
SENATE BILL 5266

State of Washington

62nd Legislature

2011 Regular Session

By Senator Swecker

Read first time 01/19/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to providing certain state agencies the authority
2 to improve the permitting process; adding a new section to chapter
3 43.21A RCW; adding a new section to chapter 43.30 RCW; adding a new
4 section to chapter 77.12 RCW; creating new sections; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
8 department of ecology, the department of fish and wildlife, and the
9 department of natural resources issue thousands of permits each year at
10 a substantial commitment of government resources. The legislature
11 recognizes the importance of the permitting process to protect the
12 environment of Washington.

13 (2) The legislature further finds that permit streamlining
14 measures, such as issuing general permits that allow for minor
15 modifications or general permits that apply to a geographic region or
16 a set of applicants or pamphlets that operate as permits, will benefit
17 the applicant and the state agencies and provide for the protection of
18 the environment.

1 (3) The legislature further finds that the department of ecology,
2 the department of fish and wildlife, and the department of natural
3 resources and the applicant may realize staffing and fiscal
4 efficiencies by using these permit streamlining measures.

5 NEW SECTION. **Sec. 2.** (1)(a) A permitting work group is
6 established to prepare a coordinated, multiagency strategy for
7 permitting within the department of ecology, the department of fish and
8 wildlife, and the department of natural resources, with members as
9 provided in this subsection:

10 (i) One member from each of the two largest caucuses of the senate,
11 appointed by the president of the senate;

12 (ii) One member from each of the two largest caucuses of the house
13 of representatives, appointed by the speaker of the house of
14 representatives;

15 (iii) The director of the department of ecology or the director's
16 designee;

17 (iv) The director of the department of fish and wildlife or the
18 director's designee;

19 (v) The commissioner of public lands or the commissioner's
20 designee; and

21 (vi) The director of the office of regulatory assistance or the
22 director's designee.

23 (b) The permitting work group shall choose bipartisan cochairs from
24 among its legislative membership. The legislators shall convene the
25 initial meeting of the permitting work group.

26 (2) The permitting work group shall use legislative facilities and
27 staff support shall be provided by senate committee services and the
28 house of representatives office of program research.

29 (3) Legislative members of the permitting work group shall be
30 reimbursed for travel expenses in accordance with RCW 44.04.120.

31 (4) The expenses of the permitting work group shall be paid jointly
32 by the senate and the house of representatives. Permitting work group
33 expenditures are subject to approval by the senate facilities and
34 operations committee and the house executive rules committee, or their
35 successor committees.

36 (5) The permitting work group must meet at least twice in 2011 and
37 at least four times in 2012.

1 (6) The department of ecology, the department of fish and wildlife,
2 and the department of natural resources must work cooperatively with
3 the permitting work group and provide relevant information in response
4 to requests from the permitting work group.

5 (7)(a) By December 1, 2011, the permitting work group shall submit
6 an interim coordinated, multiagency permitting strategy and initial
7 recommendations to the governor and appropriate committees of the
8 legislature. The interim report must include:

9 (i) A set of strategic recommendations with performance targets,
10 including implementation steps and responsible parties for carrying
11 them out so that the department of ecology, the department of fish and
12 wildlife, and the department of natural resources can implement a
13 permitting process that complies with the requirements of sections 3
14 through 5 of this act;

15 (ii) Information about what steps the department of ecology, the
16 department of fish and wildlife, and the department of natural
17 resources have already implemented in order to comply with the
18 requirements of sections 3 through 5 of this act;

19 (iii) Information about the percentage of each agency's workload
20 that is being met in each category of permit described in sections 3
21 through 5 of this act; and

22 (iv) Any recommendations for legislative action.

23 (b) By December 1, 2012, the permitting work group shall complete
24 and submit its final coordinated, multiagency permitting strategy and
25 recommendations to the governor and appropriate committees of the
26 legislature. The final report must include:

27 (i) Information about what steps the department of ecology, the
28 department of fish and wildlife, and the department of natural
29 resources have implemented in order to comply with the requirements of
30 sections 3 through 5 of this act;

31 (ii) Information about the percentage of each agency's workload
32 that is being met in each category of permit described in sections 3
33 through 5 of this act; and

34 (iii) Any recommendations for legislative action.

35 (8) This section expires December 31, 2012.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A RCW
37 to read as follows:

1 (1) By December 31, 2012, the department shall establish a tiered
2 permitting system separately covering new construction and maintenance
3 and using the following four categories:

4 (a) An individual permit;

5 (b) A general permit that allows for minor modifications without
6 requiring the applicant to submit a new application, including but not
7 limited to minor modifications of design specifications, minor
8 modifications of mitigation options, or minor modifications of
9 requirements contained in the permit that can be modified without
10 reducing environmental protections;

11 (c) A general permit that has criteria of statewide or regional
12 applicability as established by the department; and

13 (d) A pamphlet that serves as the permit for any project that is
14 conducted solely for certain activities and that is conducted as
15 described in the pamphlet.

16 (2) The department must establish these categories such that at
17 least fifty percent of the permitting work done by the department be
18 within the permits categories described in subsection (1)(b) through
19 (d) of this section.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.30 RCW
21 to read as follows:

22 (1) By December 31, 2012, the department shall establish a tiered
23 permitting system separately covering new construction and maintenance
24 and using the following four categories:

25 (a) An individual permit;

26 (b) A general permit that allows for minor modifications without
27 requiring the applicant to submit a new application, including but not
28 limited to minor modifications of design specifications, minor
29 modifications of mitigation options, or minor modifications of
30 requirements contained in the permit that can be modified without
31 reducing environmental protections;

32 (c) A general that has criteria of statewide or regional
33 applicability as established by the department; and

34 (d) A pamphlet that serves as the permit for any project that is
35 conducted solely for certain activities and that is conducted as
36 described in the pamphlet.

1 (2) The department must establish these categories such that at
2 least fifty percent of the permitting work done by the department be
3 within the permits categories described in subsection (1)(b) through
4 (d) of this section.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.12 RCW
6 to read as follows:

7 (1) By December 31, 2012, the department shall establish a tiered
8 permitting system separately covering new construction and maintenance
9 and using the following four categories:

10 (a) An individual permit;

11 (b) A general permit that allows for minor modifications without
12 requiring the applicant to submit a new application, including but not
13 limited to minor modifications of design specifications, minor
14 modifications of mitigation options, or minor modifications of
15 requirements contained in the permit that can be modified without
16 reducing environmental protections;

17 (c) A general permit that has criteria of statewide or regional
18 applicability as established by the department; and

19 (d) A pamphlet that serves as the permit for any project that is
20 conducted solely for certain activities and that is conducted as
21 described in the pamphlet.

22 (2) The department must establish these categories such that at
23 least fifty percent of the permitting work done by the department be
24 within the permits categories described in subsection (1)(b) through
25 (d) of this section.

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