

1 **2SSB 5694** - H COMM AMD  
2 By Committee on State Government

3 Strike everything after the enacting clause and insert the  
4 following:

5 "NEW SECTION. **Sec. 1.** The legislature finds that  
6 environmental review and permitting, especially as applied to  
7 complex or controversial projects, can be characterized by multiple  
8 overlapping agency authorities, as a result of multiple governing  
9 statutes, generally adopted in isolation from one another, whose  
10 purposes and requirements may not be integrated and cause  
11 correspondingly uncoordinated implementation by administrative  
12 agencies. As a result, numerous and differing project  
13 descriptions, inconsistent administrative records, unproductive and  
14 redundant requirements, delays, and disproportionate costs caused  
15 by all of these may impede the making of sound and expeditious  
16 decisions by agencies and appropriate project changes by permit  
17 applicants, contrary to the intent and purpose of environmental  
18 review and permitting and the interests of permit applicants and  
19 the public.

20 A single project may be governed by local, state, federal, and  
21 tribal laws. A single project may be subject to all of the  
22 following requirements and others not listed here: (1) Federal  
23 section 404 permit, section 7 consultation, essential fish habitat  
24 consultation, section 401 water quality certification, section 402  
25 waste discharge permit, section 402 general permit, section 4(f)  
26 parks and recreational lands use approval, superfund clean-up  
27 requirements, air quality conformity, underground storage tank  
28 removal, and coastal zone management program consistency  
29 certification; (2) state storm water pollution control plan  
30 approval, hydraulic project approval, aquatic lands use approval,  
31 historic and archaeological approval, archaeological excavation and

1 removal permit, state model toxics control act clean-up  
2 requirements, asbestos removal, and air quality operating permit;  
3 and (3) local shoreline substantial development permit, conditional  
4 use permit or variance, shoreline design review, critical areas  
5 ordinance review, historic district approval, street use permit,  
6 demolition permit, grading permit, noise variance, storm water and  
7 drainage control approval, and utility approval.

8 The legislature finds that the public, as well as permit  
9 applicants, agencies, and affected parties, will benefit from an  
10 environmental review and permitting system that integrates and  
11 makes easily accessible the requirements and documentation for  
12 agency decision making, facilitating timely and effective  
13 participation in the process.

14 NEW SECTION. **Sec. 2.** The legislature intends to proceed in  
15 steps to develop and adopt an integrated permit system, working  
16 through the office of permit assistance, in cooperation with the  
17 department of transportation, the transportation permit efficiency  
18 and accountability committee, and local, state, federal, and tribal  
19 regulatory agencies. When implemented, the integrated permit  
20 system would integrate project design, environmental review,  
21 permitting, and mitigation elements into a single process. Major  
22 components of the integrated permit system are a unified project  
23 decision support document and a unified project administrative  
24 procedure. A unified project decision support document is intended  
25 to be a single document proactively developed to support and  
26 satisfy all needs for information, analysis, and evaluation;  
27 document and justify incremental project decisions; inform the  
28 public and interested parties; and support integration of project  
29 design, environmental review, permitting, and mitigation elements.  
30 A unified project administrative procedure is intended to  
31 harmonize, reduce, or eliminate duplicative or conflicting  
32 procedural requirements for environmental analysis, agency decision  
33 making, and public review and comment. A unified project decision  
34 support document might be implemented by intergovernmental  
35 agreement under existing law. A unified project administrative  
36 procedure may require changes to existing law.

37 The integrated permit system, including the unified project  
38 decision support document and unified project administrative

1 procedure, will not modify or change any agency's substantive  
2 regulatory authority including that agency's responsibility and  
3 authority to issue and condition its specific permit(s). The  
4 integrated permit system will promote procedural changes which lead  
5 to greater efficiency while maintaining environmental and community  
6 safeguards. In developing new approaches for public involvement,  
7 care shall be taken to maintain or enhance the quality of public  
8 involvement opportunities.

9 The legislature intends by this act to authorize, through a  
10 pilot project, development of a guidance document for  
11 implementation of a unified project decision support document and  
12 development of recommendations for an integrated permit system and  
13 for changes to existing law needed for implementation of a unified  
14 project administrative procedure.

15 NEW SECTION. **Sec. 3.** (1) By December 1, 2005, the office of  
16 permit assistance shall develop a guidance document for creating a  
17 unified project decision support document for state and federal  
18 agencies and local governments that will be sufficient to support  
19 all regulatory decision making.

20 The office shall, in consultation with the department of  
21 transportation and the transportation permit efficiency and  
22 accountability committee, test and, as necessary, revise and add to  
23 the "unified permit binder" currently being developed by the  
24 department of transportation to provide a standardized outline,  
25 checklists, and templates for preparation of a single master  
26 support document for all regulatory decision making concerning a  
27 project. The office shall address regulatory decision-making  
28 processes under existing substantive authorities and administrative  
29 procedures, applicable existing statutory requirements for  
30 environmental review and permitting, information necessary for  
31 decision making, and existing requirements for public and agency  
32 involvement and its documentation. The resulting document shall be  
33 designed to be a complete, concise, and logically organized  
34 guidance document for creating a unified project decision support  
35 document for state and federal agencies and local governments.

36 (2) By December 1, 2005, the office shall develop  
37 recommendations for an integrated permit system to integrate the  
38 procedural aspects of project design, environmental review,

1 permitting, and mitigation; develop recommendations for legislative  
2 changes to statutory authorizations and administrative procedures  
3 needed to establish the system; and develop detailed  
4 recommendations for full-scale testing of the system through one or  
5 more pilot projects.

6 The elements of the integrated permit system shall include use  
7 of a unified project decision support document available on the  
8 internet for purposes of public review and comment and for decision  
9 making by agencies and local governments with jurisdiction over the  
10 project; a unified project administrative procedure for regulatory  
11 decision making that harmonizes, reduces or eliminates duplicative,  
12 or conflicting procedural requirements for environmental analysis,  
13 public review and comment.

14 (3) The office shall fulfill the requirements of subsections  
15 (1) and (2) of this section using a pilot project of economic  
16 development significance, after obtaining agreement to participate  
17 in the pilot project from the project proponent and the state  
18 agencies and local governments with jurisdiction. As needed, the  
19 office may also seek agreement to participate from federal and  
20 tribal agencies with jurisdiction.

21 (4) The office shall submit a report to the standing  
22 legislative committees with jurisdiction by December 1, 2003, and  
23 December 1, 2004, regarding progress on subsections (1) and (2) of  
24 this section and by December 1, 2005, upon completion of  
25 subsections (1) and (2) of this section.

26 NEW SECTION. **Sec. 4.** (1) A unified project administrative  
27 procedure is the common, integrated process used for the  
28 development of a project-specific unified project decision support  
29 document.

30 (2) A unified permit binder is the same as a unified project  
31 decision support document.

32 (3) A unified project decision support document is a single  
33 document that contains and integrates all project-specific  
34 application, design, environmental review, permitting and  
35 mitigation analyses and evaluations needed to support permitting  
36 and regulatory decisions.

37 NEW SECTION. **Sec. 5.** This act expires December 31, 2005.

1            NEW SECTION.    **Sec. 6.**    If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 2003, in the omnibus appropriations act, this  
4 act is null and void."

**EFFECT:** Adds definitions, an expiration date, and a null and void clause; ensures that public involvement opportunities are maintained or enhanced; and makes clear the integrated permit system will not modify or change any agency's substantive regulatory authority.