

SENATE BILL REPORT

SB 5266

As Reported by Senate Committee On:
Natural Resources & Marine Waters, February 16, 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, 2/16/11 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Majority Report: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Stevens and Swecker.

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 (Recommended Substitute): Provides for Public Availability of Sample Permitting Documents. By December 31, 2011, DOE, DFW, and DNR must each make relevant examples of complete, high quality permit applications and the resulting issued permits readily available to the public. The examples must be available on the Internet sites of the agencies as well as the Internet site of the Office of Regulatory Assistance. In selecting the examples, DOE, DFW, and DNR must try to maximize assistance to the public by selecting permit types that generate significant activity or frequent questions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

DOE, DFW, and DNR must receive written permission from the appropriate permittee before making any documents publicly available, and must work cooperatively with the permittee to ensure no personal or proprietary information is made available.

Establishes a Permitting Workgroup. A permitting workgroup is established to monitor and provide guidance to DOE, DFW, and DNR as they make sample permitting documents publicly available. The workgroup may also explore the potential for development of other resources or processes that could promote a more efficient and effective permit process. Membership of the 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 two times 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.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & MARINE WATERS COMMITTEE (Recommended Substitute): The proposed substitute bill:

- Removes the requirement that DOE, DFW, and DNR conduct at least 50 percent of permitting work for permits other than individual permits;
- Directs the agencies to make examples of complete, high quality permit applications and the resulting issued permits readily available to the public on the Internet sites of the agencies, as well as the Internet site of the Office of Regulatory Assistance, by December 31, 2011;
- Maintains the temporary workgroup established in the original bill with legislative and agency members to monitor and provide policy guidance as the agencies carry out the bill's requirements, and authorizes the workgroup to also explore the potential for development of other resources or processes that could promote a more efficient and effective permit process; and
- Adds intent language finding that publicly available examples of quality permit applications and associated permits would increase efficiency and effectiveness of the permit process for both citizens and agencies.

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 on Original Bill: 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.