

Transportation Committee

HB 1685

Brief Description: Streamlining the environmental permit process for transportation projects.

Sponsors: Representatives Fisher, Mitchell and Poulsen; by request of The Blue Ribbon Commission on Transportation.

Brief Summary of Bill

- *Directs the Department of Transportation (DOT) to pursue delegation of authority for Section 404 of the Federal Clean Water Act to more quickly process wetlands permits.*
- *Directs a streamlining of the environmental permit process through improving consistency of regulations among levels of government and developing a one-stop permit process.*

Hearing Date: 2/7/01

Staff: Gene Baxstrom, (786-7303).

Background:

In December 2000, the Blue Ribbon Commission on Transportation issued its findings and recommendations on how to improve the state's transportation system. On the issue of permitting for transportation projects, the Commission found that the federal, state, and local laws governing environmental review are complex, and at time, in conflict. This situation results in lack of coordination of environmental concerns, project delays, and added project costs.

In response to these findings, the Blue Ribbon Commission made several recommendations to streamline the permit process. It recommended efforts to develop a one-stop permitting process and that efforts be made to make environmental review processes more consistent and coordinated among local, state, and federal jurisdictions. Also included in these

recommendations was that the state seek the delegation of federal authority to issue wetlands permits for Section 404 of the Federal Clean Water Act. The commission suggested that such delegation would enable the state to establish a process to address applications more quickly, thus saving time and money. Two other states have used this process to expedite consideration of applications.

A recent United States Supreme Court ruling held that the United States Corps of Engineers did not have jurisdiction over non-navigable waters (i.e., isolated wetlands), so the authority to regulate isolated wetlands no longer resides with the federal government. The Washington State Department of Ecology maintains jurisdiction over these wetlands and the Corps maintains jurisdiction over navigable waters and adjacent waters. Section 404 delegation would likely be limited to adjacent waters, a small fraction of DOT based permits.

Summary of Bill:

The Department of Transportation is directed, in cooperation with environmental regulatory authorities, to: 1) seek delegation of permit authority from the U.S. Environmental Protection Agency, for Section 404 of the Federal Clean Water Act, for transportation projects under direction of the department; 2) actively work with environmental regulatory authorities to establish standards for environmental reviews that are consistent among local, state, and federal jurisdictions; and 3) determine and document issues, procedures, and factors central to establishing one-stop permitting for major transportation capital projects.

The effort for documenting factors related to one-stop should: 1) identify highway projects of state significance to be eligible for one-stop permitting; 2) select a highway construction project as a pilot project to be completed in two years; 3) evaluate the use of planning and permitting standards that encourage low-impact alternatives; and 4) seek to accelerate the permit process for projects that use low-impact development standards.

This legislation recognizes that streamlining the permit approval process is essential for reducing project delays. One-stop permitting is defined as a consolidated process for environmental reviews and permitting of transportation projects, and low-impact development standards is defined as strategies seeking to reduce the negative impact of transportation facilities on communities and to promote more effective use of transportation facilities. Examples include transportation system management and smart growth.

Appropriation: None.

Fiscal Note: Requested on February 1, 2001.

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