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HOUSE BILL 2824

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Jarrett, Linville, Armstrong, Moeller, Clibborn, Shabro, Edwards, Romero, Schindler, Kenney, Upthegrove and Woods

Read first time 01/21/2004. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to establishing permit processing timelines and  
2 reporting requirements for state agencies; and adding a new chapter to  
3 Title 43 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the timely  
6 issuance of project permit decisions by the department of ecology and  
7 the department of fish and wildlife serves the public interest. When  
8 these decisions, that are often responses to environmental permit  
9 applications, are issued according to specific and established time  
10 periods and without unnecessary or inappropriate delays, the public  
11 enjoys greater efficiency, consistency, and predictability in the  
12 permitting process.

13 The legislature also finds that full access to relevant performance  
14 data produced annually by the department of ecology and the department  
15 of fish and wildlife for each type of permit application affords  
16 elected officials, project proponents, and the general public the  
17 opportunity to review and compare the permit application and processing  
18 performance of agencies. Furthermore, the legislature finds that the  
19 review and comparison of this data, and the requirement to provide

1 convenient and direct internet access to germane and consistent  
2 reports, will likely foster improved methods for processing  
3 applications, and issuing project permit decisions in a timely manner.

4 The legislature, therefore, intends to establish requirements for  
5 the department of ecology and the department of fish and wildlife to  
6 produce and provide access to annual permitting performance reports.

7 NEW SECTION. **Sec. 2.** (1) Development regulations adopted by the  
8 department of ecology and the department of fish and wildlife must  
9 establish and implement time periods for agency actions for each type  
10 of project permit application and provide timely and predictable  
11 procedures to determine whether a completed project permit application  
12 meets the requirements of those development regulations. The time  
13 periods for agency actions for each type of complete project permit  
14 application or project type should not exceed one hundred twenty days,  
15 unless the agency makes written findings that a specified amount of  
16 additional time is needed to process specific complete project permit  
17 applications or project types.

18 The development regulations must, for each type of permit  
19 application, specify the contents of a completed project permit  
20 application necessary for the complete compliance with the time periods  
21 and procedures.

22 (2)(a) The department of ecology and the department of fish and  
23 wildlife must, for each type of permit application, identify the total  
24 number of project permit applications for which decisions are issued  
25 according to the provisions of this section. For each type of project  
26 permit application identified, these agencies must establish and  
27 implement a deadline for issuing a notice of final decision as required  
28 by subsection (1) of this section and minimum requirements for  
29 applications to be deemed complete as required by subsection (1) of  
30 this section.

31 (b) The department of ecology and the department of fish and  
32 wildlife must prepare annual performance reports that include, at a  
33 minimum, the following information for each type of project permit  
34 application identified in accordance with the requirements of (a) of  
35 this subsection:

36 (i) Total number of complete applications received during the year;

1 (ii) Number of complete applications received during the year for  
2 which a notice of final decision was issued before the deadline  
3 established under this subsection;

4 (iii) Number of applications received during the year for which a  
5 notice of final decision was issued after the deadline established  
6 under this subsection;

7 (iv) Number of applications received during the year for which an  
8 extension of time was mutually agreed upon by the applicant and the  
9 agency;

10 (v) Variance of actual performance, excluding applications for  
11 which mutually agreed time extensions have occurred, to the deadline  
12 established under this subsection during the year; and

13 (vi) The mean processing time and the number standard deviation  
14 from the mean.

15 (c) State agencies subject to the requirements of this subsection  
16 must:

17 (i) Provide notice of and access to the annual performance reports  
18 through the agency's web site; and

19 (ii) Post electronic facsimiles of the annual performance reports  
20 through the agency's web site. Postings on an agency's web site  
21 indicating that the reports are available by contacting the appropriate  
22 agency, department, or official do not comply with the requirements of  
23 this subsection.

24 If an agency subject to the requirements of this subsection does  
25 not maintain a web site, notice of the reports must be given by  
26 reasonable methods.

27 (3) Nothing in this section prohibits an agency from extending a  
28 deadline for issuing a decision for a specific project permit  
29 application for any reasonable period of time mutually agreed upon by  
30 the applicant and the agency.

31 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a  
32 new chapter in Title 43 RCW.

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