

HOUSE BILL REPORT

SSB 6265

As Passed House:

March 2, 2004

Title: An act relating to permit timelines.

Brief Description: Improving the efficiency of the permitting process when multiple agencies are involved.

Sponsors: By Senate Committee on Land Use & Planning (originally sponsored by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Sheahan, Hale, Rasmussen and Murray).

Brief History:

Committee Activity:

State Government: 2/24/04, 2/26/04 [DP].

Floor Activity:

Passed House: 3/2/04, 94-0.

Brief Summary of Substitute Bill

- Allows state permitting agencies to enter into agreements with permit applicants and each other for the purpose of setting timelines for permit decisions.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Marsha Reilly (786-7135).

Background:

Permit Streamlining

State, federal, and local environmental regulations, several of which have their own permitting requirements, are administered by several different agencies. As a result, environmental permits can be delayed when review processes are done in sequence rather than concurrently. A number of state laws allow or require counties and cities to establish land use regulations or control land use activities. Environmental laws and development regulations regarding land use and development have increased the number of required local and state land use permits. Several state and local agencies have separate review and permit processes, many of which conflict, overlap and repeat.

The Legislature and the Governor formed the Blue Ribbon Commission on Transportation (Commission) in 1998 to assess the local, regional, and state transportation system. Of the many recommendations made by the Commission, one was that the Washington State Department of Transportation (WSDOT) work toward a goal of one-stop environmental permitting for transportation projects. In response to this recommendation, the Environmental Permit Streamlining Act (Act) was passed in 2001. Under the Act, the Transportation Permit Efficiency and Accountability Committee (TPEAC) was established and directed to identify and integrate processes to streamline permitting for pilot transportation projects, transportation projects of statewide significance, and programmatic projects. This Act expires March 31, 2006.

The Office of Regulatory Assistance (ORA) (formerly the Permit Assistance Center and the Office of Permit Assistance) was created in 1995 in the Department of Ecology and was moved under the jurisdiction of the Governor in 2002. The ORA provides the public with information regarding environmental permitting laws and provides assistance to businesses and public agencies in complying with these laws. In the 2002 legislation, the ORA was directed to:

- Develop and provide a coordinated state permitting procedure;
- Develop informal processes for dispute resolution;
- Conduct customer surveys to evaluate its effectiveness;
- Review TPEAC initiatives for possible implementation on other projects;
- Prioritize expenditures of general fund money to provide services to small project applicants; and
- Provide biennial reports to the Legislature on ORA performance, on any identified statutory or regulatory conflicts related to authorities and roles of permit agencies, and on use of outside independent consultants in the coordinated permit process.

During the 2003 legislative session, a law was passed requiring the Office of Regulatory Assistance to develop a guide for creating a unified project decision support document and to develop recommendations for an integrated permit system through the use of a pilot project.

Hydraulic Permits

A person is required to obtain a hydraulic permit for any project that will use, divert, obstruct, or change the natural flow or bed of any state waters before beginning work. The permits are issued by the Department of Fish and Wildlife (DFW) to ensure the proper protection of fish life. The DFW must grant or deny approval of a standard permit within 45 calendar days of the receipt of a complete application.

Summary of Bill:

State permitting agencies are authorized to enter into agreements with permit applicants and each other for the purpose of setting the timelines they will use for making permit decisions. The timelines must not be shorter than what is currently allowed, but may be extended and coordinated. The goal is to achieve maximum efficiency by means of concurrent studies and

consolidation of applications, review, comment periods, and hearings. The agencies are required to commit to the timelines set in the agreement. The 45 day limit for issuing a permit for a hydraulic project may be extended for this purpose.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill comes out of work with TPEAC. The creation of TPEAC brought about project coordination where parties came together to discuss timeliness. Under this process, the Hood Canal project was the first under which common timelines were established up front.

Testimony Against: None.

Persons Testifying: (Answer questions only) Greg Hueckel, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.