subsection shall
29 be conducted by the planning commission or hearings officer as required
30 by county or city ordinance.

31 ~~((4))~~ (d) On its own initiative within twenty-one days of the
32 filing of the request for approval of the subdivision, the governing
33 body, or a designated employee or official, of the county, city, or
34 town, shall be authorized to cause a public hearing to be held on the
35 proposed subdivision within ninety days of the filing of the request
36 for the subdivision.

37 ~~((5))~~ (e) If the public hearing is waived as provided in this
38 section, the planning commission or planning agency shall complete the

1 review of the proposed preliminary plat and transmit its recommendation
2 to the legislative body as provided in RCW 58.17.100.

3 (3) If the county, city, or town has adopted consolidated
4 permitting procedures and time frames as provided in chapter 36.70B
5 RCW, it may conduct administrative review of preliminary plats
6 consistent with its procedures and time frames. At a minimum, local
7 permitting procedures and time frames related to administrative review
8 of preliminary plats shall provide for:

9 (a) Notice of application by publication, posting, and mailing.
10 All forms of notice shall include a prominent statement that no public
11 hearing will be held on the application, except as provided by this
12 section. All forms of notice shall clearly state procedures and time
13 frames for persons to make comments on the proposal and request a
14 public hearing.

15 (b) Written comments on the application by any person. Comments
16 received shall be provided to the applicant, and the applicant shall be
17 provided seven days from receipt of the comments to respond thereto.

18 (c) A public hearing on the application if any person files a
19 request for a hearing within the time frame specified. If a hearing is
20 requested, notice requirements for the public hearing and the time
21 frame for approval or disapproval of the application shall be
22 consistent with other local permitting procedures. Any hearing
23 conducted under this subsection shall be conducted by the planning
24 commission or hearing officer as required by local ordinance.

25 (d) A public hearing on the application if the legislative or
26 executive branch of the county, city, or town so requests within the
27 time frame specified.

28 (e) Expedited agency review and transmittal of its recommendation
29 on the application to the legislative body of the county, city, or
30 town, if there is no request for public hearing.

31 NEW SECTION. Sec. 9. A new section is added to chapter 75.20 RCW
32 to read as follows:

33 The department shall develop a pilot project to authorize the
34 issuance of hydraulic permits by a county. Upon authorization, the
35 county shall issue permits according to the department's rules. The
36 county receiving authorization may impose fees to cover the costs of
37 permit processing, except that no fees may be imposed for fish habitat
38 restoration projects permitted under RCW 75.20.350. Such authorization

1 agreement shall contain provisions for effective monitoring and
2 enforcement of hydraulic permits. The department shall not delegate
3 rule-making authority in the pilot program. The department shall
4 report the results of the pilot project to the legislature by December
5 31, 2000. This section expires June 30, 2001.

6 **Sec. 10.** RCW 90.60.010 and 1995 c 347 s 601 are each amended to
7 read as follows:

8 The legislature hereby finds and declares:

9 (1) Washington's environmental protection programs have established
10 strict standards to reduce pollution and protect the public health and
11 safety and the environment. The single-purpose programs instituted to
12 achieve these standards have been successful in many respects, and have
13 produced significant gains in protecting Washington's environment in
14 the face of substantial population growth.

15 (2) Continued progress to achieve the environmental standards in
16 the face of continued population growth will require greater
17 coordination between the single-purpose environmental programs and more
18 efficient operation of these programs overall. Pollution must be
19 prevented and controlled and not simply transferred to another media or
20 another place. This goal can only be achieved by maintaining the
21 current environmental protection standards and by greater integration
22 of the existing programs.

23 (3) As the number of environmental laws and regulations have grown
24 in Washington, so have the number of permits required of business and
25 government. This regulatory burden has significantly added to the cost
26 and time needed to obtain essential permits in Washington. The
27 increasing number of individual permits and permit authorities has
28 generated the continuing potential for conflict, overlap, and
29 duplication between the various state, local, and federal permits.

30 (4) The purpose of this chapter is to institute new, efficient
31 procedures that will assist businesses and public agencies in complying
32 with the environmental quality laws in an expedited fashion, without
33 reducing protection of public health and safety and the environment.

34 (5) Those procedures need to provide a permit process that promotes
35 effective dialogue and ensures ease in the transfer and clarification
36 of technical information, while preventing duplication. It is
37 necessary that the procedures establish a process for preliminary and
38 ongoing meetings between the applicant, the coordinating permit agency,

1 and the participating permit agencies, but do not preclude the
2 applicant or participating permit agencies from individually
3 coordinating with each other.

4 (6) It is necessary, to the maximum extent practicable, that the
5 procedures established in this chapter ensure that the coordinated
6 permit agency process and applicable permit requirements and criteria
7 are integrated and run concurrently, rather than consecutively.

8 (7) It is necessary to provide a reliable and consolidated source
9 of information concerning federal, state, and local environmental and
10 land use laws and procedures that apply to any given proposal.

11 (8) It is the intent of this chapter to provide an optional process
12 by which a project proponent may obtain active coordination of all
13 applicable regulatory and land-use permitting procedures. This process
14 is not to replace individual laws, or diminish the substantive
15 decision-making role of individual jurisdictions. Rather it is to
16 provide predictability, administrative consolidation, and, where
17 possible, consolidation of appeal processes.

18 (9) It is also the intent of this chapter to provide consolidated,
19 effective, and easier opportunities for members of the public to
20 receive information and present their views about proposed projects.

21 (10) It is also the intent of this chapter to provide a forum for
22 the resolution of significant issues related to the permitting and
23 authorization of projects that are proposed on state-owned aquatic
24 lands. "Aquatic lands" have the meaning provided in RCW 79.90.010.
25 The inability of state government to speak with one voice is a source
26 of great frustration for project applicants. Projects on state-owned
27 aquatic lands can bring existing conflicts between statutory and
28 regulatory authorities, and between state agency missions and policies,
29 into sharper focus. It is a goal of this chapter to encourage all
30 agencies and local governments that authorize projects on state-owned
31 aquatic lands to accept full and equal responsibility for project
32 review, and to resolve conflicts among state agency authorities,
33 missions, and policies wherever possible. It is also the intent of
34 this chapter that all permitting or authorizing federal and state
35 agencies, local governments, and tribal governments be involved in
36 identifying and resolving issues related to permits or authorizations
37 from the outset of any review process, that these agencies and
38 governments respect the legitimacy of the missions and mandates of

1 other agencies and governments, and that they reach consensus on
2 environmental review of projects.

3 (11) The legislature finds that the coordination of a process to
4 analyze permitting issues, and to resolve interagency disputes related
5 to the permitting of projects, is a natural outgrowth of the original
6 duties of the permit assistance center.

7 **Sec. 11.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Center" means the permit assistance center established in the
12 (~~commission~~ ~~[department]~~) department by RCW 90.60.030.

13 (2) "Coordinating permit agency" means the permit agency that has
14 the greatest overall jurisdiction over a project.

15 (3) "Department" means the department of ecology.

16 (4) "Local government" means counties, cities, and towns.

17 (5) "Participating permit agency" means a permit agency, or a state
18 agency or local government other than the coordinating permit agency,
19 that is responsible for the issuance of a permit or use authorization
20 for a project.

21 (~~(+5)~~) (6) "Parties" collectively means the coordinating permit
22 agency, permit agency, and participating permit agency.

23 (7) "Permit" means any license, certificate, registration, permit,
24 or other form of use authorization required by a permit agency to
25 engage in a particular activity.

26 (~~(+6)~~) (8) "Permit agency" means:

27 (a) The department of ecology, an air pollution control authority,
28 the department of natural resources, the department of fish and
29 wildlife, and the department of health; and

30 (b) Any other state or federal agency or county, city, or town that
31 participates at the request of the permit applicant and upon the
32 agency's agreement to be subject to this chapter.

33 (~~(+7)~~) (9) "Project" means an activity, the conduct of which
34 requires permits from one or more permit agencies.

35 (10) "Use authorization" means a lease, material purchase,
36 easement, permit, or other document authorizing use of state-owned
37 aquatic lands and/or materials.

1 NEW SECTION. Sec. 12. A new section is added to chapter 90.60 RCW
2 to read as follows:

3 The center shall establish regional center offices at four
4 department regional or field offices to provide better access to the
5 center's services in all areas of the state.

6 **Sec. 13.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to
7 read as follows:

8 (1) The permit assistance center is established within the
9 department. The center shall:

10 ~~((1))~~ (a) Publish and keep current one or more handbooks
11 containing lists and explanations of all permit laws. To the extent
12 possible, the handbook shall include relevant local, state, federal,
13 and tribal laws. A state agency or local government shall provide a
14 reasonable number of copies of application forms, statutes, ordinances,
15 rules, handbooks, and other informational material requested by the
16 center and shall otherwise fully cooperate with the center. The center
17 shall seek the cooperation of relevant federal agencies and tribal
18 governments;

19 ~~((2))~~ (b) Establish, and make known, a point of contact for
20 distribution of the handbook and advice to the public as to its
21 interpretation in any given case;

22 ~~((3))~~ (c) Work closely and cooperatively with the business
23 license center in providing efficient and nonduplicative service to the
24 public;

25 ~~((4))~~ (d) Seek the assignment of employees from the permit
26 agencies ~~((listed under RCW 90.60.020(6)(a)))~~ as defined in this
27 chapter to serve on a rotating basis in staffing the center;

28 ~~((5))~~ (e) Collect and disseminate information to public and
29 private entities on federal, state, local, and tribal government
30 programs that rely on private professional expertise to assist
31 governmental agencies in project permit review; and

32 ~~((6))~~ (f) Provide ~~((an annual))~~ a biennial report to the
33 legislature ~~((on potential conflicts and perceived inconsistencies~~
34 ~~among existing statutes. The first report shall be submitted to the~~
35 ~~appropriate standing committees of the house of representatives and~~
36 ~~senate by December 1, 1996.))~~ that:

37 (i) Includes statutory and other recommendations for streamlining
38 and coordinating environmental permitting in Washington;

1 (ii) Summarizes the results of the center's efforts to measure
2 performance and outcomes over time;

3 (iii) Summarizes, evaluates, and makes statutory and other
4 recommendations for improving the center's and permitting agencies'
5 efforts to provide public notice efficiently and for promoting
6 effective public participation in permitting processes;

7 (iv) Details efforts on the part of the center, the department, and
8 the parties to promote the public's trust and confidence in the
9 permitting process. Examples of such efforts include, but are not
10 limited to, the development of statutory and other policies and
11 procedures, guidance, roles, and responsibilities; and

12 (v) Shows revenues generated by the center's services, and the
13 center's budget and expenditures.

14 (2) The department shall prioritize the expenditure of general fund
15 moneys allotted to the center to provide a set of services to the
16 applicants of small projects.

17 **Sec. 14.** RCW 90.60.100 and 1995 c 347 s 610 are each amended to
18 read as follows:

19 (1) The ((~~coordinating permit agency~~)) parties may enter into a
20 written ~~cost-reimbursement~~ agreement with the applicant to recover from
21 the applicant the reasonable costs incurred by the ((~~coordinating~~
22 ~~permit agency~~)) parties in carrying out the requirements of this
23 chapter, as well as the requirements of other relevant laws, as they
24 relate to permit coordination, environmental review, application
25 review, technical studies, and permit processing.

26 (2) The ((~~coordinating permit agency may recover only the costs of~~
27 ~~performing those coordinated permit services and~~)) ~~written cost-~~
28 ~~reimbursement~~ agreement shall be negotiated with the permit applicant
29 ((~~in~~)) following the meeting required pursuant to RCW 90.60.070.
30 Permit agencies may assign work to current staff, temporary staff, or
31 technical consultants in order to carry out the work covered by the
32 written ~~cost-reimbursement~~ agreement or the work remaining for the
33 permit agency as a result of the coordinated permit process. The
34 billing process shall provide for accurate time and cost accounting and
35 may include a billing cycle that provides for progress payments.

36 NEW SECTION. **Sec. 15.** A new section is added to chapter 90.60 RCW
37 to read as follows:

1 (1) The permit assistance center shall work in collaboration with
2 local governments and state agencies to jointly develop and coordinate
3 an integrated permit process. By December 1, 1999, the permit
4 assistance center shall report on the progress of the center and others
5 to develop an integrated permit process.

6 (2) At a minimum, the integrated permit process developed according
7 to this section shall consist of:

8 (a) One or more preapplication conferences that:

9 (i) Include the applicant, the project coordinator, the local
10 permit facilitator, and the permit assistance center acting as state
11 permit facilitator;

12 (ii) Discuss options for project design and for land use,
13 environmental review, and permitting;

14 (iii) Identify potential permitting agencies, permits, schedules,
15 and costs; and

16 (iv) Identify a potential project team that includes
17 representatives of the applicant and relevant local and state
18 permitting agencies;

19 (b) A determination of completeness of the project application
20 provided by the permitting agencies or jurisdictions to the applicant
21 within a determined time frame after receipt of requested
22 supplementation that includes both a determination of completeness
23 issued by the municipality, according to its local permit review
24 process, and determinations of completeness issued by the state
25 permitting agencies;

26 (c) Coordination of permitting and integration of processes that:

27 (i) Is achieved by negotiation among the applicant and the various
28 permitting agencies;

29 (ii) Results in an integrated schedule keyed to the longest notice
30 and public hearing requirement;

31 (iii) Includes negotiations for cost recovery arrangements for
32 permitting agencies; and

33 (iv) Uses an integrated record of decision;

34 (d) An integrated review that includes:

35 (i) Issuance of threshold determination under chapter 43.21C RCW;

36 (ii) Public notice that describes the project, the permits, the
37 applicable regulations, and any preliminary determinations; lists and
38 gives the location of documents and studies; describes public comment,
39 hearing, and appeal processes; and sets out the schedule; and

- 1 (iii) An integrated public hearing held in the municipality;
2 (e) Coordination of local appeals and state appeals; and
3 (f) An integrated decision.

4 NEW SECTION. Sec. 16. A new section is added to chapter 90.60 RCW
5 to read as follows:

6 (1) State permitting agencies shall participate in developing the
7 integrated permit process, including the integrated public hearing, and
8 use the integrated record of decision.

9 (2) State permitting agencies shall review procedures for
10 developing an integrated state appeal procedure, which would utilize
11 the integrated record of decision.

12 NEW SECTION. Sec. 17. A new section is added to chapter 90.60 RCW
13 to read as follows:

14 (1) A joint aquatic resource permit application form may be
15 obtained from the permit assistance center when a project is proposed
16 for the use of state-owned aquatic lands managed by the department of
17 natural resources, and one or more permits are required from state and
18 local governments. Upon receipt of a completed application as defined
19 under RCW 36.70B.070, the center shall identify the permits and use
20 authorizations necessary for project approval. If the project requires
21 two or more permits from state or local permitting agencies and a use
22 authorization from the department of natural resources, the center
23 shall coordinate a review process and notify the appropriate aquatic
24 resource agencies, which shall become participating agencies as defined
25 in this chapter for purposes of application review.

26 (2) The following state agencies and local governments are
27 considered aquatic resource agencies for purposes of this section and,
28 if notified of their status as participating agencies, shall be
29 required to participate in the review of any proposal for which an
30 applicant has submitted a complete form as defined in subsection (1) of
31 this section: The department of natural resources, the department of
32 ecology, the department of fish and wildlife, the local government in
33 whose jurisdiction the project is proposed, and any port district or
34 other local political subdivision requiring a use authorization for the
35 project. In addition, federal agencies and tribal governments that
36 will require a permit or a use authorization for the project shall each
37 be invited to name a representative to participate in the joint aquatic

1 resource permit review process. All participating agencies, including
2 state agencies, and local governments shall be involved in such review
3 process from the outset.

4 (3) The permit assistance center shall coordinate a meeting of the
5 parties to identify the issues of concern to each participant with
6 regard to the proposed project and a strategy for resolving the
7 permitting and authorizing processes. Participating agencies shall
8 undertake a review process not to exceed thirty days. This review
9 process shall not delay the decision time frames under RCW 36.70B.090.

10 (a) During this review, the participating agencies shall identify:

11 (i) The specific issues of concern to each participant with regard
12 to the proposed project;

13 (ii) The significance of each issue and its impact on the
14 permitting or authorizing decision, including whether permits or
15 authorizations are likely to be denied based on any specific issues;

16 (iii) Potential reasons why the proposed project should or should
17 not be permitted or provided with a use authorization;

18 (iv) Any statutory and regulatory conflicts that arise from the
19 permitting or authorization of the project;

20 (v) Any state or local jurisdiction liability that may result from
21 permitting or authorizing the project; and

22 (vi) Any environmental impacts, including federal or state listed
23 species that may be impacted by the permitting or authorizing decision.

24 (b) Following this review, the outcome shall be documented in
25 written form and approved by each of the participating agencies. The
26 center shall publish public notice and provide a written notice to the
27 applicant.

28 (c) Upon completion of this review, permitting and authorizing
29 agencies and governments shall proceed according to statutorily defined
30 decision time frames.

31 (d) If a project that has had a threshold determination under
32 chapter 43.21C RCW for either a determination of nonsignificance or a
33 mitigated determination of nonsignificance has not received all
34 required permits or authorizations within six months of receipt of a
35 completed application, the project applicant or the participating
36 agencies may request that the center retain a facilitator, mediator, or
37 arbitrator to resolve the remaining disputes. The center shall be
38 reimbursed for the costs of these processes. The costs shall be shared
39 equally by the participating agencies and the project applicant. In

1 addition, the appropriate committees of the legislature shall be
2 notified.

3 (e) If a project that requires a final environmental impact
4 statement under chapter 43.21C RCW, has not received all required
5 permits or authorizations within nine months of receipt of a completed
6 application, the project applicant or the participating agencies may
7 request that the center retain a facilitator, mediator, or arbitrator
8 to resolve the remaining disputes. The center shall be reimbursed for
9 the costs of these processes. The costs shall be shared equally by the
10 participating agencies and the project applicant. In addition, the
11 appropriate committees of the legislature shall be notified.

12 (f) The following periods shall be excluded from the time periods
13 specified in (d) and (e) of this subsection:

14 (i) Any period during which the applicant has been requested by an
15 agency to correct plans, perform required studies, or provide
16 additional required information. The period shall be calculated from
17 the date the agency notifies the applicant of the need for additional
18 information until the earlier of the date the agency determines whether
19 the additional information satisfies the request for information or
20 fourteen days after the date the information has been provided to the
21 department. If the agency determines that the information submitted by
22 the applicant under this subsection is insufficient, it shall notify
23 the applicant of the deficiencies and the procedures of this subsection
24 shall apply as if a new request for studies had been made;

25 (ii) Any period for administrative appeals of project permits, if
26 an open record appeal hearing or a closed record appeal, or both, are
27 allowed;

28 (iii) Any period during which the project is undergoing a threshold
29 determination under chapter 43.21C RCW for either a determination of
30 nonsignificance or a mitigated determination of nonsignificance, or any
31 period during which an environmental impact statement is being prepared
32 following a determination of significance under chapter 43.21C RCW; and

33 (iv) Any extension of time mutually agreed upon by the applicant
34 and the agencies.

35 NEW SECTION. **Sec. 18.** A new section is added to chapter 47.01 RCW
36 to read as follows:

37 The legislature recognizes that the department is working to
38 develop a programmatic approach and general permits with state and

1 federal agencies to address project and maintenance impacts under the
2 federal endangered species act and the federal clean water act. The
3 legislature supports the department's efforts in this regard and
4 encourages the department to work collaboratively with local
5 governments when negotiating and developing these programmatic permits
6 and to provide local governments with opportunity to participate in
7 this process to the extent practicable.

8 The department shall report by December 1st of each year to the
9 legislature the status of any programmatic permits developed under this
10 section.

11 NEW SECTION. **Sec. 19.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 43.131.387 (Permit assistance center--Termination) and 1995
14 c 347 s 617; and

15 (2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c
16 347 s 618.

17 NEW SECTION. **Sec. 20.** If specific funding for the purposes of
18 this act, referencing this act by bill or chapter number, is not
19 provided by June 30, 1999, in the omnibus appropriations act, this act
20 is null and void.

21 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.30 RCW
22 to read as follows:

23 The legislature encourages the department to develop a programmatic
24 approach and general permits with state and federal agencies to address
25 impacts under the federal endangered species act and the federal clean
26 water act. The legislature also encourages the department to work
27 collaboratively with local governments when negotiating and developing
28 these programmatic permits to the extent practicable.

29 The department shall report by December 1st of each year to the
30 legislature the status of any programmatic permits developed under this
31 section.

32 NEW SECTION. **Sec. 22.** A new section is added to chapter 43.300
33 RCW to read as follows:

34 The legislature encourages the department to develop a programmatic
35 approach and general permits with state and federal agencies to address

1 impacts under the federal endangered species act and the federal clean
2 water act. The legislature also encourages the department to work
3 collaboratively with local governments when negotiating and developing
4 these programmatic permits to the extent practicable.

5 The department shall report by December 1st of each year to the
6 legislature the status of any programmatic permits developed under this
7 section.

8 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.21A
9 RCW to read as follows:

10 The legislature encourages the department to develop a programmatic
11 approach and general permits with state and federal agencies to address
12 impacts under the federal endangered species act and the federal clean
13 water act. The legislature also encourages the department to work
14 collaboratively with local governments when negotiating and developing
15 these programmatic permits to the extent practicable.

16 The department shall report by December 1st of each year to the
17 legislature the status of any programmatic permits developed under this
18 section.

19 NEW SECTION. **Sec. 24.** The permit assistance center shall
20 terminate June 30, 2003.

21 NEW SECTION. **Sec. 25.** Section 19 of this act is necessary for the
22 immediate preservation of the public peace, health, or safety, or
23 support of the state government and its existing public institutions,
24 and takes effect immediately."

25 Correct the title.

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