
House Bill 2555

State of Washington

60th Legislature

2008 Regular Session

By Representatives Morris, Linville, McCoy, VanDeWege, Hudgins, Seaquist, Hurst, Morrell, Campbell, Upthegrove, Chase, and Loomis

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1 AN ACT Relating to developing a one-stop programmatic permit for
2 the siting of hydrokinetic power projects; creating new sections; and
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature for
6 state agencies to develop a programmatic permit that expedites the
7 siting of wave and tidal power projects through a streamlining approach
8 to environmental permit decision making.

9 To optimize the development and siting process for wave and tidal
10 power systems and to provide environmental protection, state regulatory
11 and natural resource agencies, public and private sector interests,
12 tribes, local and regional governments, and applicable federal agencies
13 must work cooperatively to establish common goals, minimize project
14 siting delays, develop consistency in the application of environmental
15 standards, and eliminate duplicative processes through assigned
16 responsibilities of selected permit drafting and compliance activities
17 between state and federal agencies.

18 Therefore, the wave and tidal power permit streamlining work group
19 is created. The work group shall integrate current environmental

1 standards into a one-stop permitting process. The energy facility site
2 evaluation council shall convene and staff the work group, and manage
3 the processes of establishing a streamlined wave and tidal power
4 permitting program.

5 NEW SECTION. **Sec. 2.** (1)(a) The wave and tidal power permit
6 streamlining work group created in section 1 of this act shall develop
7 unique one-stop permit processes for both wave power and tidal power
8 projects. The one-stop permit process must use interagency review of
9 wave and tidal power projects to streamline and expedite permit
10 decision making. The work group shall develop a process that allows
11 for concurrent public review, concurrent public hearings, and a unified
12 appeals process of various state regulatory requirements. The work
13 group shall collaborate with appropriate governmental agencies and
14 stakeholders to identify existing environmental standards, to assess
15 the application of those standards, and to develop an integrated
16 permitting process based upon environmental standards and best
17 management practices for wave and tidal power projects that may be
18 applied with certainty, consistency, and assurance of swift permit
19 action, while taking into account varying environmental conditions.

20 (b) By November 15, 2008, the work group shall develop a detailed
21 work plan of the process to develop the one-stop programmatic
22 permitting for wave and tidal projects for review by the legislature.
23 The work plan must be updated every six months and provided to the
24 legislature. If the work group determines that additional time is
25 required to develop the one-stop programmatic permitting process for
26 wave and tidal power projects, the work group shall report to the
27 legislature on the need for additional time and update the work plan
28 accordingly.

29 (c) In creating one-stop programmatic permitting processes for wave
30 and tidal power projects, the work group shall:

31 (i) Develop and prioritize a list of permit streamlining
32 opportunities, specifically identifying substantive and procedural
33 duplications and recommendations for resolving those duplications;

34 (ii) Evaluate flexible approaches that promote wave and tidal power
35 development and protect environmental interests;

36 (iii) Make recommendations regarding where those approaches should
37 be implemented;

1 (iv) Identify whether legislative measures are required to
2 implement the one-stop programmatic permitting process for wave and
3 tidal power projects; and

4 (v) Determine how to maximize possible use of programmatic
5 approaches to simplify issuance of federally required permits and
6 project approvals.

7 (d) By December 30, 2009, the work group shall provide a final
8 report to the legislature on the one-stop programmatic permitting
9 process proposed by the work group as required by this act.

10 (2)(a) The work group consists of, but is not limited to,
11 representatives from the following entities:

12 (i) The energy facility site evaluation council;

13 (ii) The department of natural resources;

14 (iii) The department of ecology;

15 (iv) The department of fish and wildlife;

16 (v) The utilities and transportation commission;

17 (vi) The department of community, trade, and economic development;

18 (vii) The office of regulatory assistance;

19 (viii) A wave power company or tidal power company, or both;

20 (ix) A wave power industry association or tidal power industry
21 association, or both;

22 (x) Either a state university researching wave power or a state
23 university researching tidal power, or both;

24 (xi) The Northwest Indian fisheries commission;

25 (xii) An electrical utility; and

26 (xiii) A local government.

27 (b) State agencies under (a) of this subsection that are members of
28 the energy facility site evaluation council under RCW 80.50.030 shall
29 provide their existing designee members to serve on the work group.

30 NEW SECTION. **Sec. 3.** This act expires June 30, 2010.

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