

# SENATE BILL REPORT

## 2SSB 6578

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As Passed Senate, March 8, 2010

**Title:** An act relating to the creation of optional multiagency permitting teams.

**Brief Description:** Concerning the creation of optional multiagency permitting teams.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen, Kastama, Pflug, Becker and Fraser).

**Brief History:**

**Committee Activity:** Economic Development, Trade & Innovation: 1/28/10, 2/03/10, 2/04/10 [DPS-WM].

Ways & Means: 3/04/10, 3/05/10 [DP2S].

Passed Senate: 3/08/10, 47-0.

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### SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TRADE & INNOVATION

**Majority Report:** That Substitute Senate Bill No. 6578 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli, Ranking Minority Member; Delvin, Eide and Kilmer.

**Staff:** Jack Brummel (786-7428)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6578 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hewitt, Hobbs, Honeyford, Keiser, Kline, Kohl-Welles, McDermott, Murray, Pflug, Pridemore, Regala, Rockefeller and Schoesler.

**Staff:** Steve Jones (786-7440)

**Background:** The Washington State Office of Regulatory Assistance (ORA) was created in the Office of Financial Management in 2003. ORA helps answer permitting questions, provides access to information about state regulations, and assists with coordinating between

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the layers of state, local, and federal permit review. The ORA provides a variety of services, including acting as the central point of contact and coordination, conducting project scoping, and assisting in conflict resolution. The ORA assists local jurisdictions with their local project review requirements. Project proponents may request designation as a fully-coordinated project. The ORA may enter into cost-reimbursement agreements with project proponents.

**Summary of Second Substitute Bill:** ORA is to develop an optional multiagency permitting team for coordinated permitting and integrated regulatory decision making. The team is to start its work in the Puget Sound basin. With the exception of some initial costs, the expenses of the team are to be recovered through cost-reimbursement and cost-sharing. The Director of ORA is authorized to solicit funds to cover initial or non-recoverable costs. An account for solicited funds is created.

The team is to be staffed by personnel from the departments of Ecology (Ecology), Fish and Wildlife (DFW), and Natural Resources (DNR), and managed through a team leader from ORA. The team leader is to:

- develop coordinated permitting and integrated decision-making services;
- develop funding agreements;
- conduct outreach and advertising;
- develop partnerships with organizations that can join the team on a project-by-project basis;
- implement dispute resolution protocols; and
- use virtual tools to support the work of the team.

The core services of the team are to include:

- a preapplication coordination service;
- permit advisory and coordination services;
- an integrated, unified decision-making service; and
- a mitigation coordination service.

The team is to target:

- environmental clean-up, restoration, and enhancement projects;
- large scale development projects;
- aquaculture and complex aquatic resources permit application projects; and
- energy, power generation, and utility projects.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony on Original Bill (Economic Development, Trade & Innovation):** PRO: This will conserve resources and be self supporting. ORA is supportive of building multi-agency permitting. DNR supports the bill – the funding provisions are

important. Ecology supports agencies working together. DFW supports the bill. Working together can lead to better permitting processes. The faster we do things the faster more people can get back to work.

OTHER: There is concern about whether one team can do the wide variety of projects throughout Puget Sound. Resources should be reserved to large complex projects. Positive environmental outcomes need to be ensured. The cost-reimbursement program is of concern.

**Persons Testifying (Economic Development, Trade & Innovation):** PRO: Senator Swecker, prime sponsor; Faith Lumsden, ORS; Brendan McFarland, Ecology; Peter Birch, DFW; Lenny Young, DNR; Van Collins, Associated General Contractors; Jack Field; WA Cattlemen's Assn.

OTHER: Bruce Wishart, People for Puget Sound; Jerry Smedes, NW Environmental Business Council.

**Staff Summary of Public Testimony on Recommended First Substitute (Ways & Means):** PRO: This approach to multiagency permitting process will result in shortened turnaround times for permits and will expedite the approval process for major developments in the Puget Sound basin, such as the proposed major new development by the United States Navy at Naval Base Kitsap-Bangor. This approach has been very successful in the transportation arena, where it has provided a model that can be successfully transferred to other permitting agencies. The natural resource agencies support this model, which is self-supported by a cost-recovery mechanism for those projects that choose to use this optional process. However, the appropriations in this bill should be shifted to Fiscal Year 2011 instead of Fiscal Year 2010 to allow sufficient time to implement the legislation.

**Persons Testifying (Ways & Means):** PRO: Senator Swecker, prime sponsor; Faith Lumsden, Office of Regulatory Assistance.