

ESHB 1902 Transportation Project Permit Streamlining Work Group Interim Report

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Acronyms

Corps	U.S. Army Corps of Engineers
Ecology	Washington Department of Ecology
ESHB	Engrossed Substitute House Bill
FHEP	Fish habitat enhancement projects
HPA	Hydraulic Project Approval
HRPP	Habitat Recovery Pilot Program
MART	Multi-Agency Review Team
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NWP	Nationwide Permit
ORIA	Office of Regulatory Innovation and Assistance
PSFLT	Puget Sound Federal Leadership Task Force
RGP	Regional General Permit
SMA	Shoreline Management Act
USFWS	US Fish and Wildlife Service
WDFW	Washington Department of Fish and Wildlife

1.0 INTRODUCTION

The [Engrossed Substitute House Bill \(ESHB\) 1902](#) was passed by the Washington State Legislature and became effective July 27, 2025. This bill requires that the Washington State Department of Transportation (WSDOT), in consultation with the Washington State Department of Ecology (Ecology), convene a work group to develop recommendations to streamline the permitting of transportation projects by aligning priorities, legal requirements, timelines, processing, and interests in permitting. The work group will also designate the entity or entities responsible for implementing each recommendation. The bill requires that the permit streamlining recommendations identified by the work group reduce project costs and the time required from project inception to project completion while ensuring that all appropriate environmental and regulatory protections are maintained.

Starting in September 2025, WSDOT convened meetings with individual work group members to begin the process of identifying permit streamlining recommendations. These meetings were convened by WSDOT with facilitation and technical support by Confluence Environmental Company (Confluence).

This interim report outlines the work completed to date and provides information on the permits or processes the work group may focus on during the course of its work. A final report detailing the work completed and permit streamlining recommendations, including any recommendations for legislation, will be submitted to the legislature by November 1, 2026.

1.1 Work Group Members

ESHB 1902 identified 14 specific organizations to participate in the work group. Each organization was invited to delegate a representative for the work group. Table 1 lists the participating work group members.

Table 1. Work Group Members

Organization	Name	Title
Washington State Department of Transportation	Terry Drochak	Compliance Solutions Branch Manager
Washington State Department of Transportation	Elizabeth Torrey	Multi-Agency Permit Program Manager
Washington State Department of Transportation	Melanie Vance	Local Programs Environmental Manager

Washington State Department of Ecology	Loreé Randall	Aquatic Permitting & Protection Section Manager
Washington Department of Fish and Wildlife	Gina Piazza	Statewide Regulatory Services Coordinator
Washington State Department of Commerce	Ted Vanegas	Senior Planner
Washington Office of Equity	Patrick Stickney	Senior Policy and Legislative Affairs Advisor
Washington Association of Cities - Fife	Chris Larson	Community Development Director
Washington Association of Cities - Fife	Greg Vigoren	Public Works Director
Washington State Association of County Engineers	Axel Swanson	Managing Director
Washington Public Ports Association	Eric ffitch	Executive Director
Organization Representing General Contractors	Jim Zusy	Area Manager, Atkinson Construction
Organization Representing Construction Trades Labor	Heather Kurtenbach	Executive Secretary, State Building and Construction Trades Council
Washington State Transit Association	Justin Leighton	Executive Director
U.S. Army Corps of Engineers	Matthew Bennett	Special Programs Section Chief
Organization Representing Consulting Engineering Community	Adam Crispin	Senior Environmental Scientist, Pertee
Jamestown S'Klallam Tribe	Wendy Clark-Getzin	Transportation Program Manager
Cowlitz Indian Tribe	Chairman Bill Iyall	Tribal Chair

1.2 Work Group Member Expectations and Orientation

The ESHB 1902 work group is led by WSDOT with facilitation and technical support from Confluence (the project team). To support effective collaboration and guide the work group throughout the project, the project team developed a work group goal statement and a set of core expectations. The goal statement reflects the objective established in ESHB 1902 and provides a clear, shared focus for the group’s work.

The core expectations are intended to foster a productive and cooperative environment, emphasizing respectful collaboration, active and inclusive engagement, integrity, and openness to innovation.

These tools were prepared for initial communication with work group members during one-on-one meetings and are intended to guide future interactions, discussions, and decision-making throughout the full duration of the project.

The core expectations are as follows:

1. Respectful Collaboration – Build trust and set a positive tone for engagement.
2. Constructive Communication – Foster understanding, dialogue, and problem-solving.
3. Active Participation – Promote commitment and informed input from all.
4. Solutions Orientation – Keep focus on progress and outcomes, not just discussion.
5. Inclusive Engagement – Ensure all voices and impacts inform decision-making.
6. Openness to Innovation – Welcome fresh thinking for streamlining permitting solutions.
7. Consensus & Accountability – Support group cohesion and follow-through on commitments.
8. Integrity & Confidentiality – Uphold ethics and protect sensitive information.

2.0 WORK COMPLETED TO DATE

The following section outlines the work completed to date.

2.1 One-on-One Meetings with Members

Beginning in September 2025, the project team conducted one-on-one meetings with all work group members. These meetings, held via Microsoft Teams and approximately 45 minutes in length, were attended by 1-2 WSDOT team members, at least one senior Confluence facilitator, and a notetaker.

The purpose of these meetings was to establish a shared understanding of the work group's goal, expectations, deliverables, and to begin gathering initial permit streamlining ideas. During each meeting, the project team: oriented the work group member to the goal defined by ESHB 1902 regarding permit streamlining for transportation projects; identified key deliverables and schedule; reviewed the work group core expectations; explained the full work group organizational composition; and provided an opportunity for the work group member to share their initial ideas about permit streamlining.

In these individual meetings, work group members were asked specific questions about their experience with transportation projects: specifically, which permits and processes they have experience with, and/or ideas for streamlining. The input gathered during these initial conversations was compiled by the project team and used to develop a preliminary list of potential permit streamlining opportunities. This list served as the foundation for subsequent full work group discussion and further refinement.

2.2 Work Group Meetings

The first of four planned work group meetings was held on November 7, 2025, after all one-on-one meetings were completed. In this meeting, the ideas generated from the initial one-on-one meetings were brought to the entire group for discussion. Additional ideas and resources were recorded and shared.

3.0 PERMIT STREAMLINING IDEAS AND SUGGESTIONS

This section summarizes the initial ideas and suggestions for permit streamlining collected during the one-on-one meetings with work group members and discussed at the first work group meeting. Four major themes emerged: programmatic and categorical permit approaches; improved communication; simplified funding sources; and expanded education and information sharing. These ideas and suggestions, and additional ideas that will likely emerge through continued collaboration, will be further considered and discussed by the entire work group over the remainder of the meetings to determine which will be published as final recommendations and to determine the contours of each individual recommendation.

Because these ideas represent early-stage deliberations and may change substantially as the work group continues its coordination and analysis, they should not be interpreted as recommendations. Legislators and policy makers are encouraged to await the work group's final report before considering any legislative or policy actions.

3.1 Programmatic and Categorical Permit Approaches

Programmatic and categorical permitting approaches involve analyzing and addressing similar projects, actions, or project components in a coordinated, standardized manner rather than individually. Programmatic permits or approvals typically apply to groups or categories of projects expected to occur over multiple years and/or within a specific geographic area or location. These approaches can improve efficiency and predictability for common and/or routine projects and activities and allow limited regulatory review capacity to focus on more complex projects and issues.

For transportation projects that will impact waters of the United States, including wetlands, a permit from the U.S. Army Corps of Engineers (Corps) is typically required.

One example of a programmatic approval is the Corps' Nationwide Permit (NWP) program. NWPs provide an expedited review process for categories of similar projects with minimal individual and cumulative adverse environmental impacts and are considered streamlined because they offer a more efficient path to authorization than obtaining an individual permit from the Corps (e.g., Standard Permit or Letter of Permission). However, NWPs were developed for use across the entire United States and are not always well tailored to regional project types or environmental conditions. While they demonstrate the benefits of programmatic permitting, a potentially even more efficient and regionally responsive option for transportation projects and actions in Washington State may be a Regional General Permit (RGP), which can be designed specifically to address recurring project needs and the conditions found within Washington State.

The following programmatic and categorical approaches to permit streamlining were suggested by work group members:

Compile list of existing programmatic permits, approvals, and exemptions.

Work group members had varying levels of experience and awareness regarding currently available programmatic permits, approvals, and exemptions. They recommended compiling and sharing a list of existing programmatic permit options to support more consistent use. Developing a concise "handbook" of current programmatic permits, approvals, and exemptions could be an efficient way to increase awareness and encourage use of these existing time-saving programmatic pathways.

Expand programmatic permits, approvals, and exemptions to cover common project types.

Transportation projects in Washington State often may affect multiple environmental resources, such as streams and other regulated surface waters, wetlands, and shorelines, which means they typically require separate permits or approvals from several regulatory agencies. As a result, even when a programmatic tool exists for one type of impact, project proponents must still pursue additional individual permits to address impacts to the same environmental resources regulated under other authorities.

Currently, programmatic tools are available within individual regulatory agencies; however, they rarely provide all the approvals needed for a given project. For example, the Corps currently has 59 NWPs covering a wide range of project actions. While some NWPs have pre-approved Ecology 401 water quality certifications and/or Coastal Zone Management Act consistency determinations, relatively few have Endangered Species Act coverage. Additionally, these same activities often lack comparable programmatic approvals under other regulatory frameworks, such as the Washington State Hydraulic

Code (RCW [77.55](#)) Hydraulic Project Approval (HPA) or local shoreline approvals under Shoreline Master Programs and the Shoreline Management Act (SMA).

The work group identified an opportunity to expand programmatic coverage so that routine, low-impact transportation projects could obtain a broader suite of necessary approvals through a coordinated programmatic approach. For example, Washington Department of Fish and Wildlife (WDFW) statewide general HPAs can provide full coverage for certain activities (e.g., maintenance and repair) and could be expanded to include additional project types. Project types that could benefit from such comprehensive programmatic tools include, but are not limited to, pile removal projects in the aquatic environment, multi-modal transportation upgrades, and other transportation maintenance, repair, and replacement projects and activities.

Develop Regional General Permits for transportation projects.

A Regional General Permit (RGP) is a category of Corps permit similar to a Nationwide Permit (NWP). Like NWPs, RGPs cover activities that are similar in nature and cause only minimal individual and cumulative adverse environmental impacts. RGPs are geographically focused and can be tailored to the specific project types, conditions, and regulatory requirements of a geographic area or location. Developing and implementing an RGP specific to transportation projects was discussed by several work group members. WSDOT proposed creating a statewide RGP in coordination with the Corps and Ecology to authorize projects and activities covered by existing federal programmatic Endangered Species Act consultation approvals. The RGP could also be designed to align with other programmatic permits, approvals, and exemptions such as those authorized by RCW [90.58.356](#), which exempts the requirement for a shoreline permit or approval for maintenance, repair and replacement of transit and transportation facilities. This approach could serve as a streamlined process, improving efficiency for routine, low-impact transportation projects while ensuring compliance with all applicable environmental requirements.

Align in-water work windows (fish windows) across agencies.

Projects that involve work in or over waters of the state are typically subject to in-water work timing restrictions to reduce risk to fish and other aquatic species. Multiple agencies implement these timing restrictions under their respective authorities, including the WDFW, Corps, U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS). Currently, the in-water work windows published by these agencies do not always align at all locations, and in some cases may conflict, creating highly restricted opportunities to conduct in-water work. While resource agencies attempt to coordinate and consolidate in-water work windows for individual projects, the final in-water work windows are often not formally available until permits are issued,

introducing uncertainty and potentially increasing project costs due to contingency planning.

Work group members identified the benefits and need for consistent, easily accessible work windows for project planning and recommended exploring opportunities for greater flexibility in timing based on the nature of the work and the potential for adverse impacts to sensitive species.

Evaluate thresholds for transportation-related permit triggers and exemptions.

Work group members suggested evaluating the existing thresholds that trigger certain permits or allow permit exemptions. Adjusting these thresholds could allow more transportation projects to qualify for exemptions while still maintaining appropriate environmental protections, thereby streamlining permitting. For example, under the State Environmental Policy Act (SEPA), the “minor new construction” thresholds in Washington Administrative Code (WAC) [197-11-800\(2\)](#) were identified as being set too low. Similarly, under the Shoreline Management Act (SMA), exemptions for maintenance, repair, and replacement projects and activities were noted as being overly narrow.

Streamline permit processes for transportation-related maintenance, repair, and replacement projects.

Work group members suggested updating and expanding the statutory definitions of “maintenance”, “repair”, “replacement”, and related terms in RCW [90.58.356](#) to cover a broader range of transportation projects and activities within existing permit exemptions. They also recommended exempting or excluding work covered under RCW 90.58.356 from SEPA review and local permits, approvals, and fees related to the Growth Management Act (GMA). Additionally, clarifying and expanding the definitions of “minor work” and “emergency” activities could improve agency responsiveness and reduce administrative delays, further streamlining permitting.

Streamline fish habitat enhancement components of transportation projects.

Work group members suggested several ways to streamline and align permitting requirements for fish habitat enhancement projects (FHEP) associated with transportation. Key recommendations include expanding the list of projects in RCW [77.55.181](#) that qualify as fish habitat enhancement, clarifying and updating technical requirements and processes, and streamlining FEMA flood map revision procedures for transportation-related fish habitat enhancement projects. These changes would make it easier to implement routine transportation-related fish habitat improvements while ensuring appropriate environmental protections are maintained.

Some work group members also referenced the Habitat Recovery Pilot Program (HRPP) as an example of permit streamlining. The HRPP, a four-year program created under a previous House Bill 1382, allowed approved habitat restoration projects to proceed without SEPA review or additional local or state permits beyond the Hydraulic Project Approval (HPA). Although the HRPP expired in June 2025, work group members suggested collecting lessons learned and exploring opportunities to apply similar streamlining concepts to future fish habitat enhancement efforts, including transportation-related habitat enhancement projects and activities.

Streamline coordination with and authorization through local agencies.

Several work group members suggested improving coordination with local agencies in the permitting process. Recommendations include clarifying that state transportation projects are not subject to local clearing or grading permits, approvals, or fees under the Growth Management Act (GMA). Additionally, RCW [47.01.485](#) could be further clarified to require that local agency permit determinations for transportation projects under \$500 million be issued within 90 days of receiving a complete application. The recommendation also includes extending this requirement to cover local agency, transit agency, and port authority transportation projects, rather than just WSDOT transportation projects.

3.2 Improved Communication

The following suggestions focus on improving communication throughout the permitting and approval process to reduce delays, increase predictability, and clarify requirements.

Utilize liaison programs for permit streamlining.

Work group members highlighted the efficiency of using liaison programs, in which a dedicated individual facilitates communication between specific agencies to streamline permitting. WSDOT, the Corps, Ecology, USFWS, NMFS, some local agencies, and port authorities currently have various liaison programs, which were noted as improving coordination and reducing delays. The work group also discussed opportunities to expand the use of liaison programs through resource exchanges, staff sharing, and pooling, which could reduce the administrative burden on any single organization while supporting more effective liaison efforts.

Develop technological improvements for communication.

The work group discussed opportunities to improve communication during the permitting process through technology. Work group members suggested creating a centralized, up-to-date source of information on permit status, such as a website or web-portal, allowing applicants to track real-time status of permit reviews. Concurrent digital review platforms were also recommended to enable concurrent, rather than

sequential, review of permit application materials. Currently, each agency maintains its own application process and internal database, with some offering a system for applicants to track permit review status. No consolidated, project-oriented system currently exists, so permit applicants must navigate each agency system separately, often requiring different login credentials and agency-specific project identification numbers.

Establish an ongoing permitting and compliance streamlining work group.

Some work group members highlighted the Multi-Agency Review Team (MART), an exemplary working group within the Puget Sound Federal Leadership Task Force (PSFLT). MART is a team of federal and state staff that streamlines permitting for Puget Sound Basin habitat recovery projects. The agencies collaborate to guide applicants through the permitting process while enabling concurrent review, face-to-face collaboration, and joint decision-making.

A separate suggestion is to amend RCW [47.85.020](#) to establish an annual multi-agency work group led by WSDOT's Multi-Agency Permit Program (MAPP), including WSDOT Local Programs Environmental staff. This could facilitate ongoing communication between transportation and regulatory agencies, evaluate permitting and compliance best practices, and develop strategies to improve and streamline transportation project delivery.

Emphasize tribal consultation during the permitting process.

Work group members emphasized the importance of engaging tribes early and consistently throughout a project's lifecycle. Early consultation allows the sharing of tribal knowledge with other agencies and helps protect cultural resources and treaty rights. Members also discussed how concerns related to cultural resources, general habitat issues, and tribal treaty fishing rights trigger different review processes.

Tribal representatives noted that smaller tribes often face challenges in funding staff for project review and consultation. Work group members suggested incorporating funding for tribal consultation support into project budgets and developing resources to guide applicants who are less familiar with tribal consultation processes.

Emphasize community engagement during the permitting process.

Several work group members highlighted the importance of meaningful community engagement. Ensuring that outreach and requests for public comment are accessible, timely, and thorough can help prevent delays later in the permitting process. Aligning proposed projects with the needs of community organizations can reduce potential conflicts, while providing tools, training, and resources to support effective engagement may further streamline permitting timelines.

3.3 Simplified Funding Sources

Work group members suggested that limiting the use of federal funding could help streamline the permitting process, as federal funds often trigger additional regulatory reviews, including potentially lengthy National Environmental Policy Act (NEPA) and Endangered Species Act reviews. Work group members also proposed exploring programs to distribute federal funds through state and local channels to reduce these federal regulatory requirements. This suggestion is similar to one that was previously suggested by the ESHB 2134 JTC local agency project delivery streamlining work group in 2024.

3.4 Expanded Education and Information Sharing

The work group suggested improving quality and consistency of permitting by developing and requiring eLearning courses for Design-Builders and consultants on transportation-related environmental procedures, as described in RCW [47.85.040\(1\)](#). This could prevent recurring permitting and compliance issues and improve project delivery.

Work group members also discussed using templates to reduce the administrative costs and time required for permit applications, which could be particularly helpful for smaller municipalities and agencies. One suggestion was to review and update the Joint Aquatic Resource Permit Application (JARPA) form. Because many agency application processes have changed since the form was created, applicants can no longer consistently rely on it to apply for all, or even most, of the environmental permits required for their project.

During the meetings, work group members shared existing resources such as the Office of Regulatory Innovation and Assistance (ORIA) website and Department of Commerce's Washington Zoning Atlas. Work group members were encouraged to continue sharing tools and resources in future discussions.

4.0 NEXT STEPS

The work group will convene additional work sessions throughout 2026, including full work group meetings and small work sessions to analyze and refine specific ideas into recommendations for implementation. These recommendations will identify the primary entity responsible for implementation and may include ideas for new legislation. The final recommendations will be submitted to the legislature in the final report, due November 1, 2026.

5.0 REFERENCES

EPA (U.S. Environmental Protection Agency). 2025. Puget Sound Federal Leadership Task Force. Available at: <https://www.epa.gov/puget-sound/puget-sound-federal-leadership-task-force> (accessed on November 10, 2025).

Puget Sound Partnership. 2025. Multi-Agency Review Team. Available at: <https://www.psp.wa.gov/MART.php> (accessed on October 23, 2025).

State of Washington. 2025. Executive Order 25-10: A New Foundation for Washington State's Governmental Relations with Sovereign Tribal Nations. Available at: https://governor.wa.gov/sites/default/files/exe_order/25-10%20-%20Tribal%20Relations%20%28tmp%29_1.pdf?utm_medium=email&utm_source=govdelivery (accessed on November 10, 2025).

Washington State Department of Commerce. 2025. Washington State Zoning Atlas. Available at <https://www.commerce.wa.gov/growth-management/data-research/waza/> (accessed on November 10, 2025).

Washington State Legislature. 2025. Engrossed Substitute House Bill 1902. Available at: <https://app.leg.wa.gov/bills/summary?BillNumber=1902&Year=2025> (accessed on October 23, 2025).

Washington State Legislature. 2025. Revised Code of Washington (RCW). Available at: <https://app.leg.wa.gov/rcw/> (accessed on November 10, 2025).

WDFW (Washington Department of Fish and Wildlife). 2025. Habitat Recovery Pilot Program. Available at: <https://wdfw.wa.gov/licenses/environmental/hpa/types/pilot> (accessed on October 23, 2025).