

SENATE BILL REPORT

SB 5266

As of February 9, 2011

Title: An act relating to providing certain state agencies the authority to improve the permitting process.

Brief Description: Improving the permitting process at certain natural resources agencies.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Natural Resources & Marine Waters: 2/03/11, 2/07/11.

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Staff: Curt Gavigan (786-7437)

Background: Examples of State Natural Resource Agency Permitting Activities. The Department of Ecology (DOE), Department of Fish and Wildlife (DFW), and Department of Natural Resources (DNR) each administer various permitting programs:

- DOE, for example, administers permits including for water rights, silvicultural and land clearing burning, and large on-site sewage systems;
- DFW, for example, administers permits including for hydraulic projects; and
- DNR, for example, administers permits including for forest practices, surface mining reclamation, and aquatic land use.

Summary of Bill: Sets Statutory Goals for General and Pamphlet Permitting. By December 31, 2012, DOE, DFW, and DNR (the agencies) must establish a tiered permitting system for new construction and maintenance projects. The categories are:

- an individual permit;
- a general permit that allows for minor modifications;
- a general permit of regional or statewide applicability; and
- a pamphlet permit that serves as the permit for any activity described in the pamphlet.

The agencies must design the categories so that at least 50 percent of permitting work be for permits other than individual permits.

Establishes a Permitting Workgroup. A permitting workgroup is established to prepare a strategy for coordinated, multiple agency permitting within the agencies. Membership of the

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workgroup includes four legislative members and representatives from DOE, DFW, DNR, and the Office of Regulatory Assistance. The legislative membership must select bipartisan co-chairs of the workgroup. The workgroup must meet at least twice in 2011, and at least four times in 2012.

Staff support must be provided by Senate Committee Services and the Office of Program Research. The agencies must work cooperatively with the workgroup, and provide relevant information in response to requests.

Sets Requirements for the Workgroup. The workgroup must:

- by December 1, 2011, submit an interim strategy and initial recommendations that include: performance targets for the agencies to reach the new permitting requirements; information about steps the agencies have already implemented, and recommendations for legislative action; and
- by December 1, 2012, submit a final strategy and recommendations that include: information about what steps the agencies have implemented to comply with the new permitting requirements; information about the percentage of each agencies workload in each permit category; and any recommendations for legislative action.

A findings section is included.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: CON: Permit streamlining is a good conversation that needs to be had. However, the trade off for streamlining is lost site and project specific analysis.

OTHER: Agencies strive to do good and fair permitting. DOE uses general permitting where possible, with many general permits in the Water Quality Program. There are concerns about implementation and the up front costs, although there would be associated long-term savings.

Persons Testifying: CON: Bruce Wishart, People for Puget Sound.

OTHER: Don Seeberger, DOE.