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SECOND SUBSTITUTE HOUSE BILL 1893

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State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Doumit, Mulliken, Scott, Linville and Hatfield)

Read first time 03/08/1999.

1 AN ACT Relating to streamlining state and local permit issuance;  
2 amending RCW 36.70A.020, 90.48.215, 90.48.220, 58.17.095, 90.60.010,  
3 90.60.020, 90.60.030, and 90.60.100; adding new sections to chapter  
4 90.48 RCW; adding a new section to chapter 75.20 RCW; adding new  
5 sections to chapter 90.60 RCW; adding a new section to chapter 47.01  
6 RCW; adding a new section to chapter 43.30 RCW; adding a new section to  
7 chapter 43.300 RCW; adding a new section to chapter 43.17 RCW; creating  
8 new sections; repealing RCW 43.131.387 and 43.131.388; providing an  
9 expiration date; and declaring an emergency.

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

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

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

3       The following goals are adopted to guide the development and  
4 adoption of comprehensive plans and development regulations of those  
5 counties and cities that are required or choose to plan under RCW  
6 36.70A.040. The following goals are not listed in order of priority  
7 and shall be used exclusively for the purpose of guiding the  
8 development of comprehensive plans and development regulations:

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

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

14       (3) Transportation. Encourage efficient multimodal transportation  
15 systems that are based on regional priorities and coordinated with  
16 county and city comprehensive plans.

17       (4) Housing. Encourage the availability of affordable housing to  
18 all economic segments of the population of this state, promote a  
19 variety of residential densities and housing types, and encourage  
20 preservation of existing housing stock.

21       (5) Economic development. Encourage economic development  
22 throughout the state that is consistent with adopted comprehensive  
23 plans, promote economic opportunity for all citizens of this state,  
24 especially for unemployed and for disadvantaged persons, and encourage  
25 growth in areas experiencing insufficient economic growth, all within  
26 the capacities of the state's natural resources, public services, and  
27 public facilities.

28       (6) Property rights. Private property shall not be taken for  
29 public use without just compensation having been made. The property  
30 rights of landowners shall be protected from arbitrary and  
31 discriminatory actions.

32       (7) Permits. (~~Applications for both~~) State and local government  
33 permit(~~s~~) agencies should (~~be processed~~) coordinate and process  
34 permits in a timely and fair manner to ensure predictability for  
35 applicants.

36       (8) Natural resource industries. Maintain and enhance natural  
37 resource-based industries, including productive timber, agricultural,  
38 and fisheries industries. Encourage the conservation of productive

1 forest lands and productive agricultural lands, and discourage  
2 incompatible uses.

3 (9) Open space and recreation. Encourage the retention of open  
4 space and development of recreational opportunities, conserve fish and  
5 wildlife habitat, increase access to natural resource lands and water,  
6 and develop parks.

7 (10) Environment. Protect the environment and enhance the state's  
8 high quality of life, including air and water quality, and the  
9 availability of water.

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

13 (12) Public facilities and services. Ensure that those public  
14 facilities and services necessary to support development shall be  
15 adequate to serve the development at the time the development is  
16 available for occupancy and use without decreasing current service  
17 levels below locally established minimum standards.

18 (13) Historic preservation. Identify and encourage the  
19 preservation of lands, sites, and structures, that have historical or  
20 archaeological significance.

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

23 (1) This section applies to the issuance of all permits under this  
24 chapter except permits issued pursuant to RCW 90.48.215, 90.48.220, and  
25 90.48.260.

26 (2) Except as otherwise provided in subsection (3) of this section,  
27 the department shall issue a final permit determination based on a  
28 project permit application within sixty days after the department  
29 notifies the applicant that the application is complete. In  
30 determining the number of days that have elapsed after the department  
31 has notified the applicant that the application is complete, the  
32 following periods shall be excluded:

33 (a)(i) Any period during which the applicant has been requested by  
34 the department to correct plans, perform required studies, or provide  
35 additional required information. The period shall be calculated from  
36 the date the department notifies the applicant of the need for  
37 additional information until the earlier of the date the department  
38 determines whether the additional information satisfies the request for

1 information or fourteen days after the date the information has been  
2 provided to the department.

3 (ii) If the department determines that the information submitted by  
4 the applicant under (a)(i) of this subsection is insufficient, it shall  
5 notify the applicant of the deficiencies and the procedures under  
6 (a)(i) of this subsection shall apply as if a new request for studies  
7 had been made;

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

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

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

18 (4) Until July 1, 2000, if the department is unable to issue a  
19 final permit determination within the time limits provided for in this  
20 section, it shall provide written notice of this fact to the project  
21 applicant. The notice shall include a statement of reasons why the  
22 time limits have not been met and an estimated date for issuance of the  
23 final permit determination. On and after July 1, 2000, if the  
24 department is unable to issue a final permit determination within the  
25 time limits provided for in this section, the applicant is deemed to  
26 have received a temporary permit. The department shall provide written  
27 notice to the project applicant that the applicant is deemed to have a  
28 temporary permit and may discharge waste materials as proposed in the  
29 permit application.

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

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

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

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

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

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

3 (ii) If the department determines that the continued discharge as  
4 authorized by the temporary permit will pollute the waters of the state  
5 in violation of the public policy as declared in RCW 90.48.010.

6 (6) Beginning July 1, 1999, the department shall track the number  
7 of permits issued within sixty days, the number of approvals issued  
8 after the sixty-day timeline, the number of denials, the number of  
9 requests for information, and the number of applications that are  
10 withdrawn.

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

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

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

17 (2) Except as otherwise provided in subsection (3) of this section,  
18 the department shall issue a final permit determination on a project  
19 permit application within one hundred twenty days after the department  
20 notifies the applicant that the application is complete, except when  
21 federal law requires otherwise, as provided in section 5 of this act.  
22 In determining the number of days that have elapsed after the  
23 department has notified the applicant that the application is complete,  
24 the following periods shall be excluded:

25 (a)(i) Any period during which the applicant has been requested by  
26 the department to correct plans, perform required studies, or provide  
27 additional required information. The period shall be calculated from  
28 the date the department notifies the applicant of the need for  
29 additional information until the earlier of the date the department  
30 determines whether the additional information satisfies the request for  
31 information or fourteen days after the date the information has been  
32 provided to the department.

33 (ii) If the department determines that the information submitted by  
34 the applicant under (a)(i) of this subsection is insufficient, it shall  
35 notify the applicant of the deficiencies and the procedures under  
36 (a)(i) of this subsection shall apply as if a new request for studies  
37 had been made;

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

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

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

11 (4) If the department is unable to issue a final permit  
12 determination within the time limits specified in this section, the  
13 department shall provide written notice of this fact to the project  
14 applicant. The notice shall include a statement of reasons why the  
15 time limits have not been met and an estimated date for issuance of the  
16 final permit determination.

17 (5) Beginning July 1, 1999, the department shall track the number  
18 of permits issued within one hundred twenty days, the number of  
19 approvals issued after the one hundred twenty-day timeline, the number  
20 of denials, the number of requests for information, and the number of  
21 applications that are withdrawn.

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

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

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

29 (a) That the application is complete; or

30 (b) That the application is incomplete and what is necessary to  
31 make the application complete.

32 (2) A project permit application is complete for purposes of this  
33 section when it: (a) Meets the procedural submission requirements of  
34 the department; (b) has a threshold determination under chapter 43.21C  
35 RCW for either a determination of nonsignificance or a mitigated  
36 determination of nonsignificance or has a completed final environmental  
37 impact statement; (c) meets procedural and substantive requirements of  
38 federal law if applicable; and (d) is sufficient for continued

1 processing even though additional information may be required or  
2 project modifications may be undertaken subsequently.

3 (3) Within fourteen days after an applicant has submitted to the  
4 department additional information identified by the department as being  
5 necessary for a complete application, the department shall notify the  
6 applicant whether the application is complete or what additional  
7 information is necessary.

8 (4) The determination of completeness shall not preclude the  
9 department from requesting additional information or studies either at  
10 the time of the notice of completeness or subsequently if new  
11 information is required or substantial changes in the proposed action  
12 occur.

13 (5) An application shall be deemed complete under this section if  
14 the department does not provide a written determination to the  
15 applicant that the application is incomplete as provided in subsections  
16 (1)(b) and (3) of this section.

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

19 (1) The following definition shall apply to this section: "Upland  
20 finfish hatching and rearing facilities" means those facilities not  
21 located within waters of the state where finfish are hatched, fed,  
22 nurtured, held, maintained, or reared to reach the size of release or  
23 for market sale. This shall include fish hatcheries, rearing ponds,  
24 spawning channels, and other similarly constructed or fabricated public  
25 or private facilities.

26 (2) Not later than September 30, 1989, the department shall adopt  
27 standards pursuant to chapter 34.05 RCW for waste discharges from  
28 upland finfish hatching and rearing facilities. In establishing these  
29 standards, the department shall incorporate, to the extent applicable,  
30 studies conducted by the United States environmental protection agency  
31 on finfish rearing facilities and other relevant information. The  
32 department shall also issue a general permit as authorized by the  
33 federal clean water act, 33 U.S.C. 1251 et seq., or RCW 90.48.160 by  
34 September 30, 1989, for upland finfish hatching and rearing facilities.  
35 Except as provided in section 4 of this act, the department shall  
36 approve or deny applications for coverage under the general permit for  
37 upland finfish hatching and rearing facilities within one hundred  
38 ((eighty)) twenty days ((from the date of application)) after the

1 department notifies the applicant that the application is complete  
2 according to section 5 of this act, except when federal law requires  
3 otherwise or unless a longer time is required to satisfy public  
4 participation requirements in the permit process in accordance with  
5 applicable rules, or compliance with the requirements of the state  
6 environmental policy act under chapter 43.21C RCW. The department  
7 shall notify applicants for coverage by a general permit as soon as it  
8 determines that a proposed discharge meets or fails to comply with the  
9 standards or general permit conditions set forth pursuant to this  
10 section, or that a time period longer than one hundred ((eighty))  
11 twenty days is necessary to satisfy public participation requirements  
12 or the state environmental policy act.

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

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

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

22 (3) Not later than June 30, 1995, the department shall adopt  
23 standards under chapter 34.05 RCW for waste discharges from marine  
24 finfish rearing facilities. In establishing these standards, the  
25 department shall review and incorporate, to the extent possible,  
26 studies conducted by state and federal agencies on waste discharges  
27 from marine finfish rearing facilities, and any reports and other  
28 materials prepared by technical committees on waste discharges from  
29 marine finfish rearing facilities. Except as provided in section 4 of  
30 this act, the department shall approve or deny discharge permit  
31 applications for marine finfish rearing facilities within one hundred  
32 ((eighty)) twenty days ((from the date of application)) after the  
33 department notifies the applicant that the application is complete  
34 according to section 5 of this act, except when federal law requires  
35 otherwise or unless a longer time is required to satisfy public  
36 participation requirements in the permit process in accordance with  
37 applicable rules, or compliance with the requirements of the state  
38 environmental policy act under chapter 43.21C RCW. The department



1 shall notify applicants as soon as it determines that a proposed  
2 discharge meets or fails to comply with the standards adopted pursuant  
3 to this section, or if a time period longer than one hundred eighty  
4 days is necessary to satisfy public participation requirements of the  
5 state environmental policy act.

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

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

12 (1) A county, city, or town may adopt an ordinance providing for  
13 the administrative review of a preliminary plat without a public  
14 hearing (~~by adopting an ordinance providing for such administrative~~  
15 ~~review~~). The ordinance may specify a threshold number of lots in a  
16 subdivision above which a public hearing must be held, and may specify  
17 other factors which necessitate the holding of a public hearing. (~~The~~  
18 ~~administrative review process shall include the~~)

19 (2) If the county, city, or town has not adopted consolidated  
20 permitting procedures and time frames as provided in chapter 36.70B  
21 RCW, it shall conduct administrative review of preliminary plats  
22 consistent with the following minimum conditions:

23 (~~(1)~~) (a) The notice requirements of RCW 58.17.090 shall be  
24 followed, except that the publication shall be made within ten days of  
25 the filing of the application. Additionally, at least ten days after  
26 the filing of the application notice both shall be: (~~(a)~~) (i) Posted  
27 on or around the land proposed to be subdivided in at least five  
28 conspicuous places designed to attract public awareness of the  
29 proposal; and (~~(b)~~) (ii) mailed to the owner of each lot or parcel of  
30 property located within at least three hundred feet of the site. The  
31 applicant shall provide the county, city, or town with a list of such  
32 property owners and their addresses. The notice shall include  
33 notification that no public hearing will be held on the application,  
34 except as provided by this section. The notice shall set out the  
35 procedures and time limitations for persons to require a public hearing  
36 and make comments.

37 (~~(2)~~) (b) Any person shall have a period of twenty days from the  
38 date of the notice to comment upon the proposed preliminary plat. All

1 comments received shall be provided to the applicant. The applicant  
2 has seven days from receipt of the comments to respond thereto.

3 ~~((+3))~~ (c) A public hearing on the proposed subdivision shall be  
4 held if any person files a request for a hearing with the county, city,  
5 or town within twenty-one days of the publishing of such notice. If  
6 such a hearing is requested, notice requirements for the public hearing  
7 shall be in conformance with RCW 58.17.090, and the ninety-day period  
8 for approval or disapproval of the proposed subdivision provided for in  
9 RCW 58.17.140 shall commence with the date of the filing of the request  
10 for a public hearing. Any hearing ordered under this subsection shall  
11 be conducted by the planning commission or hearings officer as required  
12 by county or city ordinance.

13 ~~((+4))~~ (d) On its own initiative within twenty-one days of the  
14 filing of the request for approval of the subdivision, the governing  
15 body, or a designated employee or official, of the county, city, or  
16 town, shall be authorized to cause a public hearing to be held on the  
17 proposed subdivision within ninety days of the filing of the request  
18 for the subdivision.

19 ~~((+5))~~ (e) If the public hearing is waived as provided in this  
20 section, the planning commission or planning agency shall complete the  
21 review of the proposed preliminary plat and transmit its recommendation  
22 to the legislative body as provided in RCW 58.17.100.

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

29 (a) Notice of application by publication, posting, and mailing.  
30 All forms of notice shall include a prominent statement that no public  
31 hearing will be held on the application, except as provided by this  
32 section. All forms of notice shall clearly state procedures and time  
33 frames for persons to make comments on the proposal and request a  
34 public hearing.

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

38 (c) A public hearing on the application if any person files a  
39 request for a hearing within the time frame specified. If a hearing is

1 requested, notice requirements for the public hearing and the time  
2 frame for approval or disapproval of the application shall be  
3 consistent with other local permitting procedures. Any hearing  
4 conducted under this subsection shall be conducted by the planning  
5 commission or hearing officer as required by local ordinance.

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

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

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

14 The department shall develop a pilot project to authorize the  
15 issuance of hydraulic permits by a county. Upon authorization, the  
16 county shall issue permits according to the department's rules. The  
17 county receiving authorization may impose fees to cover the costs of  
18 permit processing, except that no fees may be imposed for fish habitat  
19 restoration projects permitted under RCW 75.20.350. Such authorization  
20 agreement shall contain provisions for effective monitoring and  
21 enforcement of hydraulic permits. The department shall not delegate  
22 rule-making authority in the pilot program. The department shall  
23 report the results of the pilot project to the legislature by December  
24 31, 2000. This section expires June 30, 2001.

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

27 The legislature hereby finds and declares:

28 (1) Washington's environmental protection programs have established  
29 strict standards to reduce pollution and protect the public health and  
30 safety and the environment. The single-purpose programs instituted to  
31 achieve these standards have been successful in many respects, and have  
32 produced significant gains in protecting Washington's environment in  
33 the face of substantial population growth.

34 (2) Continued progress to achieve the environmental standards in  
35 the face of continued population growth will require greater  
36 coordination between the single-purpose environmental programs and more  
37 efficient operation of these programs overall. Pollution must be

1 prevented and controlled and not simply transferred to another media or  
2 another place. This goal can only be achieved by maintaining the  
3 current environmental protection standards and by greater integration  
4 of the existing programs.

5 (3) As the number of environmental laws and regulations have grown  
6 in Washington, so have the number of permits required of business and  
7 government. This regulatory burden has significantly added to the cost  
8 and time needed to obtain essential permits in Washington. The  
9 increasing number of individual permits and permit authorities has  
10 generated the continuing potential for conflict, overlap, and  
11 duplication between the various state, local, and federal permits.

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

16 (5) Those procedures need to provide a permit process that promotes  
17 effective dialogue and ensures ease in the transfer and clarification  
18 of technical information, while preventing duplication. It is  
19 necessary that the procedures establish a process for preliminary and  
20 ongoing meetings between the applicant, the coordinating permit agency,  
21 and the participating permit agencies, but do not preclude the  
22 applicant or participating permit agencies from individually  
23 coordinating with each other.

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

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

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

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

4 (10) It is also the intent of this chapter to provide a forum for  
5 the resolution of significant issues related to the permitting and  
6 authorization of projects that are proposed on state-owned aquatic  
7 lands. "Aquatic lands" have the meaning provided in RCW 79.90.010.  
8 The inability of state government to speak with one voice is a source  
9 of great frustration for project applicants. Projects on state-owned  
10 aquatic lands can bring existing conflicts between statutory and  
11 regulatory authorities, and between state agency missions and policies,  
12 into sharper focus. It is a goal of this chapter to encourage all  
13 agencies and local governments that authorize projects on state-owned  
14 aquatic lands to accept full and equal responsibility for project  
15 review, and to resolve conflicts among state agency authorities,  
16 missions, and policies wherever possible. It is also the intent of  
17 this chapter that all affected agencies and local governments be  
18 involved in identifying and resolving issues related to permitting from  
19 the outset of any permit review process, that all affected agencies and  
20 local governments respect the legitimacy of the missions and mandates  
21 of their sister agencies and governments, and that affected agencies  
22 and local governments reach consensus on environmental review of  
23 projects.

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

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

30 Unless the context clearly requires otherwise, the definitions in  
31 this section apply throughout this chapter.

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

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

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

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

1        (5) "Participating permit agency" means a permit agency, or a state  
2 agency or local government other than the coordinating permit agency,  
3 that is responsible for the issuance of a permit or use authorization  
4 for a project.

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

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

10        ~~((6))~~ (8) "Permit agency" means:

11        (a) The department of ecology, an air pollution control authority,  
12 the department of natural resources, the department of fish and  
13 wildlife, and the department of health; and

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

17        ~~((7))~~ (9) "Project" means an activity, the conduct of which  
18 requires permits from one or more permit agencies.

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

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

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

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

29        (1) The permit assistance center is established within the  
30 department. The center shall:

31        ~~((1))~~ (a) Publish and keep current one or more handbooks  
32 containing lists and explanations of all permit laws. To the extent  
33 possible, the handbook shall include relevant local, state, federal,  
34 and tribal laws. A state agency or local government shall provide a  
35 reasonable number of copies of application forms, statutes, ordinances,  
36 rules, handbooks, and other informational material requested by the  
37 center and shall otherwise fully cooperate with the center. The center

1 shall seek the cooperation of relevant federal agencies and tribal  
2 governments;

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

6 ~~((+3))~~ (c) Work closely and cooperatively with the business  
7 license center in providing efficient and nonduplicative service to the  
8 public;

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

12 ~~((+5))~~ (e) Collect and disseminate information to public and  
13 private entities on federal, state, local, and tribal government  
14 programs that rely on private professional expertise to assist  
15 governmental agencies in project permit review; and

16 ~~((+6))~~ (f) Provide ~~((an annual))~~ a biennial report to the  
17 legislature ~~((on potential conflicts and perceived inconsistencies~~  
18 ~~among existing statutes. The first report shall be submitted to the~~  
19 ~~appropriate standing committees of the house of representatives and~~  
20 ~~senate by December 1, 1996.))~~ that:

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

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

25 (iii) Summarizes, evaluates, and makes statutory and other  
26 recommendations for improving the center's and permitting agencies'  
27 efforts to provide public notice efficiently and for promoting  
28 effective public participation in permitting processes;

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

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

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

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

3       (1) The ~~((coordinating permit agency))~~ parties may enter into a  
4 written cost-reimbursement agreement with the applicant to recover from  
5 the applicant the reasonable costs incurred by the ~~((coordinating~~  
6 ~~permit agency))~~ parties in carrying out the requirements of this  
7 chapter, as well as the requirements of other relevant laws, as they  
8 relate to permit coordination, environmental review, application  
9 review, technical studies, and permit processing.

10       (2) The ~~((coordinating permit agency may recover only the costs of~~  
11 ~~performing those coordinated permit services and))~~ written cost-  
12 reimbursement agreement shall be negotiated with the permit applicant  
13 ~~((in))~~ following the meeting required pursuant to RCW 90.60.070.  
14 Permit agencies may assign work to current staff, temporary staff, or  
15 technical consultants in order to carry out the work covered by the  
16 written cost-reimbursement agreement or the work remaining for the  
17 permit agency as a result of the coordinated permit process. The  
18 billing process shall provide for accurate time and cost accounting and  
19 may include a billing cycle that provides for progress payments.

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

22       (1) The permit assistance center shall work in collaboration with  
23 local governments and state agencies to jointly develop and coordinate  
24 an integrated permit process. By December 1, 1999, the permit  
25 assistance center shall report on the progress of the center and others  
26 to develop an integrated permit process.

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

29       (a) One or more preapplication conferences that:

30       (i) Include the applicant, the project coordinator, the local  
31 permit facilitator, and the permit assistance center acting as state  
32 permit facilitator;

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

35       (iii) Identify potential permitting agencies, permits, schedules,  
36 and costs; and



1 (iv) Identify a potential project team that includes  
2 representatives of the applicant and relevant local and state  
3 permitting agencies;

4 (b) A determination of completeness of the project application  
5 provided by the permitting agencies or jurisdictions to the applicant  
6 within a determined time frame after receipt of requested  
7 supplementation that includes both a determination of completeness  
8 issued by the municipality, according to its local permit review  
9 process, and determinations of completeness issued by the state  
10 permitting agencies;

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

12 (i) Is achieved by negotiation among the applicant and the various  
13 permitting agencies;

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

16 (iii) Includes negotiations for cost recovery arrangements for  
17 permitting agencies; and

18 (iv) Uses an integrated record of decision;

19 (d) An integrated review that includes:

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

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

25 (iii) An integrated public hearing held in the municipality;

26 (e) Coordination of local appeals and state appeals; and

27 (f) An integrated decision.

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

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

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

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

1 The permit assistance center shall coordinate the review of joint  
2 aquatic resource permit applications and of the steps in such a review.  
3 At a minimum, the center's coordinated review of such permit  
4 applications shall include:

5 (1) Identification of participating permit agencies;

6 (2) Production of a scoping document that is ratified by  
7 participating permit agencies;

8 (3) Classification of a project outcome;

9 (4) Implementation of a dispute resolution process if a project is  
10 classified as class 3 to include the following steps:

11 (a) Development of a strategy for resolving issues of concern, and  
12 of permit and use authorization conditions required for project  
13 approval; or

14 (b) Use of a mediator if a strategy cannot be developed.

15 NEW SECTION. **Sec. 18.** A new section is added to chapter 90.60 RCW  
16 to read as follows:

17 (1) A joint aquatic resource permit application form may be  
18 obtained from the permit assistance center when a project is proposed  
19 for the use of state-owned aquatic lands managed by the department of  
20 natural resources, and one or more permits are required from state or  
21 federal regulatory agencies, and a use authorization is also required  
22 from the department of natural resources. Upon receipt of a completed  
23 application, the center shall identify the permits and use  
24 authorizations necessary for project approval, and shall notify the  
25 appropriate joint aquatic resource permit agencies, which shall become  
26 participating permit agencies as defined in this chapter for purposes  
27 of application review.

28 (2) The following state agencies and local governments are  
29 considered joint aquatic resource permit agencies and, if notified of  
30 their status as participating permit agencies, shall be required to  
31 participate in the review of any proposal for which an applicant has  
32 submitted a complete form as defined in subsection (1) of this section:  
33 The department of natural resources, the department of ecology, the  
34 department of fish and wildlife, the local government in whose  
35 jurisdiction the project is proposed, and any port district directly  
36 affected by the proposed project. In addition, the United States army  
37 corps of engineers, the United States coast guard, and the federal  
38 energy regulatory commission shall each be invited to name a

1 representative to participate in the joint aquatic resource permit  
2 process. Federal representatives shall be nonvoting members of the  
3 joint aquatic resource permit review process. All participating permit  
4 agencies, including state agencies, local governments, and port  
5 districts, shall be involved in any permit review process from the  
6 outset.

7 (3) The permit assistance center shall coordinate the joint aquatic  
8 resource permit process. The process consists of the following steps:

9 (a) Participating permit agencies shall undertake a scoping process  
10 not to exceed thirty days to identify:

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

13 (ii) All of the reasons why the proposed project should or should  
14 not be permitted or provided with a use authorization;

15 (iii) Any and all conditions that the project applicant will be  
16 required to meet in order to obtain a permit or use authorization; and

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

19 (b) Following this review, the project application shall be  
20 classified in one of the following ways:

21 (i) Class 1: The project does not trigger any significant issues  
22 and all participating permit agencies agree that the project may  
23 proceed through the standard of review and approval process;

24 (ii) Class 2: The project triggers significant issues but will be  
25 approved if the applicant meets reasonable permit and use authorization  
26 conditions that are agreed to by all participants;

27 (iii) Class 3: The project triggers significant issues but cannot  
28 be approved because the participants are unable to agree on reasonable  
29 permit and use authorization conditions; or

30 (iv) Class 4: The project triggers significant issues and cannot  
31 be approved because all participants agree that the project as  
32 described will not meet the threshold required for approval.

33 (c) Each of the outcomes described in (b) of this subsection shall  
34 be agreed to unanimously by the participating permit agencies. Any  
35 disagreement among these agencies shall automatically classify a  
36 project as class 3.

37 (d) The scoping analysis and the project outcome shall be  
38 documented in written form and shall be ratified by each of the  
39 participating permit agencies.

1 (e) A class 3 outcome shall trigger a dispute resolution process  
2 among the participating permit agencies.

3 (i) Within sixty days of the date the scoping analysis is ratified  
4 by the participating permit agencies, the agencies shall agree on a  
5 strategy for resolving the issues identified in the scoping analysis.  
6 The strategy shall include a decision as to whether a legislative  
7 solution is required. If so, the appropriate committees of the  
8 legislature shall be immediately contacted and advised of the  
9 situation. If a legislative solution is not required, the participants  
10 shall begin to work on resolving the identified issues through  
11 administrative means.

12 (ii) Within ninety days of completing the strategy, the  
13 participants shall develop an agreement on the permit and use  
14 authorization conditions that are required for project approval. If  
15 the participating permit agencies are unable to reach agreement by the  
16 end of this period, a mediator shall be retained at state agency  
17 expense for a period not to exceed ninety days to resolve the  
18 disagreement.

19 (iii) If agreement is still not forthcoming, the appropriate  
20 committees of the legislature shall be notified.

21 (4) Participating permit agencies shall have up to one year from  
22 submittal of a completed joint aquatic resource permit application to  
23 resolve significant issues related to permit review.

24 NEW SECTION. **Sec. 19.** A new section is added to chapter 47.01 RCW  
25 to read as follows:

26 The legislature recognizes that the department is working to  
27 develop a programmatic approach and general permits with state and  
28 federal agencies to address project and maintenance impacts under the  
29 federal endangered species act and the federal clean water act. The  
30 legislature supports the department's efforts in this regard and  
31 encourages the department to work collaboratively with local  
32 governments when negotiating and developing these programmatic permits  
33 and to provide local governments with opportunity to participate in  
34 this process to the extent practicable.

35 NEW SECTION. **Sec. 20.** The following acts or parts of acts are  
36 each repealed:

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

3 (2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c  
4 347 s 618.

5 NEW SECTION. **Sec. 21.** If specific funding for the purposes of  
6 this act, referencing this act by bill or chapter number, is not  
7 provided by June 30, 1999, in the omnibus appropriations act, this act  
8 is null and void.

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

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

17 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.300  
18 RCW to read as follows:

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

25 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.17 RCW  
26 to read as follows:

27 The legislature encourages the department of ecology to develop a  
28 programmatic approach and general permits with state and federal  
29 agencies to address impacts under the federal endangered species act  
30 and the federal clean water act. The legislature also encourages the  
31 department of ecology to work collaboratively with local governments  
32 when negotiating and developing these programmatic permits to the  
33 extent practicable.

1        NEW SECTION.    **Sec. 25.**    The permit assistance center shall  
2 terminate June 30, 2003.

3        NEW SECTION.    **Sec. 26.**    Section 20 of this act is necessary for the  
4 immediate preservation of the public peace, health, or safety, or  
5 support of the state government and its existing public institutions,  
6 and takes effect immediately.

--- END ---