ESHB 1902 Transportation Project Permit Streamlining Work Group Final Report

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EXECUTIVE SUMMARY

The Transportation Permit Streamlining Work Group, led by the Washington Department of Transportation (WSDOT) in consultation with the Washington State Department of Ecology (Ecology), with facilitation and technical support from Confluence Environmental Company (Confluence), convened in September 2025, as required by the Washington State Legislature through Engrossed Substitute House Bill (ESHB) 1902. The work group, comprising over 14 member organizations identified in ESHB 1902, developed recommendations to streamline the permitting of transportation projects in Washington State by aligning priorities, legal requirements, timelines, processing, and interests in permitting, while ensuring that all appropriate environmental and regulatory protections are maintained. While the bill calls specifically for “recommendations” to be developed, the work group took a broader approach and gathered all concepts and ideas that may represent an opportunity for streamlining. Therefore, the term “streamlining opportunity” is used in lieu of “recommendation” because not all work group members expressed support for every streamlining opportunity. This approach allows the report to present the full range of ideas brought forth by the work group while simultaneously providing work group members with an opportunity to express their position on each idea.

WSDOT and Confluence initiated the work group process by interviewing individual work group members to generate a list of streamlining ideas based on the members’ professional experience and expertise. The work group organized these opportunities into four categories: 1) programmatic and categorical permit approaches, 2) improved communication, 3) simplified funding sources, and 4) expanded education and information sharing. The work group further developed the initial ideas through a series of study sessions focused on each category and discussed specific streamlining opportunities during four full work group meetings.

Through these discussions, the work group developed 25 distinct opportunities for permit streamlining, summarized in Table ES-1. Streamlining opportunities are presented according to their primary subject matter or relevant component of the permitting process. The order of streamlining opportunities does not represent a prioritization or relative importance among opportunities.

This report considers the value of each streamlining opportunity by evaluating the relevance and estimated cost and time savings for five representative transportation project types: 1) Maintenance, Preservation, and Repair; 2) Rehabilitation, Replacement, and Renewal; 3) Safety, Mobility, and Capacity Improvements; 4) Environmental Restoration, Fish Passage, and Natural Resource Protection; and 5) Transportation Operations and System Support. These project types represent potential projects conducted by transportation agencies throughout Washington and over the course of the life of a transportation facility. Table ES-1 highlights the relevance of each streamlining opportunity for each project type.

Table ES-1. Permit Streamlining Opportunities

	Streamlining Opportunity Subject Matter	Project Type 1	Project Type 2	Project Type 3	Project Type 4	Project Type 5
1	RGP for Emergency Actions	●	●			●
2	ESA Programmatic Coverage for Emergency Actions	●	●			
3	Expedited Review Processes Emergency Actions	●	●			
4	RGP for Maintenance, Repair, and Replacement Activities	●	●			●
5	Statewide Catalog of Maintenance, Repair, and Replacement Activities	●	●		●	●
6	NPDES Coverage for Maintenance, Repair, and Replacement Activities	●	●			
7	SEPA Exemption for Bridge Maintenance, Repair and Replacement Activities	●	●			
8	SMA Exemption for Utility Relocation and Modification	●	●		●	
9	SMA Maintenance Standards	●	●		●	
10	Expanding ESA Programmatic Coverage	●	●	●		
11	Enforceable Permit Application Processing Timelines	●	●	●	●	
12	GHPA Coverage for Multiple Transportation Groups	●	●	●	●	
13	Expanding Transportation FHEP Project Types	●	●	●	●	
14	Expanding FHEP Project Types	●	●	●	●	
15	Clarifying FHEP Criteria for Bank Stabilization	●	●	●	●	
16	Multi-Owner Culverts Coverage under FHEP		●	●	●	
17	Expand FHEP Sponsorship to Local Governments, Transit Agencies, and Public Ports		●	●	●	
18	Extend HPA Duration	●	●	●	●	
19	Expand Access to Liaison Programs	●	●	●	●	
20	Expand WSDOT Local Programs Technical Assistance	●	●	●	●	
21	Establish a Multi-Agency Permit Application Portal	●	●	●	●	●
22	Establish a Permanent Work Group	●	●	●	●	●
23	Federal Funds Exchange Program	●	●	●	●	●
24	Resources for Certification Acceptance Status	●	●	●	●	●
25	Improve Education and Resources	●	●	●	●	●

Permit streamlining opportunities generally focused on possible ways to broaden existing programmatic approvals or exemption processes, clarify contradictory language, and provide greater support to transportation project applicants. Throughout the work group, participants provided feedback on each streamlining opportunity to refine the language. Additionally, WSDOT asked each member organization to indicate its position (expressed as support, neutral, or other) on each streamlining opportunity. These positions are presented alongside each streamlining opportunity to clarify the stance of each work group member organization and additional rationale is included in appendices, where provided. Support expressed by any work group member does not obligate their organization or agency to take specific implementation actions or unconditionally support associated legislation.

The entities identified as responsible for each streamlining opportunity, along with other contributors, will need to determine the steps and regulatory nuances necessary for implementation. ESHB 1902 did not require the work group to develop an implementation plan for recommendations. Some of the streamlining opportunities outlined in this report are more immediately actionable than others, but all require additional coordination among relevant contributors. Additional work will be needed to identify the legislative, technical, funding, and policy changes required to make each streamlining opportunity actionable.

Disclaimer regarding Work Group Member positions

The positions, views, and comments attributed to work group members in this report reflect the perspectives expressed during the work group's deliberative process and are included for the purpose of documenting and informing this report's streamlining opportunities. Inclusion of a work group member's position should not be interpreted as constituting a commitment, endorsement, or final position. The positions presented in this report do not bind, obligate, or otherwise commit any participating work group member organization to support or oppose any streamlining opportunity or subsequent action.

Disclaimer regarding Time and Cost Saving Estimates

This report includes certain estimates of cost and time savings for informational and illustrative purposes only. These estimates are intended to provide a high level and relative indication of potential savings associated with each streamlining opportunity. Actual costs may vary based on project scope, complexity, and other factors. The estimates should be considered indicative rather than definitive and should be validated through appropriate due diligence and more detailed analysis before being used for any decision-making.

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Acronyms

Acronym	Meaning
AWC	Association of Washington Cities
CAO	Critical Areas Ordinance
CE	Categorical Exclusion
CED	Chronic Environmental Deficiency
Commerce	Washington Department of Commerce
CA	Certification Acceptance
Corps	U.S. Army Corps of Engineers
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DNS	Determination of Nonsignificance
EA	Environmental Assessment
Ecology	Washington State Department of Ecology
EIS	Environmental Impact Statement
ESA	Endangered Species Act
ESHB	Engrossed Substitute House Bill
FEMA	Federal Emergency Management Agency
FHEP	Fish Habitat Enhancement Projects
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GHPA	General Hydraulic Project Approval
GMA	Growth Management Act
HPA	Hydraulic Project Approval
MAPP	Multi-Agency Permit Program
MDNS	Mitigated Determination of Nonsignificance
NBI	National Bridge Inventory
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NWP	Nationwide Permit
Office of Equity	Washington Office of Equity
ORIA	Office of Regulatory Innovation and Assistance
RCW	Revised Code of Washington
RGP	Regional General Permit
SEPA	State Environmental Policy Act
SMA	Shoreline Management Act
TMPPS	Transportation System Maintenance, Preservation, Protection, and Safety Work
USFWS	U.S. Fish and Wildlife Service
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WPPA	Washington Public Ports Association
WQC	Water Quality Certification
WSACE	Washington State Association of County Engineers
WSDOT	Washington Department of Transportation
WSTA	Washington State Transit Association

1.0 INTRODUCTION

The Washington State Legislature passed Engrossed Substitute House Bill (ESHB) 1902, which took effect July 27, 2025. The bill directs the Washington State Department of Transportation (WSDOT), in consultation with the Washington State Department of Ecology (Ecology), to convene a work group to develop recommendations for streamlining transportation project permitting by aligning priorities, legal requirements, timelines, processing, and interests. The work group must also designate the entity or entities responsible for implementing each recommendation. The recommendations must reduce project costs and the time required from project inception to project completion while maintaining all appropriate environmental and regulatory protections.

Although ESHB 1902 asks for "recommendations" to streamline permitting for transportation projects, the work group took a broader approach and gathered concepts and ideas that could streamline permitting. Therefore, this report uses the term "streamlining opportunity" instead of "recommendation" to describe the broader set of ideas identified by the work group. The term also reflects that not all work group members expressed support for every streamlining opportunity. This approach allows the report to present the full range of ideas brought forth by the workgroup while simultaneously providing workgroup members with an opportunity to express their position on each idea.

Starting in September 2025, WSDOT convened meetings with the work group to identify permit streamlining opportunities. These meetings were organized by WSDOT with facilitation and technical support from Confluence Environmental Company (Confluence).

This final report outlines the work group's process and details the transportation permit streamlining opportunities the work group identified for further consideration. The streamlining opportunities do not include fully developed implementation plans as of the publication of this report. Many of the streamlining opportunities will require additional coordination to implement them. Where the work group identified specific implementation actions or coordination needs, the report notes them in Section 4 alongside each streamlining opportunity.

1.1 Work Group Members

ESHB 1902 identified over 14 specific organizations to participate in the work group. Each organization was invited to designate a representative to participate in the work group. 0 lists the participating work group members.

Table 1. Work Group Members

Organization	Name	Title
Washington State Department of Transportation (WSDOT)	Terry Drochak	Compliance Solutions Branch Manager
WSDOT	Melanie Vance	Local Programs Environmental Manager
Washington State Department of Ecology (Ecology)	Loree' Randall	Aquatic Permitting & Protection Section Manager
Washington Department of Fish and Wildlife (WDFW)	Gina Piazza	Statewide Regulatory Services Coordinator
Washington State Department of Commerce (Commerce)	Ted Vanegas	Senior Planner
Washington Office of Equity (Office of Equity)	Patrick Stickney	Senior Policy and Legislative Affairs Advisor
Association of Washington Cities (AWC) – Fife	Chris Larson	Community Development Director
Association of Washington Cities (AWC) - Fife	Greg Vigoren	Public Works Director
Washington State Association of County Engineers (WSACE)	Axel Swanson	Managing Director
Washington Public Ports Association (WPPA)	Carly Michaels	Senior Environmental Policy 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 (WSTA)	Justin Leighton	Executive Director
U.S. Army Corps of Engineers (Corps)	Matthew Bennett	Special Programs Section Chief
Organization Representing Consulting Engineering Community	Adam Crispin	Senior Environmental Scientist, Perteet
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

To support effective collaboration and guide the work group throughout the project, the project team (WSDOT and Confluence) 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.

Goal statement: Develop permit streamlining recommendations for transportation projects in Washington State.

The core expectations established a productive and collaborative environment by emphasizing respectful collaboration, active and inclusive engagement, integrity, and openness to innovation.

The project team introduced these expectations during initial one-on-one meetings with work group members. The expectations guided the work group's interactions, discussions, and decision-making throughout the project.

The core expectations were 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 GROUP TIMELINE

This section outlines the work group's timeline and process. Figure 1 summarizes the overall timeline. The project team used this schedule throughout the work group's effort to track and communicate progress and expectations.

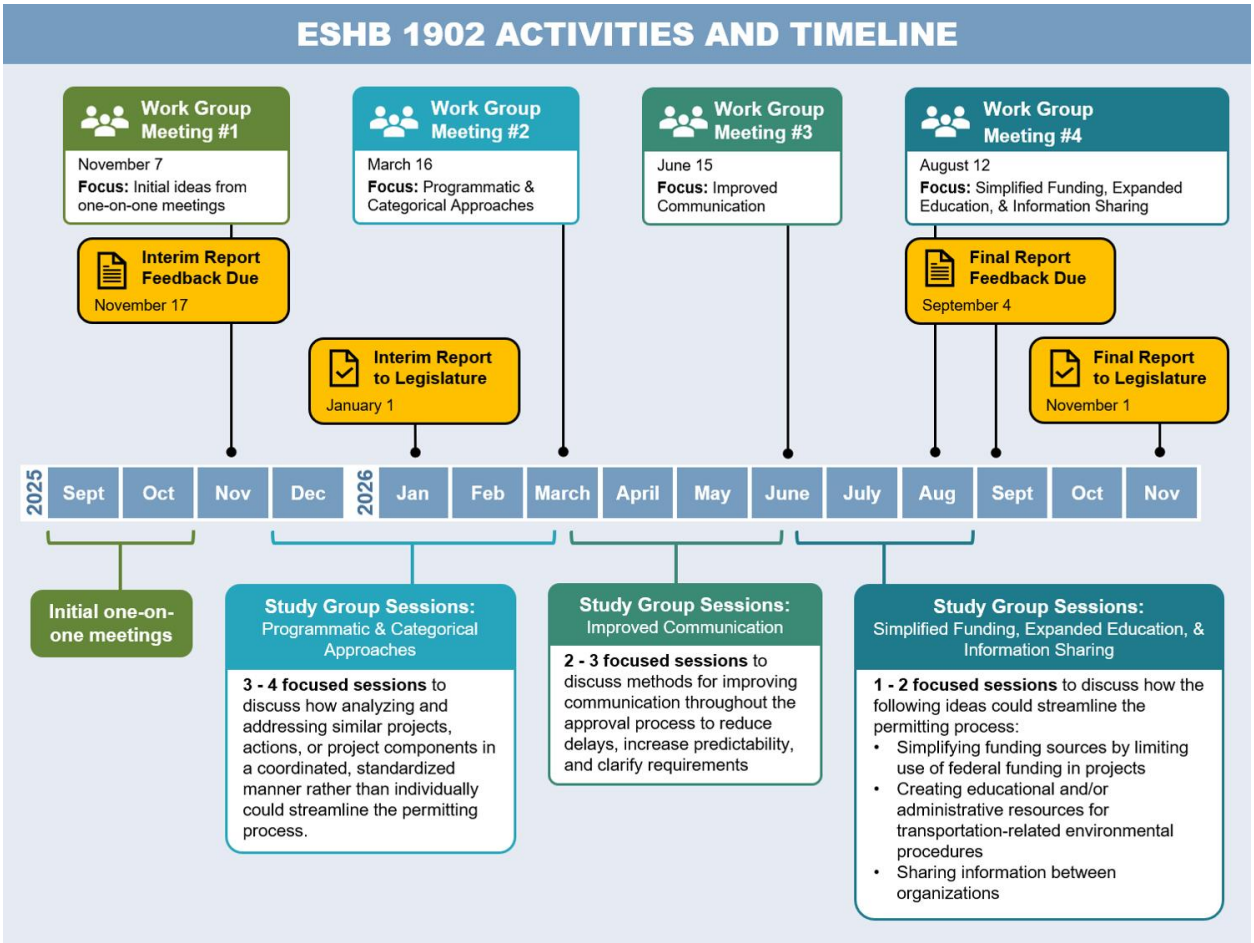


Figure 1. ESHB 1902 Activities and Timeline

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. The project team held these approximately 45-minute meetings through Microsoft Teams. Each meeting included one or two WSDOT team members, at least one senior Confluence facilitator, and a notetaker.

The meetings established a shared understanding of the work group's goal, expectations, deliverables, and provided an opportunity to gather initial permit streamlining ideas. During each meeting, the project team:

- reviewed the transportation permit streamlining goal established by ESHB 1902;
- reviewed key deliverables and the project schedule;
- reviewed the work group's core expectations;
- described the work group's membership and organizational representation; and
- gathered the work group member's initial ideas for streamlining transportation permitting.

The project team also asked work group members about their experience with transportation projects, including the permits and processes they routinely encounter and opportunities they had identified for streamlining. The project team compiled this input and used it to develop a preliminary list of potential permit streamlining opportunities. This list provided the foundation for subsequent full work group discussions and further refinement.

2.2 Work Group Meetings

The work group held four full work group meetings on November 7, 2025; March 16, 2026; June 15, 2026; and August 12, 2026. The first meeting brought the ideas generated during the initial one-on-one meetings to the full work group for discussion. Members contributed additional ideas and resources, which the project team documented and shared with the work group.

The subsequent meetings focused on developing and refining individual streamlining opportunities identified during the study sessions described in Section 2.3. The project team also provided the work group with updates on the report, project schedule, and overall progress.

2.3 Study Sessions

The project team held study sessions between full work group meetings. These sessions provided small groups with additional time to develop and evaluate streamlining opportunities based on ideas generated during the one-on-one meetings.

Each study session lasted approximately two hours and focused on specific transportation permit streamlining opportunities. Some sessions addressed a subset of the topics identified for a particular phase of the project, while others covered the full set of topics for that phase. Figure 1 provides additional detail on timing and organization of the study sessions.

The project team selected study session participants based on their experience, organizational representation, availability, and interest. The sessions focused on developing specific and actionable opportunities to streamline transportation project permitting. Although the sessions did not focus on detailed implementation plans, participants discussed potential benefits, challenges, and barriers associated with the ideas as they developed.

2.3.1 Programmatic and Categorical Streamlining Approaches

The first study session focused on programmatic and categorical approaches to permit streamlining. Participants discussed:

- Commonly used programmatic approvals

- Gaps in existing programmatic approvals
- Gaps in existing Regional General Permits (RGPs)
- Opportunities to expand or align existing approvals

2.3.2 Maintenance, Repair, Replacement Project Streamlining

The second study session focused on opportunities to streamline maintenance, repair, and replacement projects. Participants discussed:

- Permit streamlining for Transportation System Maintenance, Preservation, Protection, and Safety Work (TMPPS Work)
- Opportunities to expand maintenance, repair, and replacement exemptions under the Shoreline Management Act (SMA) to a broader range of transportation projects
- “Minor new construction” thresholds and other definitions under the State Environmental Policy Act (SEPA)
- “Emergency” projects

2.3.3 Fish Habitat Enhancement Project (FHEP) Streamlining

The final study session within the first set, held before the second full work group meeting, focused on transportation projects related to fish habitat enhancement. Participants discussed:

- Opportunities to expand the list of qualifying Fish Habitat Enhancement Projects (FHEPs)
- Technical requirements and processes, including Federal Emergency Management Agency (FEMA) flood map revision procedures
- Opportunities to approve fish habitat enhancement components of larger transportation projects
- General Hydraulic Project Approvals (GHPAs)

2.3.4 Improving Communication in Transportation Permit Processes

For the study sessions focused on improving communication in the transportation project permitting process, the project team invited participants to one of two sessions with the same agenda. Unlike the earlier study sessions, which divided participants based on experience and interest, these sessions included participants from across the work group because communication affects all participants. Participants discussed:

- Liaison programs for permit streamlining
- Technological improvements for communication
- An ongoing permitting and compliance streamlining work group
- HPA permit duration
- Tribal consultation during permitting process
- Community engagement during the permitting process

2.3.5 Simplifying Funding, Sharing Resources, and Expanding Education in Transportation Permitting

For the study sessions focused on funding, resource sharing, and education, the project team held two meetings with the same agenda. Work group members could attend either session based on their availability because these topics applied across all participants. Participants discussed:

- Simplified funding
  - Building on past efforts
  - Federal fund exchange programs
- Education and Resource Sharing
  - Existing resources
  - Platforms for sharing resources
  - Gaps in existing training and resources

3.0 PROCESS FOR DEVELOPING AND REFINING STREAMLINING OPPORTUNITIES

Following each study session meeting, the project team organized the ideas discussed into clear statements describing potential opportunities to streamline transportation permitting. These opportunities range from specific legislative or agency actions to technological improvements that could improve permit application processes.

As the project team developed each opportunity, work group members had opportunities to review and comment on the proposed language. This review helped ensure that the streamlining opportunities accurately reflected the ideas and discussions from the work group.

The work group sought to identify opportunities that were actionable and solution-oriented. However, the work group could not develop specific implementation plans or guidelines for every opportunity. In those cases, the report identifies the need for additional coordination, analysis, or action by the responsible entities.

Work group members, particularly those representing regulatory agencies, also emphasized the importance of accurately reflecting their organizations' positions without overstating their level of support or other input. The work group shared a common goal of improving the efficiency and predictability of transportation permitting while maintaining appropriate environmental protections. Individual members and the organizations they represented, however, expressed different levels of support, neutrality, concerns, and comments regarding specific streamlining opportunities.

The work group devoted significant time to refining the streamlining opportunities. One challenge was aligning the perspectives, priorities, and ideas of individual participants with those of the agencies and organizations they represented. To address this challenge, the project team developed a process for participants to identify their position on each streamlining opportunity as it evolved. Participants could indicate their position on each streamlining opportunity and could provide additional comments explaining their position.

For the first two categories of streamlining opportunities, that is, programmatic and categorical approaches and improving communication, the project team created a Microsoft Form to collect work group members' positions. Members also had the opportunity to provide written comments after consulting with their respective agencies or organizations.

For the remaining opportunities, which address funding and education and resource sharing, members provided their positions during the review of the final report. Section 4.0 summarizes work group members' positions for each streamlining opportunity.

4.0 PERMIT STREAMLINING OPPORTUNITIES

Disclaimer regarding Work Group Member positions

The positions, views, and comments attributed to work group members in this report reflect the perspectives expressed during the work group's deliberative process and are included for the purpose of documenting and informing this report's streamlining opportunities. Inclusion of a work group member's position should not be interpreted as constituting a commitment, endorsement, or final position. The positions presented in this report do not bind, obligate, or otherwise commit any participating work group member organization to support or oppose any streamlining opportunity or subsequent action.

Disclaimer regarding Time and Cost Saving Estimates

This report includes certain estimates of cost and time savings for informational and illustrative purposes only. These estimates are intended to provide a high level and relative indication of potential savings associated with each streamlining opportunity. Actual costs may vary based on project scope, complexity, and other factors. The estimates should be considered indicative rather than definitive and should be validated through appropriate due diligence and more detailed analysis before being used for any decision-making.

The following opportunities were developed through the process described above and represent the ideas identified by the work group to streamline transportation permitting

in Washington. Where streamlining opportunities overlap or depend on each other, the report notes that relationship in the description. In some cases, improving one element of the process may not result in meaningful time or cost savings unless other related elements of the permitting process are also addressed. The entity or entities responsible for implementing the streamlining opportunity are listed at the top of the page for each opportunity; the primary responsible entity, that is, the entity who would take the ultimate action to implement the proposed idea, is listed first and underlined.

Each streamlining opportunity includes arguments for and against its implementation, which seek to additionally describe the problem that the streamlining opportunity is intended to address. These arguments reflect discussions during work group study sessions and meetings, as well as written statements from work group members that explain their positions on specific streamlining opportunities. Each opportunity also includes a table summarizing the position, that is, “support”, “neutral”, or “other”, of each organization represented on the work group. Where work group members indicated “other”, they had an opportunity to provide additional information about their position in Appendix A. Appendix B catalogs additional feedback received from work group members on the streamlining opportunities presented here.

As a federal agency, the Corps declined to indicate a position on the streamlining opportunities and is therefore omitted from the summary tables.

The ideas and opportunities presented here may require additional coordination between agencies and responsible parties before the parties can identify specific implementation steps. Implementation steps, including rulemaking, may require additional resources for the responsible agencies and organizations. In some cases, the resources required to effectively implement a streamlining opportunity may be significant and inadequate resource allocation could result in more complex or costly processes. While required resources for implementation are not clear at this stage, additional evaluation during bill analysis and agency coordination would clarify the necessary resource allocation. Adequate resources should be provided to entities responsible for implementation of a streamlining opportunity prior to implementation.

To demonstrate the potential value of each streamlining opportunity, the report evaluates each streamlining opportunity against five representative project types, summarized below in Table 2. There is not currently a consistent statutory definition or classification for the types of transportation work represented in Table 2. Therefore, the terms are used broadly and the project types are grouped to provide categories of work that can be applied across a range of transportation projects and operations in Washington state. The representative project types reflect the range of work conducted by project proponents and applicants, including WSDOT, cities, counties, transit agencies, and public port districts.

The evaluation estimates the ranges of potential time and cost savings for an individual project associated with the permitting and right-of-way phases. Due to the variability in permitting approaches across different project delivery methods, the construction phase is not fully considered in this evaluation[1]. Additional information on the methodology used to determine the estimated cost and time savings is available in Appendix C. The report estimates time savings using four ranges: 1-6 months, 6-12 months, 1-2 years, or 2-5 years. The report estimates cost savings using four ranges: <$50k, $50-100k, $100-500k, or >$500k. Estimated cost savings include costs associated with preparing permit applications and supporting documents, conducting required analyses, participating in additional meetings and agency negotiations, and managing potential project delays.

[1] There may be streamlining opportunities that would result in time or cost savings for the permitting or right-of-way phases of a project that could result in additional cost or time during the construction phase. That potential additional time or cost is not considered here.

Table 2. Representative Transportation Project Types and Work Activities

Category	What it means	Representative work across transportation agencies	Illustrative environmental permitting/ review cost	Typical environmental permitting/ review timeline
1. Maintenance, Preservation, and Repair	Work that maintains, repairs, restores, or extends the useful life of an existing transportation asset without substantially replacing or expanding the facility.	Pavement preservation; bridge deck repair and preservation; bridge painting; culvert maintenance; drainage maintenance; slope and embankment stabilization; maintenance and repair of sidewalks, trails, bicycle facilities, and other multimodal infrastructure; transit facility maintenance; port transportation infrastructure repair; ferry terminal maintenance.	**~2–5% of project cost**; approximately **$50,000–$300,000** for representative projects	**~2–6 months** for projects requiring environmental review/permitting; some routine/minor maintenance may require little or no environmental permitting
2. Rehabilitation, Replacement, and Renewal	Major work that substantially rehabilitates, reconstructs, or replaces an existing transportation asset or facility, or its components thereof. Replacement is defined as occurring within the existing footprint of the infrastructure.	Bridge rehabilitation or replacement; roadway reconstruction; culvert replacement; ferry terminal replacement; transit station or facility replacement; port pier, wharf, or terminal rehabilitation or replacement; major renewal of transportation infrastructure, including multimodal facilities.	**~5–12% of project cost**; approximately **$500,000–$2.4 million** for representative projects	**~18 months–3+ years**, depending on environmental effects, federal nexus, water resources, cultural resources, shoreline/location, and number of permits

Category	What it means	Representative work across transportation agencies	Illustrative environmental permitting/ review cost	Typical environmental permitting/ review timeline
3. Safety, Mobility, and Capacity Improvements	Work primarily intended to improve safety, mobility, accessibility, the movement of people and goods, system efficiency, or transportation capacity.	Intersection improvements; roundabouts; interchanges; corridor improvements; Complete Streets improvements; transit-priority improvements; multimodal improvements; roadway widening; pedestrian and bicycle improvements; freight access improvements; traffic-safety improvements; new transportation infrastructure.	**~4–10% of project cost; up to ~15%** for projects with substantial environmental review or permitting; approximately **$300,000–$1.5 million** for representative projects	**~2–5+ years** for larger projects; shorter timelines are possible for smaller projects with limited environmental effects or categorical/permit exemptions
4. Environmental Restoration, Fish Passage, and Natural Resource Protection	Transportation-related work whose primary purpose is correcting an environmental deficiency, restoring ecological function, improving fish passage, or protecting natural resources.	Fish-passage barrier correction; fish-friendly culvert replacement; stream-crossing improvements; habitat restoration; stormwater treatment and conveyance retrofits; environmental deficiency correction; wetland or habitat restoration associated with transportation infrastructure.	**~5–15% of project cost**, highly dependent on environmental studies, design, mitigation, and federal/state permitting; potentially higher for complex restoration projects	**~6–24+ months**; relatively straightforward fish-passage projects can be substantially faster, while projects requiring federal consultation, multiple aquatic permits, cultural-resource review, or substantial restoration can take **2+ years**

Category	What it means	Representative work across transportation agencies	Illustrative environmental permitting/ review cost	Typical environmental permitting/ review timeline
5. Transportation Operations and System Support	Activities and facilities necessary to operate and support transportation services and systems.	Transit operations; ferry operations; traffic management; intelligent transportation systems; transportation-system management; operational facilities; transit and ferry service support; other activities necessary to provide transportation service.	**Typically minimal or none for routine operations; ~0–5%** where an operational activity involves physical construction or environmental permitting	**Typically none. 3 months** for routine operations or minor work; longer if physical improvements trigger SEPA, HPA, shoreline, stormwater, or other permits

Table Note: Cost and timeline ranges are illustrative estimates for purposes of comparing representative project types and are not statutory requirements or statewide standards. Actual costs and timelines may vary substantially based on project size, location, environmental effects, federal funding or permitting nexus, required studies and consultation, number and type of permits, and the permitting agency or agencies involved. Routine maintenance and operational activities may require little or no environmental permitting, while projects involving work in or over waters, federal funding or approvals, shoreline areas, cultural resources, or other regulated resources may require substantially more review.

Figure 2 below represents an example timeline for a transportation project and illustrates the primary elements of the environmental permitting and review process. The environmental review process typically starts at the federal and state levels with an evaluation under the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA). NEPA applies when the project has a federal nexus; SEPA applies for actions taken by state or local agencies. Depending on the specific proposal, project complexity, and likely impacts of the project, the NEPA/SEPA evaluation may involve an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). SEPA additionally includes potential approval with a Determination of Nonsignificance (DNS) or Mitigated Determination of Nonsignificance (MDNS). Some projects may also proceed through a Categorical Exclusion (CE) process under NEPA or be categorically exempt under SEPA (WAC 197-11-800). NEPA/SEPA evaluation and completion can take a few months up to a few years, depending on the project. Tribal coordination typically begins during the NEPA/SEPA phase of a project and is a component of multiple steps of the process. Early engagement with tribes is important.

Additional environmental review at the federal level, which can be concurrent with the NEPA/SEPA review, is conducted through the Endangered Species Act (ESA) Section 7 consultation process. The National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) are required under ESA Section 7 to consult on any federal action and determine impacts to threatened or endangered species. For transportation projects, the federal action that often triggers ESA Section 7 consultation is the Corps' issuance of a Rivers and Harbors Act Section 10 permit and/or a Clean Water Act (CWA) Section 404 permit. Funding provided by a federal agency (like the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA)) can also trigger the need for ESA Section 7 consultation. The ESA Section 7 consultation process and whether a formal or informal consultation is required often determines the length of the overall permitting and approval process. The Corps cannot issue their required permits until the ESA Section 7 consultation is complete. There are numerous other Federal regulations that need to be considered for each project which are not included in the scope of this streamlining effort. These include but are not limited to Section 106 of the National Historic Preservation Act, Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act, to name a few.

Permits are additionally required for transportation projects in Washington at the state and local levels. In some cases, approvals from state agencies are based on requirements under federal law. Ecology issues CWA Section 401 Water Quality Certifications (WQC) and National Pollutant Discharge Elimination System (NPDES) permits, conducts Coastal Zone Management Act (CZMA) consistency reviews, and implements National Flood Insurance Program floodplain permitting laws. The local jurisdiction for the proposed project (typically the city or county government) issues

permits and approvals consistent with their Shoreline Master Program (under the state Shoreline Management Act (SMA), Chapter 90.58 RCW) and their Critical Areas Ordinance (CAO). WDFW issues Hydraulic Project Approvals (HPAs) under the Hydraulic Code (Chapter 77.55 RCW). This is typically the final step and must occur after the SEPA decision is issued. Additional background and information on these environmental permitting and approval steps are available in the Office for Regulatory Innovation and Assistance's (ORIA) Regulatory Handbook.

The schematic shown in Figure 2 serves as a reference when a streamlining opportunity addresses a specific step in the process. Where possible, each streamlining opportunity identifies the point in the permitting process that it would streamline.

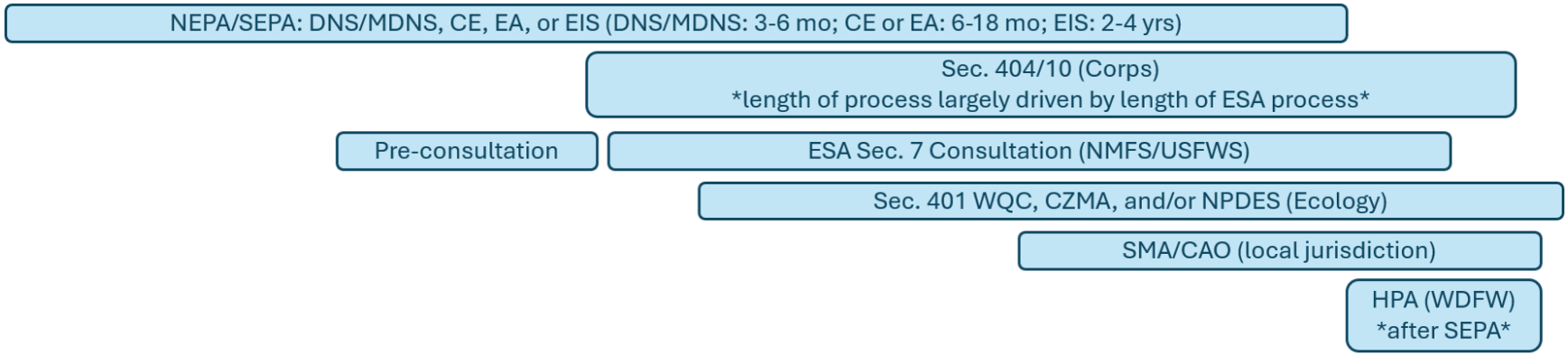


Figure 2. Representative environmental review and permitting process timeline

Streamlining Opportunity No. 1: RGP for Emergency Actions

Responsible entities (with primary underlined): Corps, WSDOT, Ecology

The Corps Section 404 Nationwide Permit 3 does not cover all emergencies, which can delay the response to protect transportation infrastructure and public safety.

Streamline the permitting process required during transportation infrastructure emergencies by:

- Conducting a gap analysis of existing Corps Nationwide Permits (NWPs) that cover transportation-related emergency and impending emergency activities. The analysis would evaluate gaps in NWP coverage, including the time, cost, geographic scope, and types of work covered, and determine whether a Regional General Permit (RGP) could address identified gaps.

This streamlining opportunity is contingent upon the implementation of Streamlining Opportunity No. 2 to realize the full potential benefit of an RGP. Multiple work group members identified this opportunity as high priority.

Summary of arguments for:

Transportation agencies and project proponents currently face challenges in federal permitting when responding to emergencies or impending emergencies, which can delay actions needed to protect transportation infrastructure and public safety. Some emergency actions are covered by Corps NWPs, but existing permit authorizations may not cover all transportation-related emergency actions. An emergency-focused RGP could provide greater certainty and a more consistent permit authorization pathway for eligible actions. Additionally, developing an RGP incorporates other essential requirements, such as Clean Water Act (CWA) Section 401 and Coastal Zone Management Act (CZMA) directly into the RGP process. Conducting a gap analysis of existing NWPs would provide a basis for determining whether a Washington-specific RGP is warranted and, if so, what actions it should authorize.

Summary of arguments against:

Developing a new RGP may not be the most effective approach. Creating a new RGP could be a multi-year, resource-intensive process and might not be best suited for this permit streamlining effort. The gap analysis may determine that existing NWPs provide sufficient enough coverage such that the time and resources required to develop a Washington-specific RGP would not provide a commensurate benefit.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; AWC; Ecology; Office of Equity; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors; WSACE	WDFW; WPPA; WSTA; Jamestown S'Klallam Tribe; Cowlitz Indian Tribe*	

*Denotes assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Maintenance or preservation actions may qualify as responses to impending emergencies. Evaluating existing NWP authorizations and determining whether to develop a Washington-specific RGP for emergencies and impending emergencies could allow project applicants to address qualifying conditions more efficiently and proactively, rather than waiting for the situation to become an emergency or pursuing regular permitting channels.
- **Maintenance of Environmental Protections:** An RGP would establish pre-approved conditions, impact thresholds, and best management practices for eligible actions. RGPs are intended to authorize actions that result in minimal individual or cumulative impacts on the aquatic environment. The RGP would not eliminate environmental protections. Instead, it would establish standardized requirements for activities that meet the RGP's eligibility criteria.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity is unlikely to apply broadly to facility rehabilitation or replacement projects. However, if a facility is deemed to be structurally unsound or otherwise presents an emergency or impending emergency, a Washington-specific RGP could provide a streamlined pathway for eligible actions.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and Systems Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50k
- **Streamlining Opportunity Relevance:** This streamlining opportunity is unlikely to apply broadly to transportation operations and system support. However, eligible actions associated with transportation operations may benefit from a

streamlined pathway with a Washington-specific RGP for emergency and impending emergency actions in place.

- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 2: ESA Programmatic Coverage for Emergency Actions

Responsible entities (with primary underlined): USFWS, NMFS, WSDOT, Corps, FHWA

Endangered Species Act (ESA) consultation can be a lengthy and costly component of the federal permitting process. For emergencies and impending emergencies, the time required to complete an individual consultation may prevent an agency from responding quickly enough to protect transportation infrastructure or public safety.

Streamline the permitting process required during transportation infrastructure emergencies by:

- Expanding ESA programmatic consultation coverage to include both emergencies and impending emergencies, allowing eligible entities to take proactive action to protect transportation infrastructure and avoid or minimize impacts before an emergency occurs,

This streamlining opportunity would enhance the benefit of Streamlining Opportunity No. 1 but is not a required component. Multiple work group members identified this opportunity as high priority.

Summary of arguments for:

Creating a programmatic consultation that covers both emergencies and impending emergencies would streamline the approval process with the lead federal agency on the project and would provide clear conditions under which the work must be conducted. Establishing programmatic coverage in advance would allow transportation agencies to follow predefined conditions and conservation measures, reducing the need to develop project-specific consultation during an emergency. Including impending emergencies would also allow transportation agencies to address conditions before infrastructure fails, potentially reducing environmental impacts associated with emergency response.

Summary of arguments against:

Developing an ESA programmatic consultation is a time- and resource-intensive process and may not result in a programmatic consultation that works for all transportation entities. The resulting consultation could also include conditions that limit types of projects or circumstances for which agencies could use it, reducing its practical application.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; AWC; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors; Office of Equity; WPPA; WSACE	WDFW; Ecology; WSTA; Jamestown S'Klallam Tribe; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would allow transportation agencies to proactively stabilize transportation facilities before failure, allowing maintenance crews to repair and reinforce infrastructure under planned, lower-risk conditions rather than during an emergency response. It could improve the reliability of transportation corridors by preventing or reducing closures and give agencies greater flexibility to address infrastructure threatened by forecasted natural hazards or weather events.
- **Maintenance of Environmental Protections:** Programmatic consultation would establish ESA requirements and conservation measures before an emergency occurs. This could improve environmental protection by allowing agencies to plan and implement work under predefined conditions rather than developing mitigation measures during an emergency response.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expanded ESA programmatic consultation coverage to include impending emergencies would enable transportation agencies to proactively rehabilitate, replace, or relocate transportation facilities threatened by impending hazards. It could reduce overall project costs by allowing agencies to address vulnerable infrastructure before failure and avoid emergency procurement, emergency response, and reconstruction costs.
- **Maintenance of Environmental Protections:** This streamlining opportunity could improve environmental protection by establishing avoidance, minimization, and conservation measures in advance of construction. Proactive work could reduce the environmental impacts associated with responding to a facility failure under emergency conditions.

Streamlining Opportunity No. 3: Expedited Review Processes for Emergency Actions

Responsible entities (with primary underlined): Washington Legislature, WSDOT, Ecology, Local Agencies

In emergency or impending emergency situations, transportation infrastructure owners and managers need a clear process for responding quickly to protect public safety, maintain essential transportation services, and prevent further damage.

Streamline the permitting process required during transportation infrastructure emergencies by:

- Creating an expedited review process for required state and local permits that allows agencies to prioritize and process permit applications more quickly when transportation infrastructure faces an emergency or impending emergency.

This streamlining opportunity would enhance the benefit of Streamlining Opportunities No. 1 and 2 but is not a required component. Multiple work group members identified this opportunity as high priority.

Summary of arguments for:

Establishing an expedited review process for emergency actions would give applicants a defined pathway when standard permit review timelines would prevent an appropriate response. A clear process would also provide greater certainty when transportation agencies need to address urgent conditions. The existing expedited HPA process provides an example of how a defined process can support timely action during emergencies or impending emergencies while still retaining regulatory oversight.

Summary of arguments against:

Many state and local permits and approval processes already include exemptions or expedited review provisions for emergency situations. Creating an additional, broadly applicable expedited review process could duplicate existing authorities and processes. Additionally, certain federal laws that are implemented at the state level (e.g., CWA Section 401) do not have emergency provisions and may not have flexibility for expedited processing. Agencies should address impending emergencies on a case-by-case basis and expedite review when circumstances warrant faster action. This approach would preserve agency discretion to match the level of review to the urgency and complexity of each project.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors; Office of Equity; WPPA; WSACE	WDFW; AWC; Ecology; WSTA; Jamestown S'Klallam Tribe; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Creating an expedited review process for state and local permits during emergencies and impending emergency situations would enable transportation agencies to respond more quickly to damaged roads, culverts, bridges, and drainage infrastructure. Faster permit decisions could reduce roadway closures, restore public access more quickly, minimize safety risks, and improve transportation system resilience while maintaining appropriate environmental protections.
- **Maintenance of Environmental Protections:** The expedited process would accelerate permit review rather than eliminate regulatory oversight. Applicable permit conditions and regulatory requirements, including construction best management practices, fish protection measures, and in-water work windows would still apply unless an existing statutory or regulatory emergency provision provides otherwise.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** For facility rehabilitation and replacement projects, expedited permitting would accelerate repairs or replacement of transportation facilities damaged by natural disasters or other emergencies. Reduced permitting timelines would help agencies stabilize infrastructure sooner, limit service disruptions, lower the risk of further deterioration, and restore critical public facilities more efficiently.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 4: RGP for Maintenance, Repair, and Replacement Activities

Responsible entities (with primary underlined): Corps, WSDOT, Ecology

Maintenance, repair, and replacement activities occur frequently across Washington's transportation infrastructure. Corps' NWPs may not be as effective as an RGP for authorizing the full range of these activities, potentially delaying timely response to infrastructure needs.

Streamline and align permitting requirements for transportation maintenance, repair, and replacement projects and activities by:

- Conducting a gap analysis of existing Corps' NWPs for transportation maintenance, repair, and replacement activities, including gaps in time, cost, and scope of work covered, and evaluating the need for an RGP to address identified gaps.

This streamlining opportunity is connected with, though not contingent upon, Streamlining Opportunity No. 5. Multiple work group members identified this opportunity as high priority.

Summary of arguments for:

Conducting a gap analysis of existing Nationwide Permits could identify whether current authorizations adequately address these actions and whether an RGP would provide additional value. A Washington-specific RGP could establish a regional permitting pathway tailored to the needs of transportation agencies and provide greater clarity by making permit conditions available in advance. Additionally, developing a RGP incorporates other essential requirements, such as CWA Section 401 and CZMA directly into the RGP process.

Summary of arguments against:

Developing a new RGP is a multi-year, resource-intensive effort and may not provide sufficient benefits to justify the investment. Many transportation-related maintenance, repair, and replacement activities already qualify under existing Nationwide Permits. A Washington-specific RGP may therefore provide limited additional value where existing permitting pathways already address many of these actions.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Ecology; Consultant Engineering Community; Construction Trades Labor; Commerce; Jamestown S'Klallam Tribe; Office of Equity; WSACE; WSTA	WDFW; General Contractors; AWC; WPPA; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** A maintenance, repair, and replacement RGP could expedite permitting for routine maintenance activities, reduce review time for recurring, low impact projects, improve consistency in permit requirements, support preventative maintenance, and reduce project delays. This streamlining opportunity directly targets this project type.
- **Maintenance of Environmental Protections:** If developed, a maintenance, repair, and replacement RGP would maintain environmental protections through pre-approved conditions, thresholds, and best management practices. By definition, RGPs authorize actions that cause minimal individual or cumulative impacts on the aquatic environment. An RGP would not eliminate environmental review; it would standardize the review and applicable conditions.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** If a proposed rehabilitation or replacement action fits within the scope of a maintenance, repair, and replacement RGP, the RGP could provide an additional approval pathway for a required Corps permit. An RGP could expedite rehabilitation or replacement of transportation support facilities, reduce permitting uncertainty, accelerate delivery of aging infrastructure replacement projects, and lower administrative costs associated with repetitive permitting actions.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and System Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50
- **Streamlining Opportunity Relevance:** Activities associated with transportation operations and system support could benefit from a Washington-specific RGP for maintenance, repair, and replacement actions, if they fall within eligible activities.

An RGP could expedite the permitting process for relevant activities that require a Corps permit.

- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 5: Statewide Catalog of Maintenance, Repair, and Replacement Activities

Responsible entities (with primary underlined): Washington Legislature, WSDOT, Ecology, WDFW

Authorization requirements for routine and emergency actions can vary significantly depending on the project location, type of work, and regulating agency. Differing timelines for environmental permits and approvals can delay the response to protect transportation infrastructure and the public.

Streamline and align permitting requirements for transportation maintenance, repair, and replacement projects and actions by:

- Creating, through legislation, a single, comprehensive statewide catalog in Title 47 of the Revised Code of Washington (RCW) identifying routine and emergency transportation system work, including pre-emergency, emergency, and post-emergency actions, that does not substantially expand existing facilities and is eligible for streamlined environmental review, permit exemptions, or other streamlined permitting processes. The catalog would establish clear, accurate, and consistent statewide definitions for transportation work (e.g., maintenance, repair, replacement, etc.) to replace differing, narrow lists of qualifying activities currently used across environmental statutes. These definitions would apply to WSDOT, cities, counties, transit agencies, and public port districts across multiple environmental statutes, including SEPA, SMA, GMA, Hydraulic Code, and the State Noise Code. The Legislature could require annual multi-agency review to track implementation, share best practices, and recommend updates to the catalog as transportation systems, facilities, and work practices evolve.

This streamlining opportunity is connected with Streamlining Opportunity No. 4. Multiple work group members identified this opportunity as a high priority. Additional detail on this streamlining opportunity is included in Appendix D.

Summary of arguments for:

This streamlining opportunity would establish a consistent statewide pathway for authorizing standard actions that preserve and maintain Washington's transportation system. A consolidated catalog could also remove inconsistencies among RCW provisions governing routine transportation actions.

Summary of arguments against:

The need for a comprehensive catalog is unclear. Developing and maintaining the catalog would require extensive review and coordination. There are already expedited pathways for routine and emergency actions for many required authorizations. For example, emergency actions necessary to protect property from damage by the elements are procedurally

exempt from Shoreline Management Act substantial development permits (RCW 90.58.030(3)(e)(iii)).

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; Construction Trades Labor; Commerce; Jamestown S'Klallam Tribe; Office of Equity; WSACE; WSTA	WDFW; Ecology; General Contractors; AWC; WPPA; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** This streamlining opportunity could expedite permitting for routine maintenance activities by reducing review times for recurring, low impact projects. It could also improve consistency in permit requirements across similar maintenance activities and support preventative maintenance. These improvements could reduce project delays and improve the predictability of project delivery.
- **Maintenance of Environmental Protections:** The goal of this opportunity is to eliminate duplicate reviews and ensure projects obtain permits and approvals necessary to protect environmental resources. This proposal would not reduce environmental protections; rather, it would establish consistent, streamlined review for similar projects.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** The rehabilitation and replacement of aging transportation facilities could proceed more quickly if eligible actions were included in streamlined environmental review or permit exemptions. This could reduce project costs and accelerate project delivery, particularly by reducing administrative costs associated with repetitive permitting actions.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months

- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** A statewide catalog with consistent definitions could reduce permitting uncertainty and accelerate fish-passage corrections, culvert replacements, habitat restoration, stormwater retrofits, and similar work by clearly identifying activities eligible for streamlined review or exemptions.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and System Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50
- **Streamlining Opportunity Relevance:** Activities associated with transportation operations and system support could benefit from a statewide catalog of maintenance, repair, and replacement activities that provides a consistent streamlined pathway for qualifying actions. This could reduce project costs and accelerate project delivery, particularly by reducing administrative costs associated with commonly permitted actions.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 6: NPDES Coverage for Maintenance, Repair, and Replacement Activities

Responsible entities (with primary underlined): Ecology, WSDOT, non-WSDOT Transportation Agencies

Reduce state permitting requirements for transportation maintenance projects by:

- Expanding National Pollutant Discharge Elimination System (NPDES) general permit coverage to additional maintenance activities.

Multiple work group members identified this opportunity as a high priority.

Summary of arguments for:

NPDES general permits provide an efficient way to authorize common types of actions. Ecology could evaluate recurring, low-risk maintenance activities for inclusion under NPDES general permit coverage to reduce delays and costs associated with individual permit coverage. General permit coverage for these types of actions could also allow agency staff to focus individual permit reviews on higher-risk projects.

Summary of arguments against:

An NPDES general permit works best when the actions it covers have similar discharge characteristics. Some routine maintenance activities may not meet this standard. Expanding general permit coverage could also limit consideration of site-specific conditions. Ecology and project proponents would therefore need to evaluate whether additional maintenance actions have sufficiently similar characteristics to support general permit coverage.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; AWC; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors	WDFW; Jamestown S'Klallam Tribe; Ecology; Office of Equity; WSACE; WPPA; WSTA; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** An NPDES general permit covering maintenance activities could streamline permitting for recurring activities with similar stormwater or wash-water discharges. Standardized permit conditions

could reduce permit application and review times and decrease administrative costs associated with obtaining individual permit coverage for repetitive maintenance work. This could also help transportation agencies perform preventive maintenance more efficiently, reduce infrastructure deterioration, extend asset life, and promote consistent permit requirements and best management practices across similar maintenance projects.

- **Maintenance of Environmental Protections:** NPDES permits protect water quality by establishing discharge limits, monitoring and reporting requirements, pollution protection measures, and agency oversight and enforcement. Including additional low-risk activities under a general permit would maintain these environmental protections while applying standardized requirements to activities with similar discharge characteristics.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** If proposed facility rehabilitation or replacement activities fall within the scope of the proposed NPDES general permit, it could simplify permitting for those activities. However, depending on the proposal, it is likely that an individual NPDES permit would be required for at least part of the action so any rehabilitation activities that could fall under the proposed NPDES general permit could be included there.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 7: SEPA Exemption for Bridge Maintenance, Repair and Replacement Activities

Responsible entities (with primary underlined): Washington Legislature, WSDOT, Ecology

The existing SEPA exemption in RCW 43.21C.470 excludes, perhaps unintentionally, bridges less than 20 feet long from eligibility for the categorical exemption.

Streamline the permitting process for conducting maintenance, repair, and replacement of bridges by:

- Revising RCW 43.21C.470 as follows: *Categorical exemption for structurally deficient bridges—Definition.*

  (1) The department [of ecology] must amend the categorical exemption available to Washington department of transportation projects under WAC 197-11-800(26) as of July 24, 2015, so that the same categorical exemption applies to structurally deficient city, town, or county bridge repair or replacement projects.

  (2) For purposes of this section, "structurally deficient" means a bridge that is classified as in poor condition under the state bridge condition rating system, ~~and is reported by the state to the national bridge inventory as~~ having a deck, superstructure, ~~or~~ substructure or culvert rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency.

- Reducing impediments to replacing aging bridges and other transportation infrastructure when modern engineering and safety standards and permit requirements require changes to the project footprint, including work that may extend beyond the existing right-of-way boundary.

This opportunity was identified as a high priority by all work group members and organizations in support.

Summary of arguments for:

Updating the language and clarifying related provisions of the RCW and WAC to include short span bridges could make it easier to replace aging bridge infrastructure when

Summary of arguments against:

This reporting requirement is part of the standard practice of most cities, counties, and agencies that own and manage bridges in Washington. As long

modern safety standards require bridge owners to address structural deficiencies more efficiently while incorporating current safety standards.	as the bridge is included in the National Bridge Inventory (NBI), the bridge is eligible for the categorical exemption. Because bridge owners already routinely report qualifying bridges to the NBI, the proposed change would only benefit the shorter-span bridges that do not currently qualify for the exemption.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; AWC; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors; Jamestown S'Klallam Tribe; Office of Equity; WSACE	WDFW; Ecology; WPPA; WSTA; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Removing the reporting requirement to the NBI would allow agencies to address deteriorating bridges before conditions worsen or require emergency repairs. It would also reduce the administrative effort associated with documenting NBI eligibility. The proposed change could improve the preservation of local road networks, particularly where short-span bridges fall below the NBI reporting threshold. Reducing impediments to replacing aging bridge infrastructure when modern safety standards require changes to the project footprint would allow agencies to replace structurally deficient or functionally obsolete bridges with wider decks, improved guardrails, or updated geometric standards. It could reduce delays associated with permitting or environmental review when projects require modest changes to the project footprint right-of-way. It would also allow transportation agencies to incorporate modern safety features without substantially increasing project complexity. It could reduce long-term maintenance costs by enabling comprehensive bridge replacement rather than incremental repairs.
- **Maintenance of Environmental Protections:** Removing the NBI reporting requirement would not reduce environmental protections, as it relates more to the condition and classification of the bridge. While expanding a project footprint to meet modern safety standards may result in additional environmental impacts relative to remaining within the project footprint, analysis of these impacts would still be conducted through the permitting process. The proposed changes would

allow for structurally deficient bridges to be addressed more quickly by appropriately recognizing the need, rather than removing environmental protections.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-2 years
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would lower the administration burden to smaller municipalities by eliminating the need to verify NBI reporting status. It would expedite the rehabilitation or replacement of small bridge structures and access crossings that are not included in the NBI. It could also improve capital planning by expanding the number of projects eligible for streamlined review. Allowing project footprints to change as necessary to meet modern safety standards would enable rehabilitation and replacement projects to incorporate current engineering and safety requirements without being constrained by outdated infrastructure footprints. This approach would also simplify projects that require modest right-of-way adjustments to accommodate modern design requirements.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 8: SMA Exemption for Utility Relocation and Modification

Responsible entities (with primary underlined): Washington Legislature, WSDOT, Ecology

Relocating utilities is often necessary as part of or is triggered by maintenance, repair, and replacement projects. Currently, RCW 90.58.356, which provides exemptions under the Shoreline Management Act for maintenance, repair, and replacement actions, does not include utility relocation as part of the exempt activity. Therefore, utility relocation work may require a separate permitting process.

Streamline transportation projects that include or trigger utility relocations by:

- Including utility relocation or modification necessary to complete maintenance, repair, and replacement actions as part of the actions authorized in RCW 90.58.356, thereby preventing separate utility permitting requirements from delaying project delivery.

This streamlining opportunity is connected with Streamlining Opportunity Nos. 4-6 when utility relocation is necessary as part of or is triggered by maintenance, repair or replacement projects. Additional coordination and discussion would be necessary to determine the specific statutory language needed to amend RCW 90.58.356 to accomplish this streamlining opportunity. Multiple work group members identified this opportunity as high priority.

Summary of arguments for:

This streamlining opportunity would include utility relocation within the exempt action, so that separate permitting requirements for necessary utility work would not delay the underlying maintenance, repair, or replacement project.

Summary of arguments against:

Utility relocation must be conducted with care and awareness of the location of critical areas, shorelines, and other sensitive resources. Including utility relocation within the exemptions for maintenance, repair, and replacement actions under the SMA could remove a level of oversight and consideration that helps ensure environmental protections are maintained. If utility relocation is necessary to complete maintenance or repair actions, it should go through a separate process for authorization.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; AWC; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors, Jamestown S'Klallam Tribe; WPPA	WDFW; Office of Equity; WSACE; WSTA; Cowlitz Indian Tribe*	Ecology

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Authorizing necessary utility relocation under RCW 90.58.356 would accelerate road, bridge, culvert, and drainage improvement projects by reducing delays caused by separate permitting for relocating existing water, sewer, stormwater, electrical, gas, and telecommunications infrastructure. It would also help transportation agencies to complete maintenance and preservation projects within shorter construction windows and minimize traffic disruptions.
- **Maintenance of Environmental Protections:** Including utility relocation in the SMA exemption will reduce environmental oversight if the exemption is applied too broadly. Any statutory amendment should establish clear conditions and limitations to ensure the exemption applies only to low-risk utility relocation or modification that is necessary to complete eligible transportation maintenance, preservation, repair, or replacement work.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would expedite rehabilitation and replacement of transportation facilities where utility infrastructure must be relocated or modified to accommodate construction. It would reduce project delivery risks by eliminating permitting bottlenecks for utility work necessary to complete the primary transportation project. It could also improve construction sequencing and reduce overall project duration and costs.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k

- **Streamlining Opportunity Relevance:** Including necessary utility relocations within the authorized transportation action could reduce permitting delays when utilities conflict with fish-passage corrections, culvert replacements, stream restoration, or other environmental improvements. This could improve coordination between transportation and utility work, reduce the need for separate permitting processes, and allow restoration projects to move through design and construction more efficiently.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 9: SMA Maintenance Standards

Responsible entities (with primary underlined): Washington Legislature, WSDOT, Ecology

Currently, there are potential inconsistencies within RCW 90.58.356 regarding the authorization of maintenance projects. RCW 90.58.356(2)(a) exempts WSDOT actions within the roadway prism, or the lease or ownership area of a state ferry terminal or transit facility. The statute does not clearly explain how airspace leases are eligible for this exemption.

Reduce ambiguity and potential conflicts in the RCW governing maintenance projects by:

- Clarifying how airspace leases related to the roadway prism as described in RCW 90.58.356(2)(a),
- Resolving the conflict between RCW 90.58.356(2)(a) and RCW 90.58.356(1)(a). Meeting current engineering standards (per the definition of "maintenance" under RCW 90.58.356(1)(a)) often requires some expansion beyond the roadway prism, which may make a project ineligible under RCW 90.58.356(2)(a).

Summary of arguments for:

Designing and maintaining to current engineering standards often requires some expansion beyond the roadway prism or right-of-way, which could make the action ineligible for the exemption, as currently described in RCW 90.58.356(2)(a) and RCW 90.58.356(1)(a). Clarifying these provisions would give project proponents and reviewing agencies greater certainty and when transportation projects qualify for the exemption and could reduce delays caused by differing interpretations.

Summary of arguments against:

RCW 90.58.356 is written with sufficient clarity and detail to appropriately exempt maintenance, repair, and replacement actions. Additionally, revisions could define maintenance projects in a way that would limit a local jurisdiction's ability to incorporate necessary design standards into the projects. Where questions arise regarding the application of these provisions, agencies can solve them on a project-by-project basis. Changes to the RCW could require rulemaking by Ecology and other agencies, which can be resource intensive.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; Construction Trades Labor; Commerce; Jamestown S'Klallam Tribe; Office of Equity	WDFW; AWC; WSACE; WPPA; WSTA; General Contractors; Cowlitz Indian Tribe*	Ecology

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Clarifying how airspace leases related to the roadway prism per RCW 90.58.356 would reduce uncertainty for maintenance activities involving infrastructure within leased airspace. It could improve consistency in permitting decisions for bridge-related structures, utility attachments, and other transportation facilities that occupy airspace within the roadway prism and right-of-way and reduce administrative effort spent determining whether those areas qualify for the exemption. Resolving the potential conflicts between RCW 90.58.356 would allow roadway, bridge, and culvert maintenance projects to incorporate modern safety features without losing eligibility for streamlined permitting. It could also reduce delays when modest roadway prism expansions are necessary to meet current design, hydraulic, or safety standards, and encourage agencies to complete comprehensive preservation projects rather than limit necessary improvements to the existing roadway prism.
- **Maintenance of Environmental Protections:** Expanding the activities eligible for exemption under RCW 90.58.356 will reduce environmental oversight if the exemption is applied too broadly. Any statutory amendments should establish clear conditions and limitations to ensure that only low-risk activities necessary to meet modern design, hydraulic, or safety standards qualify for the exemption.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Facility rehabilitation and replacement projects involving transportation infrastructure would benefit from clearer statutory direction when upgrades require limited expansion beyond the existing roadway prism and right-of-way to comply with modern design standards. Resolving inconsistencies in the RCW would reduce permitting disputes, improve predictability during project design, and decrease the risk of delays caused by differing interpretations of whether a project qualifies as maintenance.

- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Clarifying roadway prism requirements could reduce uncertainty for projects where environmental improvements are incorporated into maintenance or replacement work, such as fish-friendly culvert replacements, stream-crossing upgrades, or stormwater retrofits. Allowing limited expansion needed to meet current engineering standards could help these projects remain eligible for streamlined permitting pathways and reduce delays caused by conflicting statutory interpretations.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 10: Expanding ESA Programmatic Coverage

Responsible entities (with primary underlined): USFWS, NMFS, WSDOT, non-WSDOT Transportation Agencies, Corps, FHWA

Many existing ESA programmatic consultations relevant to transportation projects in Washington limit which project proponents can use them. In most cases, WSDOT is the primary eligible user.

Broaden expedited processes for transportation projects by:

- Expanding, to the maximum extent feasible, existing ESA programmatic consultations to include additional eligible project proponents, including local governments and public port districts; and
- Developing separate ESA programmatic consultation(s) to cover non-WSDOT transportation projects.

Multiple work group members identified this opportunity as a high priority.

Summary of arguments for:

By expanding these ESA consultations to additional entities, there could be substantial reductions in the time and resources required for projects that fall within the activities covered by the consultations. In many cases, the federal Services have already evaluated the potential effects of these types of projects. Expanding the consultations could build on that existing analysis and may primarily require the federal Services to confirm or update take estimates based on the frequency, location, and characteristics of projects proposed by additional transportation entities.

Summary of arguments against:

ESA programmatic consultations often apply specifically to the entities identified in the consultation. They may also rely on analyses of specific construction methods, project frequencies, and geographic areas. The take authorized through an ESA programmatic consultation generally cannot be transferred from one entity to another without additional analysis or authorization. Expanding programmatic coverage to multiple transportation entities could therefore require new or substantially revised ESA programmatic consultations. Developing those consultations could require substantial time and resources and may not produce a practical or effective statewide solution.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; AWC; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors; WPPA; WSACE; WSTA	WDFW; Ecology; Office of Equity; Jamestown S'Klallam Tribe; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-2 years
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Expanding existing ESA programmatic consultations to cover additional entities would allow more transportation agencies to use established consultation frameworks for routine maintenance and preservation projects. This could reduce the need for individual ESA consultations, shorten permitting timelines, improve consistency in environmental compliance, and reduce administrative costs for projects that fall within the scope of the applicable consultation.
- **Maintenance of Environmental Protections:** Expanding ESA programmatic consultations would not reduce environmental protections. Instead, it would extend established consultation requirements and conservation measures to additional eligible transportation project proponents and projects within the scope of the consultation.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-2 years
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Expanding programmatic ESA consultations would allow additional transportation agencies to use established consultation processes for rehabilitation and replacement projects with predictable environmental effects. This could reduce duplicative consultation, shorten review timelines, improve regulatory certainty, and support more efficient project delivery.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-2 years
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Broader programmatic ESA consultations could allow additional transit agencies, public port districts, and local governments to use established consultation frameworks. This could reduce

project-specific ESA review, improve coordination among regulatory agencies, increase permitting predictability, and accelerate delivery of complex transit and freight mobility projects while maintaining compliance with the federal Endangered Species Act.

- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 11: Enforceable Permit Application Processing Timelines

Responsible entities (with primary underlined): Washington Legislature, WSDOT, Ecology, WDFW, Local Agencies

Applicants currently have limited visibility into how long it takes regulatory agencies to review permit applications. Applicants may wait weeks or months or longer for agency permit decisions with limited recourse when reviews extend beyond expected timeframes.

Streamline and speed up local and state agency permitting for transportation projects by:

- Establishing enforceable permit processing timelines for local governments and regulatory agencies to reduce the time permit applications remain under review.

Multiple work group members identified this opportunity as a high priority. See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

Establishing enforceable permit processing timelines would increase transparency, improve predictability, and reduce the amount of time that it takes to obtain permits. WDFW currently operates under a required 45-day review period to grant or deny an HPA per RCW 77.55.021. Similar permit processing timelines could provide greater certainty for transportation project applicants working with other state agencies and local governments.

Summary of arguments against:

While permit processing timelines exist for many processes, implementing and enforcing these timelines can be challenging. Many local governments do not have the resources to review and respond to permit applications within prescribed timeframes, particularly when applications involve large or complex projects. Additionally, HB 2418 (from 2026) arguably already addresses the concern underlying this streamlining opportunity with regards to review by local governments. Regulatory agencies need flexibility to adjust review timelines based on workload and project complexity. Enforceable timelines could limit the time available for agencies to conduct appropriate review, incentivizing permit denial, and could create risks to environmental and regulatory protection.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; Construction Trades Labor; Commerce; WDFW, General Contractors; WPPA; WSTA	Ecology; Office of Equity; WSACE; Jamestown S'Klallam Tribe; Cowlitz Indian Tribe*	AWC

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would accelerate the delivery of roadway, bridge, culvert, drainage, and pavement preservation projects by reducing permit review times. It would help transportation agencies complete maintenance within seasonal construction windows and reduce the need to postpone work for another year. Timely permit decisions would also support preservation of existing infrastructure by allowing transportation agencies to address repairs before assets deteriorate further. In addition, predictable permit review timeframes would improve annual maintenance planning and contractor scheduling and reduce costs associated with prolonged permitting, inflation, and repeated project mobilization.
- **Maintenance of Environmental Protections:** This streamlining opportunity would not create new permit exemptions or eliminate environmental review requirements. Instead, it would establish timelines for completing existing reviews. Any expedited processes or review requirements would continue to apply to the project.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Enforceable permit processing timelines would shorten and standardize permit review periods across jurisdictions, reducing uncertainty during project development. More predictable permit decisions would improve project scheduling, minimize delays caused by prolonged regulatory reviews, improve coordination among permitting agencies, and support more efficient delivery of rehabilitation and replacement projects while maintaining environmental compliance.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k

- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity improvement projects would benefit from more predictable permit review timelines involving multiple local governments and state agencies. Reduced permit processing times would decrease schedule risk, improve coordination with funding and construction schedules, reduce administrative burdens, and accelerate the delivery of transit, freight mobility, and multimodal infrastructure projects without changing substantive environmental review requirements.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Environmental restoration, fish passage, and resource protection projects that do not qualify for existing exempt or streamlined pathways would benefit from enforceable permit processing timelines. More predictable permit decisions would improve project scheduling, minimize delays, improve coordination among agencies, and support more efficient delivery of relevant projects.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 12: GHPA Coverage for Multiple Transportation Groups

Responsible entities (with primary underlined): WDFW, non-WSDOT Transportation Agencies

WDFW uses General Hydraulic Project Approvals (GHPAs) to authorize defined work activities. WSDOT currently holds nine GHPAs that cover specified activities within defined geographic areas. WSDOT uses these GHPAs regularly and they are an effective mechanism for obtaining HPA coverage for routine actions.

Broaden availability of expedited permitting processes for transportation projects by:

- Creating a pathway for interested non-WSDOT transportation agencies to independently or collectively obtain coverage under established or new GHPA for defined project types.

Multiple work group members identified this opportunity as a high priority.

Summary of arguments for:

This streamlining opportunity would allow a group of transportation agencies to operate under a single GHPA for eligible work activities. The existing GHPA framework may already provide a pathway for this approach if the authorized activities are low risk and do not require compensatory mitigation. The participating transportation agencies would need to work with WDFW to establish appropriate protocols, responsibilities, and assurances for permit issuance and compliance.

Summary of arguments against:

This pathway already exists. The challenges with developing these GHPAs would be ensuring that participating transportation agencies can commit to specific work methods and comply with the GHPA's permit provisions. All interested parties would need to agree to provisions and modifications which would not necessarily be streamlined or efficient. The participating transportation agencies would also need to determine who would assume liability under the GHPA; the permit applicant assumes liability and risk for all the agencies under the permit.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors; WPPA; WSACE; WSTA	WDFW; AWC; Ecology; Office of Equity; Jamestown S'Klallam Tribe; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Creating a pathway for multiple transportation agencies to operate under a single General Hydraulic Project Approval (GHPA) for eligible project types would streamline permitting for routine highway and road maintenance activities with similar potential environmental impacts. Once a GHPA is in place, it would reduce duplicative permit applications, improve consistency in hydraulic permitting, reduce administrative costs, and accelerate delivery of maintenance and preservation projects while maintaining standardized environmental protection measures.
- **Maintenance of Environmental Protections:** If the eligible work activities are low risk and meet established criteria, the shared GHPA would maintain environmental protections through standardized permit provisions and HPA requirements, including measures to protect fish life and aquatic resources.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** For facility rehabilitation and replacement projects, a shared GHPA would allow multiple transportation agencies to use a common permitting framework for recurring project types that meet established eligibility criteria. Once a GHPA is in place, it could simplify permit administration, improve consistency in permit conditions, reduce review times, and increase efficiency for rehabilitation projects with predictable hydraulic impacts.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity improvement projects would benefit from a collective GHPA by allowing groups of

transit agencies, public port districts, and local governments to utilize a common hydraulic permitting process for qualifying projects. Once a GHPA is in place, it would reduce redundant agency-specific reviews, improve coordination among transportation partners, shorten permitting timelines, and support more efficient delivery of safety, mobility, and capacity improvements while ensuring consistent protection of fish life and aquatic resources.

- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** A collective GHPA for common actions associated with environmental restoration, fish passage, and resource protection projects could expedite and standardize the HPA process for member transit agencies, public port districts, or local governments. Once a GHPA is in place, it would reduce duplicative permit applications, improve consistency in hydraulic permitting, reduce administrative costs, and accelerate delivery of relevant projects while maintaining standardized environmental protection measures.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 13: Expanding Transportation FHEP Project Types

Responsible entities (with primary underlined): Washington Legislature, WDFW, WSDOT, non-WSDOT Transportation Agencies

Fish Habitat Enhancement Project (FHEP) criteria do not include Chronic Environmental Deficiency (CED) or stormwater retrofit projects, which would benefit aquatic habitat under RCW 77.55.181.

Streamline Hydraulic Project Approval (HPA) permitting for fish habitat enhancement projects by expanding the types of projects that qualify under RCW 77.55.181(1)(a):

- *(v) projects identified by the department of transportation as Chronic Environmental Deficiency (CED) projects or stormwater water quality retrofit projects that include fish passage improvement, stream restoration, or other habitat enhancements or water quality improvements including advanced mitigation work consistent with the goals of this section;*
- *(vi) Similar projects sponsored by a local agency, transit agency, or public port district.*

Multiple work group members identified this opportunity as a high priority. See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

Certain CED or stormwater water quality retrofit projects include elements that benefit aquatic habitat and therefore align with the intent of the fish habitat enhancement provisions in RCW 77.55.181. Including qualifying projects under the existing FHEP exemption would streamline permitting and allow these beneficial projects to proceed more quickly and cost-effectively. The proposed statutory additions would also provide a clear pathway for qualifying projects sponsored by WSDOT and other transportation entities.

Summary of arguments against:

The proposed revisions may define eligible projects too broadly. To qualify for permit streamlining under FHEP, a project must be sufficiently low environmental risk and must fall within HPA jurisdiction. Broad or open-ended project categories could allow higher risk projects to proceed without appropriate SEPA or local government environmental reviews. The proposed language would therefore need to identify specific project types or establish clear eligibility criteria before expanding FHEP coverage. Alternatively, the proposed projects could be evaluated through a separate streamlining process outside of FHEP. Additionally, the proposed additions potentially conflict with

other sections of RCW 77.55.181 and may not meet the intent of the FHEP program.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; AWC; Consultant Engineering Community; Commerce; General Contractors, Jamestown S'Klallam Tribe; WSACE	Construction Trades Labor; Office of Equity; WPPA; WSTA; Cowlitz Indian Tribe*	WDFW; Ecology

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would expedite permitting for highway maintenance and preservation projects that incorporate environmental improvements. This would allow agencies to more efficiently address fish passage barriers, stormwater impacts, and habitat deficiencies alongside transportation maintenance activities, reducing permitting timelines and lowering administrative burdens while improving delivery of projects that benefit both transportation infrastructure and aquatic habitat.
- **Maintenance of Environmental Protections:** Expanding FHEP eligibility could reduce some environmental review requirements, including SEPA and local government review, for newly eligible project types. Clear eligibility criteria would be needed to ensure the exemption applies only to projects with appropriate environmental characteristics and that projects receive the level of review necessary to protect environmental resources.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Expanding eligibility for streamlined fish habitat enhancement permitting would support rehabilitation and replacement projects that incorporate environmental improvements. Allowing transportation entities to use these streamlined processes would reduce permitting complexity, improve coordination between transportation and environmental objectives, and facilitate fish passage, stream restoration, and water quality improvements into rehabilitation and replacement projects.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k

- **Streamlining Opportunity Relevance:** Broader FHEP eligibility could allow transportation entities to use streamlined processes for qualifying projects that incorporate aquatic habitat improvements or advanced mitigation. This would reduce permitting barriers for multimodal transportation projects, improve project delivery timelines, encourage transportation investments that provide environmental benefits, and support more efficient coordination among transportation and regulatory agencies.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expanding FHEP project types related to transportation work would allow qualifying environmental restoration, fish passage, and natural resource protection projects to be processed and approved with less time and cost. Additional projects within this category qualifying under FHEP would reduce redundant agency-specific reviews, improve coordination among transportation partners, shorten permitting timelines, and support more efficient delivery of projects while ensuring consistent protection of fish life and aquatic resources.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 14: Expanding FHEP Project Types

Responsible entities (with primary underlined): Washington Legislature, WDFW

The HPA FHEP process does not include all project types that would benefit fish life, fish habitat, or aquatic resources.

Streamline permitting for FHEP by broadening the qualifying project types to include:

- Water quality improvement projects
- Invasive species incineration, removal, and control
- Removal of creosote piling and tire contaminants
- Marine-focused fish habitat projects
- Road decommissioning
- Advanced mitigation projects

This streamlining opportunity is related to and would require coordination with Streamlining Opportunity No. 13. Multiple work group members identified this opportunity as a high priority. See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

The expedited process that has been established for FHEP has been very effective and could be broadened to additional project types that provide direct benefits to fish life, fish habitat, or aquatic resources. The list presented here represents the types of projects raised by work group members as potentially being beneficial to cover under FHEP. In most cases, more details would be required to define appropriate eligibility criteria and determine whether they are consistent with the purpose and requirements of the FHEP program. The next step for this streamlining opportunity would be to coordinate and discuss with WDFW what project types and eligibility criteria could appropriately be incorporated into the FHEP process.

Summary of arguments against:

Some of the proposed project types do not currently meet the intent of the FHEP program and may not fall within WDFW's HPA jurisdiction or authority. For those that do fall within HPA jurisdiction, projects qualifying under FHEP must be done solely for the benefit of fish life. Some of the project types, particularly advanced mitigation projects, are inherently being conducted for other purposes and therefore would not be eligible for FHEP coverage. Additional discussion and coordination would be necessary to determine which, if any, of these project types are appropriate for inclusion under FHEP.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; Construction Trades Labor; Commerce; General Contractors, Jamestown S'Klallam Tribe; Office of Equity; WPPA; WSACE	AWC; WSTA; Cowlitz Indian Tribe*	WDFW; Ecology

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expanding qualifying fish habitat enhancement project types would allow highway and road maintenance projects that incorporate water quality improvements, road decommissioning, invasive species control, or habitat restoration activities to move through streamlined permitting processes. This would reduce permitting delays for projects that address both transportation needs and environmental impacts, improve coordination with resource agencies, and support more efficient implementation of fish passage, stormwater, and habitat improvement efforts.
- **Maintenance of Environmental Protections:** While streamlined review could reduce the extent of certain environmental reviews for qualifying projects, projects would remain subject to applicable FHEP eligibility requirements and conditions intended to protect fish life and aquatic resources.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** For facility rehabilitation and replacement projects, broader eligibility for streamlined fish habitat enhancement permitting would make it easier to incorporate environmental improvements such as removal of creosote piling and tire contaminants, marine habitat restoration, and advanced mitigation into infrastructure upgrades. This could reduce regulatory complexity, encourage integrated project designs, shorten permitting timelines, and improve delivery of projects that provide both transportation infrastructure and ecological benefits.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k

- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity improvement projects, particularly those involving public port districts, marine facilities, and multimodal transportation infrastructure, would benefit from streamlined permitting for expanded fish habitat enhancement project types. Allowing the qualification of marine-focused habitat projects, contaminant removal, and advanced mitigation activities would improve coordination between transportation and environmental goals, reduce permitting barriers, and support more timely delivery of projects that enhance transportation capacity while improving aquatic habitat conditions.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Qualifying more project types under FHEP could allow for additional environmental restoration, fish passage, and natural resource protection projects to be processed through the streamlined FHEP pathway. This could reduce regulatory complexity, encourage integrated project designs, shorten permitting timelines, and improve delivery of projects that provide both transportation infrastructure and ecological benefits.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 15: Clarifying FHEP Criteria for Bank Stabilization

Responsible entities (with primary underlined): Washington Legislature, WDFW

This stipulation in RCW 77.55.181 is limiting the design and application of the FHEP process for projects that include the restoration of stream bank stability.

Simplify the requirements to streamline the FHEP process by revising the RCW as follows:

- *(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization ~~only at the toe of the bank~~ method, except in locations where rock mimics the natural bank substrate and ~~with primary emphasis on~~ using native vegetation to control the erosive forces of flowing water;*

This was identified as a high priority by one work group member. See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

The proposed revisions would allow for greater flexibility in stabilizing stream banks while retaining the requirement that projects employ the principle of bioengineering. The proposed revisions would allow limited use of rock where rock mimics the natural bank substrate, providing additional flexibility for site-specific conditions.

Summary of arguments against:

The proposed language is not clear and could expand the types of bank stabilization projects eligible for the FHEP process beyond those originally intended to qualify. Additional clarity may be needed to ensure that the revised language continues to prioritize bioengineering approaches and does not result in broader use of hard armoring under the streamlined FHEP process. A potential revision that would ensure environmental protections is: "Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization method only at the toe of the bank, and with the primary emphasis on using native vegetation to control the erosive forces of flowing water. In locations where the natural bank substrate includes more rock, the restoration can include rock that mimics the natural conditions."

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; Commerce; General Contractors; Jamestown S'Klallam Tribe; WPPA; WSACE	AWC; Construction Trades Labor; Office of Equity; WSTA; Cowlitz Indian Tribe*	WDFW; Ecology

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Revising RCW 77.55.181 would streamline permitting for roadway projects that address erosion, slope instability, and drainage-related impacts. Clearer eligibility criteria would reduce uncertainty for maintenance projects, improve the ability to quickly implement nature-based stabilization solutions, reduce permit processing time, and support protection of transportation infrastructure while enhancing stream habitat. The proposed revisions would also provide greater flexibility to address site-specific bank stabilization conditions while maintaining the use of bioengineering as the basis for FHEP eligibility.
- **Maintenance of Environmental Protections:** This streamlining opportunity would largely not impact environmental protections. The biggest consideration would be that greater flexibility in the use of rock stabilization could increase the use of harder bank treatments. The requirement that projects employ the principle of bioengineering, along with the limitation that rock mimic the natural bank substrate, would help maintain the fish habitat enhancement focus of the FHEP process.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** For facility rehabilitation and replacement projects, simplified FHEP requirements would make it easier to incorporate bioengineered stream bank stabilization into projects affecting waterways. This could reduce permitting complexity, improve coordination between project design and habitat restoration goals, and allow agencies to more efficiently address erosion or instability near existing transportation facilities while maintaining ecological benefits. The proposed revisions could also provide greater flexibility to address site-specific stabilization needs where limited rock use is appropriate under the revised FHEP criteria.

- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity improvement projects would benefit from clearer FHEP requirements by allowing transportation agencies to more readily use bioengineering approaches when stabilizing stream banks near transit corridors, bridges, and related infrastructure. Streamlined approval processes could reduce project delays, encourage nature-based solutions, improve resilience of transportation assets, and support efficient delivery of projects while protecting aquatic resources. The revised criteria would provide additional flexibility for site-specific bank stabilization while retaining the FHEP framework for projects employing bioengineering principles.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Bank stabilization is a common element of environmental restoration, fish passage, and resource protection projects. Clarifying the FHEP requirements would allow transportation agencies conducting these projects to more readily use bioengineering approaches when stabilizing stream banks within or adjacent to project areas.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 16: Multi-Owner Culverts Coverage under FHEP

Responsible entities (with primary underlined): Washington Legislature, WSDOT, WDFW

There have been challenges with WSDOT correcting its fish passage barriers under FHEP when the downstream section of the culvert is owned by another entity.

Expand FHEP permit streamlining benefits to fish passage barrier correction projects where WSDOT corrects a substantial portion of the barrier but must leave a small portion of the remaining barrier in place by revising RCW 77.55.181(1)(a)(i) as follows:

- *(A) Culvert repair and replacement; ~~and~~*
- *(B) Department of transportation fish passage barrier correction projects involving structures extending onto adjoining properties owned by others, where the department eliminates a substantial portion of its barrier even if segments of such structures, including necessary transition segments to be constructed as part of the project, are determined to be a barrier to fish passage;*

See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

There are many examples of multi-owner culverts where WSDOT is legally obligated to correct its portion of a fish passage barrier but the downstream section of the culvert (owned by another entity) is not fish passable and would not be able to support direct flow from the corrected passage. WSDOT therefore installs a transition structure to connect to the downstream section of culvert. The proposed revision would qualify the project under FHEP, even though the entirety of the fish passage barrier has not been corrected. This approach would allow WSDOT to address the portion of a multi-owner fish passage barrier within its control while constructing the transition necessary to connect to the existing downstream structure. WSDOT would ensure that its correction is forward

Summary of arguments against:

Qualifying these types of projects for the FHEP exemptions is inconsistent with the intent of FHEP. Inherently, these projects would not be correcting a fish passage barrier in its entirety because a portion of the barrier would remain in place on property owned by another entity. In order for these projects to be covered under FHEP, there should be coordination between WSDOT and the other owners to facilitate complete correction of the fish passage barrier. Without appropriate coordination or assurances regarding the remaining barrier, proposed changes could result in streamlined permitting for projects that do not fully restore fish passage.

compatible with a future project to eliminate the remaining barrier segment.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; General Contractors	Commerce; Office of Equity; Jamestown S'Klallam Tribe; Construction Trades Labor; WSTA, Cowlitz Indian Tribe*	AWC; Ecology; WDFW; WPPA; WSACE

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Fish passage correction could be required in facility rehabilitation and replacement projects. The amendment of RCW 77.55.181 to include projects where a small portion of the barrier must be left in place due to private ownership would expedite the overall reduction in fish passage barriers as WSDOT could utilize the FHEP streamlining benefits, such as SEPA exemption and local government permit exemption. The proposed amendment would be particularly relevant where WSDOT is responsible for correcting a substantial portion of a multi-owner barrier, but a downstream structure owned by another entity cannot be corrected as part of the same project. Allowing the project to qualify for FHEP would reduce permitting delays associated with the WSDOT portion of the correction while allowing the necessary transition to the downstream structure.
- **Maintenance of Environmental Protections:** Environmental protections could be potentially reduced by allowing more projects to utilize the FHEP benefits including SEPA and local permit exemption. However, environmental impacts would still be addressed through mitigation requirements and conditions established through the HPA process. The proposed eligibility should remain limited to projects meeting the statutory criteria, including elimination of a substantial portion of the barrier and construction of necessary transition segments.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would reduce required resources and effort associated with permitting for safety, mobility, and capacity projects that require fish passage barrier correction, through the same mechanisms described above. Where a safety, mobility, or capacity improvement project includes correction of a multi-owner fish passage

barrier, the proposed FHEP eligibility could reduce permitting delays associated with the portion of the barrier under the project sponsor's control.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Where an environmental restoration, fish passage, or resource protection project includes a culvert that passes through properties owned by multiple parties, this streamlining opportunity would reduce required resources and effort associated with permitting. The proposed FHEP eligibility could reduce permitting delays associated with the portion of the barrier under the project sponsor’s control.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 17: Expand FHEP Sponsorship to Local Governments, Transit Agencies, and Public Ports

Responsible entities (with primary underlined): Washington Legislature, WDFW

There are currently special processes and exemptions through WSDOT FHEP sponsorship that are not currently available to cities, counties, transit agencies, and public port districts.

Expand certain FHEP permit streamlining benefits to all city, county, transit agency, and public port district fish passage barrier correction projects, including projects where the fish passage barrier correction is part of a larger transportation project by revising RCW 77.55.181(1)(c) as follows:

- *(x) By a city, ~~or~~ county, transit agency, or public port district for a stand-alone fish passage barrier correction project, or the fish passage barrier correction portion of a larger transportation project ~~funded by the city or county~~;*

See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

This streamlining opportunity would extend the existing FHEP provision that allows WSDOT to receive streamlined treatment when a fish passage barrier correction is part of a larger transportation project, to these other transportation entities. For permitting purposes, the FHEP portion of the project may need to be phased. The proposal would not create a new type of streamlining benefit or change the applicable environmental standards; it would extend the same existing FHEP streamlining benefits currently available to WSDOT to other eligible transportation agencies. This would provide greater consistency in permitting, reduce duplicative review, and encourage cities, counties, transit agencies, and public port districts to incorporate fish passage barrier corrections into larger transportation projects.

Summary of arguments against:

Projects cannot be broken up and authorized in pieces in order to navigate the permitting process in an expedited manner. In this case, separating out a fish passage barrier correction element of a project is relevant for WSDOT because it is a common practice and can be done with a consistent approach. Broadening this exemption to city, county, transit agency, or public port district projects could create potentially challenging permitting situations when trying to delineate the larger project proposal from the fish passage barrier correction element.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; WDFW; WPPA; WSACE; Jamestown S'Klallam Tribe; WSTA; General Contractors	AWC; Commerce; Office of Equity; Construction Trades Labor; Cowlitz Indian Tribe*	Ecology

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Currently, WSDOT utilizes a statutory pathway which automatically qualifies eligible projects for FHEP benefits, even if the fish passage barrier correction element is part of a larger project. By expanding this pathway to cities, counties, transit agencies and public port districts, FHEP benefits such as exemption from SEPA and local permits could be applied to rehabilitation or replacement of other transportation facilities. This would allow eligible fish passage barrier corrections to be incorporated into broader rehabilitation or replacement projects without requiring the fish passage component to follow a separate permitting pathway.
- **Maintenance of Environmental Protections:** There would be no change to environmental protections under this proposal. The amendment would expand access to the existing FHEP streamlining benefits to cities, counties, transit agencies, and public port districts, but would not change the underlying environmental standards, eligibility criteria, or fish protection requirements applicable to qualifying fish passage barrier correction projects.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** The proposed amendments to RCW 77.55.181 would improve project delivery by shortening permit review timelines, as well as create greater opportunities and incentives to bundle fish passage improvements into larger transportation projects. Extending FHEP eligibility to local governments, transit agencies, and public port districts would allow these entities to incorporate qualifying fish passage barrier corrections into safety, capacity, and multimodal transportation projects while using a consistent permitting pathway.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Local governments, transit agencies, and public port districts conducting fish passage barrier correction projects would benefit from this proposed expansion of the FHEP program. Particularly when a fish passage barrier correction is part of a larger transportation project, this extension of eligibility would improve project delivery by using a consistent permitting pathway for this type of project.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 18: Extend HPA Duration

Responsible entities (with primary underlined): Washington Legislature, WDFW

Under current law, HPAs for transportation projects are limited to a five-year duration. Transportation, transit, and freight mobility projects can have construction schedules and contracts that extend beyond five years due to project size, phasing, funding, construction sequencing, or delays outside the project sponsor's control. Requiring application of a new HPA solely because a project extends beyond five years can increase risk of being required by WDFW to re-design the project, create additional administrative burden, and schedule uncertainty, particularly when this occurs after construction has begun.

Amend the current allowable duration of a HPA to accommodate projects that cannot reasonably be completed within five years due to scope or delays by revising RCW 77.55.021 as follows:

- *(9)(b) Approval of a permit is valid for up to five years from the date of issuance, except as provided in (c) or (d) of this subsection and in RCW 77.55.151.*
- *(9)(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for stream bank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the stream bank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.*
- *(9)(d) A permit may be issued for a term greater than five years for hydraulic projects associated with a transportation, transit or freight mobility project undertaken by a public agency, including state, county, city, transit, and public port district agencies, when the department determines, or upon request by the applicant, that the project cannot reasonably be completed within the time period provided in (b) of this subsection and in RCW 77.55.151. For permits issued under this subsection, the department retains authority under RCW 77.55.021(10) to modify permit provisions due to changed conditions. Changed conditions may include, but are not limited to, changes in site conditions, habitat conditions, regulatory requirements, or best available science when necessary to provide for the proper protection of fish life.*

Summary of arguments for:

The proposed revision would allow WDFW to issue an HPA for longer than five years when a transportation, transit, or freight mobility project cannot reasonably be completed within the standard five-year period. This would provide greater schedule certainty and reduce the risk that a permit renewal during construction could delay work or require unnecessary reauthorization of activities that have already been reviewed. The proposal would not prevent WDFW from responding to changed circumstances; WDFW would retain authority to modify permit provisions when site conditions, habitat conditions, regulatory requirements, or best available science change and modifications are necessary to protect fish life.

Summary of arguments against:

RCW 77.55.021 intentionally limits the duration of an HPA, and a five-year permit period provides a regular opportunity for WDFW to review whether existing permit conditions remain appropriate. Most projects can be completed within five years, and extending the duration could reduce opportunities for periodic review of projects that remain active for longer periods. The proposed change would therefore need to be limited to projects for which a longer duration is reasonably necessary and should retain sufficient authority for WDFW to address changed conditions and protect fish life.

The proposal would also require statutory revision and implementation guidance, which could require additional coordination and agency resources.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; WDFW; Construction Trades Labor; WDFW; WPPA; Office of Equity; WSACE; WSTA; General Contractors	Ecology; AWC; Consultant Engineering Community; Jamestown S'Klallam Tribe; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would benefit highway and road maintenance projects such as bridge repair, bank stabilization, and drainage improvements by reducing the administration burden associated with HPA renewal. It would improve scheduling flexibility for projects that must occur during limited in-water work windows and reduce the risk of construction delays when projects extend beyond five years for reasons unrelated to the scope of the permitted work.
- **Maintenance of Environmental Protections:** Environmental protections would be maintained through WDFW's existing authority to modify HPA provisions when

conditions change. Although a longer-duration HPA would reduce the need for periodic renewal solely because of project duration, WDFW would retain authority to modify permit provisions based on changed site or habitat conditions, regulatory requirements, or best available science when necessary to protect fish life.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Amending the HPA duration would benefit projects such as rehabilitation and replacement of maintenance facilities, ferry terminals, park-and-ride facilities, maintenance yards, retaining walls, stormwater infrastructure, and other transportation assets which require phased construction or extended construction schedules. It would reduce permitting uncertainty throughout lengthy design and construction schedules, and lower administrative costs associated with maintaining HPA coverage when a project extends beyond five years.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity improvement projects, such as rail extensions, bus rapid transit corridors, station expansions, and freight mobility improvements, could benefit when construction extends beyond five years due to project scale, phasing, funding, or other scheduling factors. Allowing a longer HPA duration when reasonably necessary would reduce the need for permit renewal based solely on project duration, improve schedule certainty, and reduce administrative burdens for public agencies managing complex transportation projects.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Environmental restoration, fish passage, and resource protection projects could benefit when construction extends beyond five years due to project scale, phasing, funding, or other scheduling factors. The proposed amendment could reduce permitting uncertainty associated with maintaining HPA coverage when a project extends beyond five years.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 19: Expand Access to Liaison Programs

Responsible entities (with primary underlined): Non-WSDOT Transportation Agencies, Washington Legislature, Ecology, Corps, USFWS, NMFS

WSDOT currently utilizes liaison arrangements with federal agencies to facilitate project coordination and permitting. Similar access is generally more difficult for smaller local governments, public port districts, and transit agencies because the cost of establishing and maintaining a dedicated liaison can be prohibitive.

Establish a separate, stand-alone liaison program for the permitting of non-WSDOT transportation projects that is modeled on the existing WSDOT multi-agency permit program approach (RCW 47.85.020), while operating independently and without modifying, expanding, or placing additional demands on WSDOT's existing liaison arrangements by:

- Developing cost share program(s) to allow smaller organizations to benefit from a liaison program and improve access to federal and state permitting and project coordination resources. This will likely need funding from the Washington Legislature, but it is unclear if/what new legislation would be needed.

This was identified as a high priority by one work group member.

Summary of arguments for:

Liaison programs can provide transportation agencies with dedicated expertise and a consistent point of contact for coordinating ESA consultations and other federal permitting processes. Developing a cost-sharing model could allow multiple transportation agencies to share the cost of liaison services and gain access to permitting expertise that may otherwise be unavailable to them. A shared liaison could improve communication between project sponsors and permitting agencies, help identify issues earlier in project development, and reduce administrative burdens associated with coordinating complex permitting processes. Further evaluation would be needed to determine appropriate funding,

Summary of arguments against:

Creating a cost sharing program for liaison services could be administratively complex. Liaison positions are typically funded by the organization that uses the service, and sharing a liaison among multiple organizations would require agreements regarding funding, workload, project prioritization, confidentiality, and allocation of the liaison's time. A shared arrangement could also be less effective if participating organizations have substantially different project schedules, permitting needs, or priorities. Previous efforts to share liaison services between public port districts have raised questions about whether this approach can provide sufficient value when the participating organizations have different needs.

workload, and governance structure for such a program.	A cost-sharing program would therefore need to demonstrate that the benefits of shared liaison services justify the administrative complexity and cost of establishing and managing the arrangement.

Work group positions:

Support	Neutral	Other – see Appendix A
Construction Trades Labor; WPPA; Ecology; Office of Equity; WSACE; Jamestown S'Klallam Tribe; WSTA; General Contractors	WSDOT; WDFW; Ecology; AWC; Consultant Engineering Community*; Commerce*; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Cost-sharing arrangements could allow smaller local governments and transportation agencies to access liaison services that would otherwise be cost prohibitive. Dedicated liaison support could improve coordination with federal permitting agencies, help identify potential ESA and permitting issues earlier, and reduce administrative delays associated with incomplete information or repeated coordination. This could improve schedule predictability for recurring maintenance and preservation projects without changing the underlying permitting requirements.
- **Maintenance of Environmental Protections:** This streamlining opportunity would not reduce environmental protections.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Cost-sharing programs could allow public port districts, transit agencies, local governments, and other transportation entities to share access to liaison services. Smaller organizations could benefit from permitting expertise without bearing the full cost of a dedicated liaison, while larger participating organizations could benefit from more consistent and coordinated communication with permitting agencies. This could improve coordination during the planning and delivery of complex facility rehabilitation and replacement projects involving multiple regulatory programs.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Cost-share programs could help smaller transit agencies, public port districts, and local governments access liaison services for complex transit, freight mobility, and multimodal projects. Improved coordination with federal permitting agencies could help identify and resolve permitting issues earlier, reduce administrative burdens, and improve schedule certainty for projects involving multiple regulatory programs and agencies.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Cost-share programs allowing for expanded access to liaison services would improve coordination and communication for environmental restoration, fish passage, and resource protection, particularly projects with complex components. Improved coordination with federal permitting agencies could help identify and resolve permitting issues earlier, reduce administrative burdens, and improve schedule certainty for projects involving multiple regulatory programs and agencies.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 20: Expand WSDOT Local Programs Technical Assistance

Responsible entities (with primary underlined): Washington Legislature, Local Agencies, WSDOT

Improve resources available to local agencies conducting transportation projects by:

- Broadening the scope of WSDOT Local Programs office technical assistance on environmental services beyond NEPA to support additional components of the permitting process without creating an additional project review or approval step.

This was identified as a high priority by one work group member. See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

Currently, the WSDOT Local Programs office provides environmental review technical assistance for cities and counties in Washington on the NEPA process for proposed transportation projects receiving FHWA funding. Broadening the support to other parts of the environmental permitting process would be beneficial to all local jurisdictions, but particularly those who do not regularly conduct large transportation projects. While this may require additional staff and resources for the Local Programs office, it would be a useful resource for local agencies throughout the state and would help to ensure that projects are conducted efficiently and effectively. The expanded technical assistance could help local agencies identify permitting requirements earlier, improve the completeness and quality of permit applications, and facilitate coordination with state and federal regulatory agencies. The assistance would be advisory in nature and would not replace or duplicate the independent regulatory review conducted by the applicable permitting agencies.

Summary of arguments against:

The WSDOT Local Programs office is a helpful resource but can slow down a project when review or approval is necessary. Expanding their focus could potentially exacerbate this issue. Additional resources would be helpful, particularly for cities and counties who do not regularly engage in large transportation projects, but expanding the Local Programs office is not the way to provide those resources. To avoid adding another layer of project review, expanded assistance should be structured as optional technical assistance rather than a required review, concurrence, or approval by WSDOT Local Programs. There are also already options for permitting assistance through ORIA.

Work group positions:

Support	Neutral	Other – see Appendix A
Construction Trades Labor; WPPA; Ecology; Office of Equity; WSTA; General Contractors	WSDOT; WDFW; AWC; WSACE; Consultant Engineering Community*; Commerce*; Cowlitz Indian Tribe*	Jamestown S'Klallam Tribe

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Broadening the WSDOT Local Programs Office's technical assistance beyond NEPA to include other environmental permitting requirements would provide local agencies with more comprehensive support throughout project development. This could improve permit application quality, reduce permitting delays caused by incomplete or inconsistent submittals, enhance coordination with regulatory agencies, and accelerate delivery of routine maintenance and preservation projects while maintaining environmental compliance. Because the assistance would be advisory and would not constitute an additional approval or review requirement, it could provide these benefits without adding a new procedural step to the permitting process.
- **Maintenance of Environmental Protections:** This streamlining opportunity would not reduce environmental protections. Technical assistance could improve environmental compliance by helping local agencies better understand applicable requirements and identify permitting needs earlier in project development.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** For facility rehabilitation and replacement projects, expanded technical assistance would help local agencies navigate complex permitting requirements beyond NEPA, including state and federal environmental permits. Earlier identification of permitting needs and improved guidance could reduce project redesigns, improve coordination among permitting agencies, shorten review timelines, and increase confidence in project schedules and budgets. Providing this assistance without requiring an additional WSDOT review or approval would help avoid creating another potential source of project delay.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months

- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expanded environmental services support would benefit transit safety and capacity improvement projects by helping local transit agencies manage the full range of environmental permitting requirements, not just NEPA compliance. This would improve permit coordination, reduce administrative burden, streamline interactions with multiple regulatory agencies, and support more efficient delivery of complex, multi-phase transit and freight mobility projects. Advisory technical assistance could be particularly valuable for transportation agencies that do not have dedicated environmental permitting staff, while avoiding the creation of an additional mandatory review step.
- **Maintenance of Environmental Protections:** Same as above.

<u>Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection</u>

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expansion of WSDOT Local Program's environmental services would increase support for local governments conducting environmental restoration, fish passage, and resource protection projects. Expanded environmental services would improve permit coordination, reduce administrative burden, streamline interactions with multiple regulatory agencies, and support for efficient delivery of complex projects.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 21: Establish a Multi-Agency Permit Application Portal

Responsible entities (with primary underlined): ORIA, Ecology, WDFW, Corps, Washington Legislature

Permit applicants currently submit application materials and track the status of their applications in multiple different locations or through coordination with regulatory agency staff. This can be a burdensome and confusing process, especially for individuals who have not gone through the process before.

Develop a centralized location for project permit application information by:

- Creating a single website or web portal where the applicant can transmit necessary application materials for them to be dispersed to regulatory agencies as appropriate.
- Implementing an application status tracker within that website or web portal that provides applicants with a consolidated view of permit status across participating agencies. The portal would be designed, where feasible, to integrate with or transmit information to existing agency permitting systems rather than requiring participating agencies to replace their existing application platforms. Implementation could be phased based on agency participation, technical feasibility, and available resources.

See Appendix A for specific arguments from work group members identified in the "Other" column below.

Summary of arguments for:

A centralized portal where application information could be disseminated to participating agencies and where an applicant can track the status of their application would create greater ease and transparency within the permitting process. It would not necessarily require regulatory agencies to change their internal processes; the portal could be a front-end platform that parses and sends the information to each agency as required. A centralized portal could also establish a common source of project information, reduce duplicate data entry and submittals, provide applicants with

Summary of arguments against:

This would be an incredibly laborious and complex undertaking. It would require cooperation and coordination across federal, state, and local agencies. Similar efforts have been conducted in the past and the outcomes ended up not being very useful to the applicant. Agencies are moving toward web portals for application submittal, but each agency typically has its own platform. It is unlikely that a single portal could be created in a way that would be straightforward and helpful to the applicant. A centralized portal could also create substantial costs and technical challenges associated with integrating

clearer information about outstanding agency actions, and improve coordination among agencies reviewing the same project. The portal could be developed incrementally, beginning with common application materials and status tracking and expanding integration with individual agency systems as technically feasible.

different agency systems, maintaining data security and privacy, establishing common data standards, and ensuring that application information remains current. If the portal requires agencies to replace or substantially modify existing permitting systems, the resources required could outweigh the benefits.
To address these concerns, implementation should focus on interoperability and applicant-facing coordination rather than requiring agencies to replace existing systems.

Work group positions:

Support	Neutral	Other – see Appendix A
Construction Trades Labor; WPPA; Jamestown S'Klallam Tribe; Office of Equity; WSACE; WSTA; General Contractors	WSDOT; WDFW; AWC; Consultant Engineering Community*; Commerce*; Cowlitz Indian Tribe*	Ecology

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Creating a centralized permitting portal with a shared application submission process and status tracker would simplify permit coordination for highway and road maintenance projects by reducing duplicate submittals and improving communication with multiple regulatory agencies. Applicants would gain greater visibility into permit progress, allowing them to identify potential delays earlier, better coordinate construction schedules, reduce administrative effort, and improve the timely delivery of maintenance and preservation projects. Where multiple agencies are involved, a consolidated status tracker would also help project teams identify outstanding actions and coordinate responses without requiring applicants to separately contact each agency.
- **Maintenance of Environmental Protections:** This streamlining opportunity would not reduce environmental protections. The portal would facilitate submission and coordination of permit applications but would not alter agency permitting requirements, substantive environmental standards, or individual agency decision-making authority.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** For facility rehabilitation and replacement projects, a single permitting portal would streamline the submission of environmental and regulatory documentation while providing consolidated visibility into permit review status. This would improve coordination among agencies, reduce redundant information requests, enhance transparency throughout the permitting process, and increase schedule predictability for complex, multi-phase infrastructure projects. The portal could be particularly valuable for projects requiring concurrent reviews by multiple agencies by providing a common location for applicants to monitor outstanding requirements and agency actions.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity improvement projects, which often require approvals from numerous regulatory agencies, would benefit from a centralized application portal and status tracker by improving interagency coordination and reducing administrative complexity. A single point of submission and transparent permit tracking would help project teams monitor review progress, proactively address permitting issues, improve schedule certainty, and support more efficient delivery of large transit and freight mobility projects. The portal would provide a common applicant-facing coordination tool while allowing participating agencies to retain their existing permitting authorities and processes.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Environmental restoration, fish passage, and resource protection projects would benefit from a centralized application portal, particularly when the project is complex and requires approvals from multiple regulatory agencies. A single point of submission would improve transparency during the permitting process, improve schedule certainty, and support efficient delivery of these ecologically beneficial projects.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and System Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50k

- **Streamlining Opportunity Relevance:** This streamlining opportunity is unlikely to apply broadly to transportation operations and system support projects. However, for physical improvement projects that require permit approvals, a centralized portal could improve coordination and transparency during the permitting process.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 22: Establish a Permanent Work Group

Responsible entities (with primary underlined): Washington Legislature, WSDOT, Ecology, WDFW, Corps

Effective permit streamlining is an ongoing process that requires continual effort to make meaningful, long-term change.

Continue effort on permit streamlining for transportation projects by:

- Amending RCW 47.85.020 to annually convene a permanent work group led by WSDOT to facilitate ongoing communication between transportation and regulatory agencies, evaluate permitting and compliance best practices, develop strategies to improve and streamline transportation project delivery and coordinate these efforts with existing interagency permitting and regulatory work groups to avoid duplication.

Summary of arguments for:

A permanent work group would create a platform for transportation and regulatory agencies to discuss elements of the permitting process that are not working and strategize potential solutions. The ongoing nature would also help to ensure that efforts are not left hanging, without clear implementation or next steps. This streamlining opportunity would likely have benefits in the short term and in the long term; benefits would likely compound as the work group continued to meet and develop effective solutions. A permanent work group would also provide a mechanism to evaluate whether previously adopted streamlining measures are achieving their intended outcomes and to identify additional statutory, regulatory, administrative, or process changes as transportation and environmental requirements evolve. Coordination with existing work groups and efforts would help ensure that the work is complementary rather than duplicative.

Summary of arguments against:

There are a variety of work groups and efforts that seek to evaluate and streamline the permitting process. Establishing another permanent work group would not necessarily solve any problems if the effort is not coordinated with other efforts. It would also be important to ensure appropriate attendance within the work group. If transportation and regulatory agencies are not funded to participate in the work group, attendance and engagement is likely to be limited. A permanent work group could also create additional administrative responsibilities without producing meaningful changes if it does not have clear objectives, defined deliverables, or a mechanism for implementing its recommendations. The work group should therefore complement existing efforts, focus on actionable improvements, and establish a process for tracking recommendations and outcomes.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Construction Trades Labor; Jamestown S'Klallam Tribe; Office of Equity; WSACE; General Contractors	WDFW; Ecology; WPPA; AWC; Consultant Engineering Community*; Commerce*; WSTA; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Establishing a permanent, annually convened work group led by WSDOT would promote ongoing collaboration between transportation and regulatory agencies, leading to more consistent permitting practices and quicker resolution of recurring issues affecting maintenance and preservation projects. Continuous evaluation of best practices could improve permit predictability, reduce administrative burden, and support more efficient delivery of routine transportation improvements. Regular review of recurring permitting issues could also help identify opportunities for administrative or regulatory changes before those issues result in repeated project delays.
- **Maintenance of Environmental Protections:** This streamlining opportunity would not reduce environmental protections, it could potentially strengthen environmental outcomes by promoting consistent permitting practices, earlier identification of environmental issues, and broader use of effective restoration and compliance approaches across transportation agencies.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** For facility rehabilitation and replacement projects, a permanent work group would provide a forum to identify permitting challenges, develop standardized compliance approaches, and improve coordination among agencies. This could reduce inconsistencies in permit reviews, shorten project development timelines, and increase certainty for projects involving complex environmental permitting requirements. The work group could also identify recurring issues across projects and develop recommendations that can be applied consistently to future rehabilitation and replacement projects.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 6-12 months

- **Estimated Cost Savings:** $100-500k
- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity improvement projects would benefit from sustained interagency collaboration focused on streamlining permitting processes and improving regulatory coordination. Regular evaluation of project delivery practices could help resolve systemic permitting obstacles, improve consistency across agencies, reduce delays associated with complex, multi-agency reviews, and enhance the efficient delivery of large transit and freight mobility projects. Including transit agencies, public port districts, local governments, and other relevant transportation partners in the work group's discussions would help ensure that recommendations address permitting challenges experienced across the broader transportation system.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Environmental restoration, fish passage, and resource protection projects would benefit from sustained interagency collaboration focused on streamlining permitting processes and improvement regulatory coordination. Because these projects frequently involve multiple overlapping environmental permits and consultations, improved interagency coordination could reduce duplicative review, inconsistent agency direction, and permitting delays, allowing environmental benefits to be implemented sooner.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and System Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50k
- **Streamlining Opportunity Relevance:** Regular and continued evaluation of project approval and delivery practices could improve the permitting process for physical improvements or other operations projects that require permitting approvals. Regular coordination between transportation and regulatory agencies could help resolve recurring permitting issues, establish best practices, and reduce inconsistent interpretations or duplicative processes, particularly for operational projects that interact with shorelines, waterways, or sensitive habitats.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 23: Federal Funds Exchange Program

Responsible entities (with primary underlined): Washington Legislature, non-WSDOT Transportation Agencies, WSDOT

Using federal funds on a transportation project can complicate the permitting process for the project. The use of federal funds "federalizes" a project, which means that it must comply with all relevant federal regulations. For state or local transportation projects that would not otherwise need to obtain federal permits or comply with certain federal regulations, this can add time and cost to those projects.

Improve and expand the federal funds exchange pilot program by:

- Expanding eligible applicants beyond local agencies within Rural Lead Agencies (counties) currently eligible for the pilot,
- Simplifying the WSDOT administrative process involved in exchanging federal funds in order to reduce project cost,
- Creating a permanent federal funds exchange program with an annual review and feedback process to allow continual improvement to the implementation of the program.

Summary of arguments for:

A federal fund exchange program would allow the state or local jurisdictions to exchange federal dollars for state dollars so that a project's permitting and approval could be simplified. This streamlining opportunity would improve the existing federal fund exchange pilot program in Washington and create a permanent program that could be continually improved.

Summary of arguments against:

The way that Washington handles federal funds makes it complicated to effectively manage an exchange program. The state and many local jurisdictions are also generally adept at applying for and using federal dollars. While a federal fund exchange program could be helpful and is used effectively in other states, it does not make sense to develop a permanent program in Washington. The state should alternatively evaluate other options for keeping federal and state dollars separate and give local jurisdictions better access to state-only funding.

Work group positions:

Support	Neutral	Other – see Appendix A
Consultant Engineering Community; Office of Equity; WPPA; WSACE; Jamestown S'Klallam Tribe; WSTA; General Contractors	WSDOT; AWC; Commerce; Ecology; WDFW; Construction Trades Labor; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expanding and simplifying the federal funds exchange program could allow more jurisdictions to exchange federal funds for state funds, reducing administrative, documentation and procedural requirements for eligible road maintenance and preservation projects. This could lower project delivery costs and accelerate activities such as pavement rehabilitation, roadway repairs, drainage improvements, and other preservation work, particularly for local agencies with limited capacity to administer federal funding requirements.
- **Maintenance of Environmental Protections:** Removing the federal nexus trigger would not reduce environmental protection. Projects would still be required to comply with all relevant state and local environmental regulations.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity could make it easier and less costly for local agencies to rehabilitate or replace aging transportation facilities, including bridges, culverts, and other related infrastructure. Using exchanged state funds could reduce the administrative burden associated with federal funding and provide greater flexibility in project development and delivery, potentially allowing agencies to address deteriorating or safety-critical facilities more quickly.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This would provide local governments and transit agencies with greater flexibility to fund eligible safety and capacity improvements without some of the administrative complexity associated with direct federal funding. This could streamline projects such as transit access

improvements, roadway modifications supporting transit, and safety upgrades by reducing administrative costs and allowing funding to be deployed faster.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expanding and simplifying the federal funds exchange program could reduce administrative costs and accelerate project delivery by allowing more jurisdictions to exchange federal transportation funds for state funds. This could particularly benefit fish-passage barrier corrections, culvert replacements, stream-crossing improvements, stormwater retrofits, and habitat restoration projects that might otherwise face federal funding-related administrative requirements disproportionate to their size or complexity. A permanent program with annual review could also improve predictability and allow WSDOT to address recurring implementation issues.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and System Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50k
- **Streamlining Opportunity Relevance:** For transportation operations and system support projects, expanding eligibility and simplifying the federal funds exchange program could reduce administrative costs and federal funding-related requirements for eligible operational projects, potentially accelerating improvements to transit operations, ferry facilities, traffic-management systems, and other transportation-support infrastructure. A permanent program with annual review could also provide greater funding flexibility and predictability for local agencies.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 24: Resources for Certification Acceptance Status

Responsible entities (with primary underlined): WSDOT, Washington Legislature, non-WSDOT Transportation Agencies

Provide additional technical support for local jurisdictions to obtain and maintain conditional Certification Acceptance (CA) with WSDOT Local Programs.

Summary of arguments for:

Certification Acceptance status allows local jurisdictions to act more independently, rather than relying on WSDOT Local Programs for approval at defined steps in the permitting process. It is currently challenging to obtain and maintain CA status, even conditional status. Additional technical support for local jurisdictions beyond what is currently available would allow cities and counties to obtain CA status more readily and thereby conduct and complete transportation projects more efficiently.

Summary of arguments against:

Not many local jurisdictions have the capacity to obtain and maintain CA status with WSDOT Local Programs. Providing additional technical support would not change the staffing and workload limitations that keep many local jurisdictions from obtaining CA status. Adding capacity within the WSDOT Local Programs office to support local jurisdictions in conducting transportation projects would be a more effective method for accelerating the pace of project delivery.

Work group positions:

Support	Neutral	Other – see Appendix A
Consultant Engineering Community; Office of Equity; WSACE; Jamestown S'Klallam Tribe; General Contractors	WSDOT; AWC; Commerce; Ecology; WDFW; WPPA; Construction Trades Labor, WSTA; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Providing education and resources to help local jurisdictions obtain and maintain WSDOT CA status would improve their ability to administer federally funded highway projects locally. This could reduce reliance on WSDOT for routine project administration, improve understanding of federal requirements, and shorten delivery timelines for

pavement rehabilitation, roadway repairs, drainage improvements, and other maintenance and preservation work.
- **Maintenance of Environmental Protections:** This streamlining opportunity would not reduce environmental protections.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Greater access to CA guidance and training could help local agencies more efficiently manage federally funded rehabilitation and replacement projects, such as bridges, culverts, retaining structures, and other transportation facilities. Maintaining CA status would allow qualified jurisdictions to assume greater responsibility for project development and administration, potentially reducing administrative delays.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** For local jurisdictions delivering federally funded roadway or infrastructure improvement, expanded CA resources could improve their ability to administer projects such as intersection modifications, pedestrian and bicycle connections, and safety upgrades. The change would primarily improve administrative capacity.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 6-12 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Expanded CA resources would likely improve local capacity and reduce administrative delays for federally funded projects. Jurisdictions with CA authority would be better equipped to manage federal-aid requirements for projects such as fish-passage barrier corrections, culvert replacements, stream-crossing improvements, stormwater retrofits, and habitat restoration, reducing reliance on WSDOT for routine project administration and potentially allowing environmental improvements to be implemented sooner. Additional technical assistance could be particularly beneficial for smaller jurisdictions with limited staff or federal-aid experience.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and System Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50k

- **Streamlining Opportunity Relevance:** Providing additional technical support to help local jurisdictions obtain and maintain conditional Certification Acceptance could increase local capacity to administer federally funded operational and system support projects. This could reduce administrative delays and reliance on WSDOT for project administration, particularly for jurisdictions implementing transit-support facilities, traffic-management improvements, or other federally funded operational projects.
- **Maintenance of Environmental Protections:** Same as above.

Streamlining Opportunity No. 25: Improve Education and Resources

Responsible entities (with primary underlined): ORIA, Ecology, WDFW, Corps, NMFS, USFWS, WSDOT, non-WSDOT Transportation Agencies

Transportation permitting requirements can be difficult to navigate because requirements, guidance, and available streamlined processes are distributed across multiple agencies and regulatory programs.

Streamline communication, education, and guidance on permitting requirements for transportation projects by:

- Including clearer information on applicable ESA consultation pathways, eligibility requirements, required project information, and opportunities for early coordination,
- Including plain-language guidance, examples, and clarification of how applicable WAC requirements should be interpreted and applied to common transportation project types,
- Establishing clearer points of contact, improving coordination among permitting agencies, and encouraging early identification and resolution of permitting issues, and
- Developing and maintaining centralized, publicly accessible permitting resources that identify applicable requirements, available streamlined processes, agency contacts, and other guidance relevant to common transportation project types.

Summary of arguments for:

Improved education and communication would help project sponsors better understand applicable requirements, identify appropriate permitting pathways earlier, and submit more complete information to reviewing agencies.

Clearer WAC implementation guidance, particularly for recurring transportation project types, could improve consistency in how requirements are interpreted and applied across projects and jurisdictions. Similarly, better communication regarding ESA consultation processes could help applicants determine which consultation

Summary of arguments against:

Improved guidance and coordination could require substantial agency resources to develop, maintain, and update materials as regulations, policies, and permitting practices change. Guidance also cannot anticipate every project-specific circumstance, and applicants may still need to coordinate directly with permitting agencies for projects involving unusual or complex environmental conditions. With their Regulatory Handbook and other resources, ORIA already develops and houses resources associated with the permitting process.

pathway is appropriate and identify potential issues earlier in project development. Improved interagency coordination and centralized permitting resources could reduce duplicative inquiries, avoid preventable application deficiencies, and facilitate earlier resolution of issues that otherwise may result in project delays. This approach would focus on improving the predictability and efficiency of the existing permitting process rather than reducing substantive environmental requirements.

There is also a risk that guidance intended to improve consistency could be interpreted as creating requirements or exemptions that are not established in statute or rule. Any guidance should therefore clearly distinguish between binding regulatory requirements and nonbinding agency guidance and should not replace project-specific review where it is required to protect environmental resources.

Work group positions:

Support	Neutral	Other – see Appendix A
WSDOT; Consultant Engineering Community; AWC; Office of Equity; WDFW; WSACE; Jamestown S'Klallam Tribe; WSTA; General Contractors	Commerce; Ecology; WPPA; Construction Trades Labor; Cowlitz Indian Tribe*	

*Denotes an assumed neutral position due to lack of response during outreach.

Applicable Project Types and Projected Benefits:

Project Type 1: Maintenance, Preservation, and Repair

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50
- **Streamlining Opportunity Relevance:** This streamlining opportunity would help local agencies identify environmental requirements earlier for roadway maintenance and preservation projects. Earlier coordination could reduce incomplete applications, conflicting agency direction, and permit delays for activities such as pavement rehabilitation, drainage work, slope stabilization, and roadside improvements, allowing projects to move more efficiently from design through construction.
- **Maintenance of Environmental Protections:** This streamlining opportunity would not reduce environmental protections. Clearer guidance and earlier identification of ESA, habitat, and other environmental requirements could improve compliance and help incorporate avoidance, minimization, and mitigation measures earlier in project design.

Project Type 2: Rehabilitation, Replacement, and Renewal

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k

- **Streamlining Opportunity Relevance:** Facility rehabilitation and replacement projects, particularly bridges, culverts, and other infrastructure that may affect streams, wetlands, shorelines, or sensitive species, would benefit from clearer guidance on ESA consultation pathways, WAC requirements on available streamlined processes, and early coordination with regulatory agencies. Additional resources and early guidance on environmental permitting pathways could identify required permits, studies, mitigation, and design constraints earlier, reducing redesign and helping agencies coordinate overlapping state, federal, and local permitting requirements.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 3: Safety, Mobility, and Capacity Improvements

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** Safety, mobility, and capacity projects could benefit from clearer permitting guidance and earlier agency involvement, particularly where improvements involve roadway expansion, new facilities, and drainage. modifications, or impacts to environmentally sensitive areas. Early identification of environmental constraints could allow mitigation and avoidance measures to be incorporated into project design sooner, reducing permitting uncertainty and supporting more predictable delivery of transit improvements.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 4: Environmental Restoration, Fish Passage, and Natural Resource Protection

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** $50-100k
- **Streamlining Opportunity Relevance:** This streamlining opportunity would likely reduce permitting uncertainty and delays. Clearer guidance on ESA consultation pathways, WAC requirements, available streamlined processes, and agency contacts would help project sponsors identify the appropriate regulatory pathway earlier for fish-passage corrections, culvert replacements, stream restoration, stormwater retrofits, and other environmentally beneficial transportation projects. Early coordination and clearer points of contact could reduce incomplete applications, duplicative review, conflicting agency interpretations, and late-stage design changes, allowing restoration benefits to be implemented sooner.
- **Maintenance of Environmental Protections:** Same as above.

Project Type 5: Transportation Operations and System Support

- **Estimated Time Savings:** 1-6 months
- **Estimated Cost Savings:** <$50k
- **Streamlining Opportunity Relevance:** Clearer information on ESA consultation pathways, WAC requirements, agency contacts, and available streamlined permitting processes could help project sponsors identify environmental

requirements earlier and select the appropriate permitting pathway for transit, ferry, traffic-management, and operational facility projects. Centralized resources and early agency coordination could reduce incomplete applications, conflicting interpretations, and late-stage permitting issues, improving project delivery timelines.

- **Maintenance of Environmental Protections:** Same as above.

5.0 OTHER STREAMLINING IDEAS

The following streamlining ideas were raised during the work group process but were not considered to be fully developed or actionable at this time. They are included to document issues identified by the work group and potential areas for future consideration. Additional coordination and discussion would be necessary to identify specific permitting requirements or other barriers that could be addressed and to develop potential actions.

1. Streamline permitting for projects that de-carbonize and electrify transportation facilities by:
   - Including electrification infrastructure (e.g., shoreside electrical substations, battery energy storage systems (BESS), rapid charging transmission infrastructure) installed at existing ferry terminals and port berths within SEPA categorical exemption rules and SMA maintenance exemptions.
2. Streamline and reduce costs for regional and local transportation projects by:
   - Establishing maximum allowable requirements or conditions that local governments may impose outside of the immediate scope of the project.
3. Broaden availability of expedited processes and reviews for transportation projects by:
   - Expanding the special exceptions, processes, and fee structures available to WSDOT for use by cities, counties, transit agencies, and public port districts.
4. Streamline tribal coordination for transportation-related FHEP projects by:
   - Making tree canopy and shading preservation requirements more explicit in applicable codes and project guidance so applicants address these considerations during project development and reduce the need for later project modifications following tribal coordination.
5. Implement legislative action that ensures state and local mitigation hierarchy matches the federal mitigation hierarchy to prevent conflicting mitigation preferences and risk of “double mitigating” to meet differing preferences between federal, state, and local regulators.
6. Facilitate sharing of resources and best practices for successful tribal coordination by:
   - Developing best practices guidance or training for transportation applicants, emphasizing the importance of early engagement with relevant tribes.
   - Consolidating agency resources related to tribal coordination in an accessible location.
7. Facilitate community engagement during the planning and permitting process for transportation projects by:
   - Consolidating and sharing resources for communicating with the public in plain language.

- Improving the accessibility of publicly available information and documentation.
- Expanding language access for publicly available information and documentation.

8. Streamline and reduce costs for transportation projects by allowing requirements for third party utilities to be included in the permitting process for the broader project.
9. Facilitate successful planning and permitting process for transportation projects by:
    - Implementing cross training between engineers, biologists, and planners in order to highlight environmental needs at the early stages of project development.
10. Streamline the process of historical and cultural resource protection in transportation projects by ensuring that archeological surveys are completed at the initial stages of project development.
11. Facilitate agency coordination and sharing of resources by creating a statewide interactive Geographic Information Systems (GIS) map that shows funded and active transportation projects, including active dates and project contact information.

6.0 NEXT STEPS

The process of the work group was designed to address the requirements of ESHB 1902. The bill directed the work group to identify opportunities to streamline transportation project permitting by aligning permitting priorities, legal requirements, timelines, processes, and interests, and provide recommendations for improvement. The streamlining opportunities are intended to reduce project costs and the time required to deliver projects from inception through completion while maintaining all appropriate environmental and regulatory protections.

Each streamlining opportunity identifies the entity or entities that would be responsible for implementation. The work group's identification of a responsible entity does not obligate that entity to take any specific action or assume any specific responsibility. Likewise, a work group member's position on a streamlining opportunity does not constitute a commitment by that member's organization to take action.

Implementation of the streamlining opportunities will require additional work by the identified responsible entities and other stakeholders. ESHB 1902 did not require the work group to develop implementation plans. Some streamlining opportunities are more immediately actionable than others; however, each will require additional coordination to determine the appropriate implementation approach. Next steps may include identifying

and developing the legislative, regulatory, technical, administrative, or policy changes necessary to implement each streamlining opportunity.

WSDOT Point of Contact for this report:

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Appendix A

Work Group Comments Supporting “Other” Positions

Washington State Department of Ecology

Focus of Review:

ESHB 1902 (Laws of 2025, ch. 365) establishes this workgroup and directs the creation of this report and its recommendations. Section (1)(3) of the legislation states that this work group's recommendations "must ensure that all appropriate environmental and regulatory protections are maintained." Therefore, we reviewed each recommendation with an eye to those potential impacts, particularly through the statutes and regulations Ecology administers.

Ecology is responsible for administering, developing guidance for, and providing technical assistance to implement the State Environmental Policy Act (SEPA) and the state Shoreline Management Act (SMA). At a local level, Ecology provides technical advice on critical areas, which include wetlands. Ecology also issues federal Clean Water Act permits and certifications, implements the National Flood Insurance Program floodplain permitting laws, and conducts Coastal Zone Management Act federal consistency reviews. These federal laws may not have the flexibility for expedited processing or emergency exemptions.

An overarching goal of Ecology's work for shorelines, wetlands, and floodplains is to ensure "no net loss of ecological functions necessary to sustain shoreline natural resources" (WAC 173-26-201(2)(c)).

Ecology's 'Neutral' Positions:

The following recommendations would impact Ecology by proposing changes to the statutes Ecology implements:

- No. 3: Expedited Review Processes for Emergency Actions,
- No. 5: Statewide Catalog of Maintenance, Repair, and Replacement Activities,
- No. 6: NPDES Coverage for Maintenance, Repair, and Replacement Activities,
- No. 7: SEPA Exemption for Bridge Maintenance and Replacement Activities,
- No. 11: Enforceable Permit Application Processing Timelines,
- No. 19: Expand Access to Liaison Programs

In the case of No. 6, Ecology does not take a position on adding categorical exemptions to SEPA. As a note, this recommendation will require state resources to conduct rulemaking. The other recommendations lack sufficient information or specificity for Ecology to take a position for three main reasons. To avoid repetition, as an example we are going to use No. 3, expedited review. This option proposes expediting review for "state and local permits" when "transportation infrastructure faces an emergency or impending emergency."

Ecology had difficulty determining the scope of the recommendations. The recommendation broadly refers to "permits" and we had no information on which permits are slowing down projects. Both SEPA and the SMA address exemptions for emergency circumstances and Ecology faces limitations when implementing federal laws. To adequately assess the recommendation, we would need to know what permits need expediting and whether relevant projects fit within existing exemptions or exceptions. There is also no definition for an "impending" emergency. The impacts of this recommendation would depend on whether an

emergency is considered “impending” on a case-by-case basis, by a specific agency determination, or other method.

Ecology had difficulty accurately assessing the need for and impact of the recommendations, including the impact on environmental protection. Ecology did not know which permits were slowing down what activities. Therefore, we were unclear what Ecology processes would be relevant. Without that knowledge, we do not know how impactful the recommendation would be in practice. It also means that we were uncertain if the concern to address is speed of processing or confusion about the process.

Ecology had difficulty determining how broadly some recommendations applied. SEPA and SMA both have provisions that address exempting or excepting WSDOT activities. This recommendation references “transportation infrastructure” without clarifying if streamlining efforts would apply to WSDOT projects, to all transportation projects, or some limitation in between. We cannot assess the impact of the recommendation without this information.

Finally, given the current budget situation, information about the state resources required to further explore or implement the recommendations would be highly relevant, though it is not required by ESHB 1902. This recommendation potentially requires multiple state and local agency rulemakings. The cost of rulemaking varies depending on the statute impacted and the contents of the proposed rule, but can run up to a few million dollars.

Responses to other specific recommendations:

Opportunity No. 1, Regional General Permit (RGP) for Emergency Actions, and No. 4, RGP for Maintenance, Repair, and Replacement Activities:

Ecology is supportive of the recommendation to conduct gap analyses comparing current permitting, including Corps Nationwide Permits (NWP), with streamlining goals. Moving forward with this recommendation will provide the data required for the Corps to consider developing RGPs for emergency work and routine transportation maintenance not already covered by NWPs. Data-driven review will effectively streamline permitting. Incorporating ESA consultation, Clean Water Act 401 permits, and Coastal Zone Management Reviews within the RGP process would further streamline approvals.

Opportunity No. 8, SMA Exemption for Utility Relocation and Modification, and No. 9, SMA Maintenance Standards

It is Ecology’s responsibility to ensure no net loss of shoreline functions in its implementation of the SMA. Both recommendations involve excepting a project type from permitting and review requirements under RCW 90.58.356 of the SMA, rather than simplifying, clarifying, or shortening the permitting process. These recommendations are connected with Numbers 4-6, which also involve expanding the activities covered by permit exemptions or exceptions, including SEPA.

Normally, SEPA exemptions are based on the scale of the potential impacts (less than significant). Without clear sideboards, these recommendations may allow significant adverse impacts on the environment. One of the arguments for expanding exemptions is that the impacts are now routinely covered by permits. In this case, the recommendations seem to

eliminate both SEPA review and the permits that would otherwise consider impacts, like shoreline permits.

Currently, there are two SMA provisions addressing maintenance or repair:

- RCW 90.58.030(3)(e)(i): normal maintenance or repair of existing structures or developments is not considered a substantial development, and so it does not require a substantial development permit.
- RCW 90.58.356: creates exceptions from SMA permits, letters of exemption, and local review for various WSDOT maintenance, repair, and replacement activities.

In 2025, the Legislature amended RCW 90.58.356 (ch. 417, sec. 601) to expand these permit streamlining provisions. The amendments created a broad new exclusion from shoreline permits and local review and its effectiveness in streamlining permitting has not yet been assessed. The amendments:

- Expanded the definitions of maintenance, repair, and replacement to include transit facilities, “including surface, shoulders, roadsides, structures including but not limited to *bridges and buried structures*, ditches and all stormwater treatment and conveyance features, *utilities appurtenant to transportation system operations*, environmental mitigation sites, and traffic control devices.” (emphasis added)
- Created a new exception for construction, maintenance, repair, or replacement work on transit facilities within a WSDOT right-of-way.
- Removed the requirement for WSDOT to notify the local government and Ecology of the projects.

This last bullet is of particular concern because without local government or Ecology knowledge or review of projects, the environmental impact of these activities, independently or cumulatively, is unknown.

Considering this recent expansion of streamlining efforts, there is not a clear need to create a new exception for utility relocation or expansion, especially outside of the existing roadway prism or right-of-way. These areas have already been designated or acquired for transportation purposes and the original utility project review considered the environmental impact in that area. A utility relocation has the same potential impact as a utility installation and there are places where new utilities are prohibited because of this potential impact. Relocation and expansion must be considered with the same care and awareness of the location of critical areas, shorelines, and other sensitive resources.

No. 13 – 16: Related to Fish Habitat Enhancement Projects

These recommendations propose changes to RCW 77.55.181, which streamlines fish habitat enhancement projects. Without additional clarity, Ecology is concerned about them complying with the “no net loss” requirement of the SMA. The SMA section RCW 90.58.147 incorporates this streamlining process into the SMA so that fish habitat enhancement projects do not require a separate shoreline permit. The SMA statute:

- Exempts from substantial development permits:

    - Public or private fish habitat and fish passage improvement projects approved by WDFW or DNR and reviewed by local governments for SMA consistency.
    - Public projects that are primarily to improve fish passage or remove fish passage barriers.
- Deems fish habitat enhancement projects that conform to RCW 77.55.as consistent with local shoreline master programs.

Changes to RCW 77.55.181 need to be considered in context of their impact to shorelines and the surrounding environment. Broad or open-ended categories do not incorporate the sideboards that would ensure projects are 1) for the benefit of fish habitat or passage and 2) do not have high adverse impact to shorelines.

Association of Washington Cities

11: Enforceable Permit Application Processing Timelines	Opposed	See arguments against. Recent legislation largely addresses this recommendation; local governments are currently adapting to comply with new requirements.
16: Multi-Owner Culverts Coverage under FHEP	Opposed	This practice would run counter to the law's directive that fish passage barriers be corrected. May create more challenges for the locals' portion of the barrier, increasing complexity and cost for the locals' removal project. It would also reduce the opportunity for local government to contribute to the review process.

Jamestown S'Klallam Tribe

Streamlining Opportunity #20	Opposed

Washington Department of Fish and Wildlife

WDFW is generally supportive of changing the language for several opportunities that impact the FHEP program. We have concern that some of the changes being proposed do not meet the intent of the RCW and are contradictory to parts of the remaining statute. Additionally, we cannot support new project types under FHEP that are not related to the hydraulic code as those would not be under our jurisdiction and therefore could not be permitted by WDFW. If the language was changed to our suggestions, WDFWs position would also likely change to support. Establishing a streamlined permit process similar to FHEP/HRPP but specifically or solely for transportation projects is a cleaner and clearer pathway to develop a streamlining program rather than trying to fit under the fish habitat enhancement program.

Washington Public Ports Association

Streamlining Opportunity #16	Multi-Owner Culverts Coverage under FHEP (pg. 67)	Opposed

Washington State Association of County Engineers

Streamlining Opportunity No. 16: Multi-Owner Culverts Coverage under FHEP

Comment: By reducing the opportunity for local government review, this practice could result in fish passage barriers not being fully corrected and potentially creating flood control concerns on adjacent property.

WSACE Position: Oppose

Streamlining Opportunity No. 23: Federal Funds Exchange Program

Comment: WSACE strongly agrees with the Summary of arguments for this opportunity. As suggested earlier, we feel the report needs additional language, perhaps a figure or graphic, that helps explain some key differences between the procurement process required when a project is federally funded as opposed to funded with state or local revenue. Our review team suggested ideas for how to improve and expand the current pilot program. For example, the team suggested:

- Expanding eligible funding sources to include other formula fund programs such as Highway Safety Improvement Program, Bridge programs, National Highway Freight Program, etc.
- Continuing to Evaluate other options for keeping federal and state dollars separate and giving local jurisdictions better access to state-only funding.

Appendix B Catalog of Work Group Feedback

Tuesday, September 3rd, 2026

Savannah,

Thank you for the opportunity to review and comment on the draft report. We also thank you for all the good work your team has done on this study, supporting the workgroup process, and identifying, researching, and evaluating the proposed streamlining opportunities.

Below, we offer high-level comments about the report, along with requests for additional information and context to be included in the final version. We also provide a chart indicating AWC's position on each streamlining opportunity, with comments and questions where needed.

AWC supports many of the report's proposed streamlining opportunities; however, our support comes with the condition that adequate resources be provided, at both the state and local levels, for proper implementation of any adopted recommendation. If they are adopted and implemented without adequate staffing and other necessary resources, not only will they likely fail to result in the intended outcome, but some will also likely lead to more complex and costly processes that result in further delays to project delivery. We ask that the team make note in the report of the need for adequate resources for implementation and the associated risks of not providing those resources.

The report lacks a description of current permitting practices, such as programmatic and categorical permitting, FHEPs, GHPAs, which exemptions apply and when, and the difference between permitting requirements on federally funded projects and non-federalized projects. This is very important context for understanding the proposed streamlining opportunities and it is not safe to assume that readers will have adequate baseline knowledge of these topics. We ask that you provide a comprehensive overview (including the purpose and processes) of current transportation permitting practices in the introduction, with the details needed for the reader to grasp how each streamlining opportunity fits with the existing framework. Two or more graphics illustrating the various processes and their relationship to one another would be very helpful.

On that note, overlap between federal, state, and local permitting requirements creates a lot of complexity, confusion, and added costs for project owners. However, this challenge is not explicitly addressed in the report. Likewise, the report does not make clear which of the streamlining opportunities might improve the problem of overlapping requirements or potentially add more complexity. We ask that the team describe this in the introduction and include consideration of this issue in the analysis of each streamlining opportunity.

Streamlining opportunity evaluation tables are an interesting and potentially valuable feature of the report. We recognize the challenge of estimating cost and time savings for

each streamlining opportunity and are curious how the team arrived at the estimates you made. Please include in the report an explanation of the methodology for these estimates.

We have one major concern: the analysis does not consider the implementation costs that would be incurred by the agencies responsible for implementation. For instance, streamlining opportunity #20 (Expand WSDOT Local Programs Technical Assistance) may lead to savings at the project level, but it will also require Local Programs to hire additional personnel. The potential savings need to be balanced against potential cost increases. Without consideration of implementation costs, the value of the savings estimates is very limited.

For each streamlining opportunity, we recommend adding a description of the resources that would be needed for implementation, such as an estimate of the amount of new personnel that may be needed, or a percentage of increase in staff time, etc. If not added for each opportunity, at the very least discuss the issue in greater depth in the executive summary and in section 4.0.

WSDOT did not provide a position for any of the streamlining opportunities. Does it support all of them? Will it indicate its positions in the final version? Is it declining to do so? Please include WSDOT's positions in the report or explain their absence.

Thanks again,

Brianna Morin

Legislative & Policy Analyst

Association of Washington Cities

1076 Franklin Street SE, Olympia, WA 98501-1346

Streamlining Opportunity	AWC Position	Notes
1: RGP for Emergency Actions	Support	What will this mean for WSDOT capacity and increasing staff workload?
2: ESA Programmatic Coverage for Emergency Actions	Support	What will this mean for WSDOT capacity and increasing staff workload?
3: Expedited Review Processes for Emergency Actions	Neutral	DFW should be included as a responsible party. This process would still need to allow for staff review and analysis at the city level; must maintain the current practice of getting concurrence from local governments. We're generally supportive of the idea but need more specific details before moving to support.
4: RGP for Maintenance, Repair, and Replacement Activities	Neutral	
5: Statewide Catalog of Maintenance, Repair, and Replacement Activities	Neutral	
6: NPDES Coverage for Maintenance, Repair, and Replacement Activities	Support	
7: SEPA Exemption for Bridge Maintenance and Replacement Activities	Support	
8: SMA Exemption for Utility Relocation and Modification	Support	
9: SMA Maintenance Standards	Neutral	
10: Expanding ESA Programmatic Coverage	Support	
11: Enforceable Permit Application Processing Timelines	Opposed	See arguments against. Recent legislation largely addresses this recommendation; local governments are currently adapting to comply with new requirements.

12: GHPA Coverage for Multiple Transportation Groups	Neutral	
13: Expanding Transportation FHEP Project Types	Support	
14: Expanding FHEP Project Types	Neutral	
15: Clarifying FHEP Criteria for Bank Stabilization	Neutral	
16: Multi-Owner Culverts Coverage under FHEP	Opposed	This practice would run counter to the law's directive that fish passage barriers be corrected. May create more challenges for the locals' portion of the barrier, increasing complexity and cost for the locals' removal project. It would also reduce the opportunity for local government to contribute to the review process.
17: Expand FHEP Sponsorship to Local Governments, Transit Agencies, and Ports	Neutral	
18: Extend HPA Duration	Neutral	
19: Expand Access to Liaison Programs	Neutral	We support the concept of the liaison program but believe local governments should not have to pay for the program's services.
20: Expand WSDOT Local Programs Technical Assistance	Neutral	Local Programs is already short staffed and follows varying standards across regions. This proposal could add to project delays and inconsistent application of standards. On the other hand, if Local Programs had adequate staffing and robust coordination across the program to implement this proposal, we see potential benefit.
21: Establish a Multi-Agency Permit Application Portal	Neutral	How would this differ from the MAP that already exists? https://wsdot.wa.gov/sites/default/files/2024-11/Multiagency-Permit-Program-Report-December2024.pdf There is also a Joint Aquatic permitting process at the state: https://www.oria.wa.gov/site/alias__oria/4219/jarpa-process.aspx
22: Establish a Permanent Work Group	Neutral	
23: Federal Funds Exchange Program	Support	

24: Resources for Certification Acceptance Status	Support	
25: Improve Education and Resources	Support	Consider adding the Gov's Office as a responsible party. State agencies already struggle to coordinate and cooperate. This proposal is unlikely to take place without a directive and guidance from the Governor.

PERTEET

MEMORANDUM

8012nd Avenue, Suite 302, Seattle, WA 98104 | P 206.436 0515

To: Savannah McGhee, Project Biologist
Confluence Environmental Company
146 N Canal Street, Suite 111, Seattle, WA 98103
360.296.9303

From: Adam Crispin, MS, PWS, Senior Environmental Scientist
Perteet-Ardurra
707.267.5645

Re: LETTER OF SUPPORT, ESHB 1902

Thank you for the opportunity to provide additional context regarding our support for Streamlining Opportunities 16, 17, 23, 24, and 25.

As a representative of the consulting engineering community, our support for these opportunities is grounded in the belief that transportation permit streamlining should focus on reducing unnecessary administrative burden, improving project delivery certainty, and accelerating environmental and transportation benefits without reducing substantive environmental protections. The transportation projects affected by these opportunities would remain subject to applicable state and federal environmental requirements; however, they would benefit from clearer processes, improved coordination, and more efficient implementation mechanisms.

We support SO 16 (Multi-Owner Culverts Coverage under FHEP) because it recognizes the practical realities of fish passage barrier correction projects. In many cases, a transportation agency can correct the substantial portion of a barrier within its ownership and control, yet project implementation can be complicated by adjoining ownership constraints. Allowing these projects to utilize existing FHEP streamlining tools will facilitate meaningful fish passage improvements that might otherwise be delayed, while still requiring compliance with hydraulic permitting requirements and mitigation measures.

We support SO 17 (Expand FHEP Sponsorship to Local Governments, Transit Agencies, and Ports) because it extends existing permit streamlining benefits more equitably across public transportation entities. Local governments, transit agencies, and port districts frequently undertake projects that provide fish passage and habitat benefits comparable to those delivered by WSDOT projects. Providing access to the same streamlined pathways promotes consistency, encourages incorporation of environmental improvements into larger transportation projects, and helps maximize public investment.

We support SO 23 (Federal Funds Exchange Program) because federal funding requirements can introduce substantial administrative and procedural complexity for projects that otherwise have limited federal involvement. Expanding and improving state-federal fund exchange opportunities can provide local agencies with greater flexibility to deliver priority transportation and environmental improvement projects more efficiently, particularly where federal compliance obligations are disproportionate to project risk or scale.

We strongly support SO 24 (Resources for Certification Acceptance Status) because empowering local agencies to obtain and maintain Certification Acceptance status can produce significant long-term efficiency benefits. Building local capacity reduces reliance on WSDOT administrative review, promotes agency self-sufficiency,

improves schedule certainty, and creates a more scalable and resilient project delivery framework across Washington.

We also strongly support SO 25 (Improve Education and Resources) because many permitting delays result from uncertainty regarding applicable requirements, consultation pathways, agency expectations, and available streamlining mechanisms. Improved guidance, centralized resources, clearer points of contact, and enhanced interagency coordination represent some of the most broadly beneficial and least controversial opportunities identified by the workgroup. Better information helps applicants prepare more complete permit applications, facilitates earlier issue resolution, improves consistency among jurisdictions, and enhances environmental compliance outcomes.

Collectively, these opportunities represent practical, achievable improvements that can reduce project delivery costs and timelines while maintaining appropriate environmental protections. We believe these concepts are consistent with the intent of ESHB 1902 and provide meaningful opportunities to improve the efficiency, predictability, and effectiveness of transportation project permitting in Washington State.

Respectfully Submitted,



Adam Crispin, MS, PWS

September 4, 2026

Savannah McGee, Project Biologist
Confluence Environmental Company
savannah.mcghee@confenv.com

RE: ESHB 1902 WSDOT Permit Streamlining Final Report
Delivered electronically via email

Dear Savannah,

Thank you for the opportunity to provide comments on the Final Report for the ESHB 1902 WSDOT Permit Streamlining Workgroup process. WPPA appreciated the opportunity to be a member of the workgroup and be a part of the process that led to the final report. There were many great discussions and ideas that came up as a part of those efforts.

The Washington Public Ports Association (WPPA) is a coordinating agency that represents Washington's 75 port districts across the state. Ports play a critical role in Washington's economy, supporting water-dependent trade, transportation, recreation, and industrial activity while prioritizing environmental stewardship. We carry out our mission through advocating, educating, and connecting to serve our port members.

WPPA places a priority on practices that can benefit the environment and be implemented in ways that minimize negative impacts on our state's global trade competitiveness, basic port competitiveness, and local economic and environmental development opportunities in our port communities. As such, we have a strong interest in ensuring permit improvements are clear, practical, and reflective of the unique nature of port operations and infrastructure. Based on the final report we submit the following comments on behalf of Washington's public ports. Attached is also an updated chart denoting WPPA positions on each recommendation with a couple comments.

Overall, the report contains several thoughtful recommendations that could improve transportation project delivery while maintaining environmental protections. WPPA supports many of the individual recommendations and only opposes recommendation number 16 relating to multi-owner culverts. We request that throughout the report, where ports are mentioned the term "public port districts" be used for consistency.

The report appropriately focuses on permitting as a contributor to project delivery delays. A major challenge is the discrepancies and overlap between federal, state, and local permitting processes. It is unclear how these recommendations will help resolve that challenge – and particularly the local level permitting patchwork. Some of the recommendations may need additional detail or specifics for this to be addressed. For example, the regional permit recommendations may be helpful, but there was a lack of specificity resulting in WPPA taking a neutral position.

Many recommendations focus on accelerating or streamlining existing review processes. We agree that faster reviews are beneficial, but the greatest long-term opportunity may be reducing the need for repetitive project-specific reviews in general. Especially where impacts and outcomes are already well understood. It may be worth more clearly mentioning or highlighting in the report where there are some instances to reduce repetitive agency review. This would provide greater schedule certainty and more substantial cost savings than simply shortening review timelines.

Several recommendations seek to streamline reviews for defined project categories or provide an activity catalogue. The report could consider incorporating a risk-based review framework instead that scales regulatory requirements to a project's environmental risk and uncertainty. Lower-risk projects with predictable impacts, proven practices, and clear environmental benefits should receive streamlined review, allowing agencies to focus resources on projects with greater uncertainty or potential impacts. This may be a more effective approach within the catalog.

Additionally, in recommendation number 5, the TMPPS Catalog and Appendix B, we recommend that statutory definitions for "operational footprints" explicitly include marine infrastructure. This should cover over-water structures, transfer spans, wingwalls, dolphin guide piles, mooring cell structures, and terminal holding areas, ensuring these assets receive identical SEPA, SMA, and GMA categorical exemptions as terrestrial roadway preservation.

Although the report recognizes ports, ferries, and marine transportation facilities, much of the discussion and many of the examples in the report are oriented toward highway and roadway infrastructure. Included in the transportation systems are marine terminals for cargo movement, ferry facilities, freight mobility corridors connecting maritime, rail, airports, highways and intermodal facilities. I would recommend providing additional consideration for marine transportation facilities alongside roadways. This would more clearly state and recognize their statewide economic importance and prioritize their maintenance, rehabilitation, adaptation, and long-term resilience. Examples could include terminal rehabilitation, overwater structure repair, ferry terminal modernization, pile replacement, shoreline stabilization, dredge-related transportation improvements, and climate adaptation projects associated with marine transportation facilities. These projects often occur in aquatic environments, are subject to multiple regulatory programs, and present challenges different from those encountered on traditional roadway projects. Additional discussion of these project types would strengthen the report's statewide applicability.

Recommendation number 22 is about creating a permanent workgroup. If this is considered, the work group may wish to expand and outline additional topics to review. An expanded scope could examine how redevelopment thresholds affect deferred maintenance and whether regulations appropriately balance environmental objectives with preserving existing infrastructure. Given the significant transportation maintenance backlog facing many agencies, a more efficient approach to maintaining existing infrastructure can also reduce future capital liabilities and preserve funding capacity.

WPPA further recommends elevating the terminal electrification portion from the "Other Ideas" section to a primary streamlining opportunity. This was something we brought up in the workgroup meetings a few times. For example, amending SEPA categorical exemption rules (WAC 197-11-800) and SMA

maintenance exemptions (RCW 90.58.356) to explicitly include shoreside electrical substations, battery energy storage systems (BESS), and rapid-charging transmission infrastructure at existing ferry terminals and port berths would remove administrative delays for many electrification projects.

For several recommendations, it is unclear how the estimated cost and time savings were determined. The report describes these figures as illustrative and identifies general categories of potential savings, it does not provide the data or method used to assign a particular range to each project type. It is also unclear whether this accounts for reduced agency and applicant staff time, fewer consultant hours, avoided studies or application costs, reduced project-delay and escalation costs, or some combination of these factors. This distinction is important for public ports, many of which retain consultants to manage permitting, prepare technical materials, and coordinate with regulatory agencies. A more efficient and predictable permitting process could reduce billable consultant hours and other project-management expenses, but those savings will vary considerably depending on project complexity and the permitting pathway involved. Similarly, a reduction in permit-processing time may not translate directly into an equivalent reduction in the overall project-delivery schedule.

The report should also clarify how the "arguments against" each recommendation was developed and whether they reflect concerns actually raised by workgroup members or potential implementation considerations identified by the report's authors. As currently presented, some arguments appear speculative or arbitrary, without supporting information. Presenting an "argument against" may also create the misleading impression, particularly for legislators unfamiliar with the work group discussion, that each proposal encountered substantive opposition. Clarifying this would help policymakers understand the actual level and basis of support or concern associated with each recommendation.

Future streamlining efforts should additionally consider measuring success and improvements not only through permit-processing metrics and time, but also through infrastructure performance outcomes. These measurements could be things like preservation backlog reduction, lifecycle cost avoidance, infrastructure condition improvement, resilience enhancement, and project delivery efficiency.

Washington's public ports are committed to working on permitting improvements that balance environmental protection, climate resilience, and economic competitiveness. We appreciate your openness to feedback and look forward to continued collaboration throughout this process.

Again, thank you for the opportunity to provide some feedback on the ESHB 1902 WSDOT Permit Streamlining Final Report. Please do not hesitate to reach out if there are questions or concerns.

Sincerely,

Carly Michiels
Senior Director of Environmental Policy
Washington Public Ports Association

WSACE
WASHINGTON STATE ASSOCIATION OF COUNTY ENGINEERS

September 16, 2026

Confluence Environmental Company
146 N Canal Street, Suite 111
Seattle, WA 98103

Confluence Project Team,

Please accept this letter as The Washington State Association of County Engineers' (WSACE) comments regarding recommended revisions and feedback for the ESHB 1902 Final Report. We have also included/updated the WSACE final position for each Permit Streamlining Opportunity.

Our review team greatly appreciates the time and effort that each workgroup member has put into this report and wants to acknowledge the work of Confluence in facilitating and supporting the stakeholders throughout this process with an approach that allows ideas and information to be shared in a constructive and productive way.

We respectfully request that the following comments and feedback be considered to help make the final draft report clearer and more effective for policymakers as they consider each opportunity to improve the efficiency of our shared regulatory process.

Executive Summary/Introduction Recommendations: request for additional background information

1. Many opportunities focus on expanding regional, general or programmatic permits and/or improving categorical statutory exemption language. Acknowledging that it's very challenging to explain in a simple way the federal, state, and local regulatory process (Figure 2. is a good visual aid for this), we would suggest adding more introductory language and specific examples to provide the reader with a good framework to start with. This should include important differences in authority and process between agency programmatic or general permits contrasted with legislative approaches to categorical exemptions. For instance, exemptions from state statutes (Fish Habitat Enhancement Project (FHEP) from the State Environmental Policy Act (SEPA) for example) are done through a legislative process and authorized by elected policymakers; whereas qualifying conditions for general permits (Clean Water Act/NPDES requirements for example) or exemptions from agency rulemaking are done through agency administrative processes and determined by agency staff.

   Adding this type of background will help the reader of the report make decisions about what approaches to each Streamlining Opportunity might work best. Adding this context also aligns with the Summary's conclusion that "Further work should be conducted to outline the legislative, technical, or policy changes required to make each streamlining opportunity actionable."

We mentioned the FHEP exemption from SEPA requirements above and would also point to SB6154, introduced last session, as another example of a proposed legislative change. In contrast, recent examples of agency administrative approaches to general permit updates or rulemaking include Ecology's Bridge and Ferry Terminal Maintenance General Permit (found here: Bridge and Ferry Terminal Maintenance Permit - Washington State Department of Ecology) and Ecology's current rulemaking for Chapter 173-217 WAC – State Waters Alteration Permit (found here: WAC 173-217 - Washington State Department of Ecology).

2. Several opportunities focus on the requirements to receive and utilize federal funding. Like providing the reader with more background on the regulatory process, we also suggest more language be added and perhaps a figure or graphic that helps explain some key differences between the regulatory and procurement process required when a project is federally funded versus funded with state or local revenue. The Joint Transportation Committee study; Recommendations to Streamline Local Project Delivery is a good place to find some of this information (see page 10). We believe this study should be referenced in a meaningful way or incorporated into any supporting documents to help supplement the final report. The report should provide the reader with an overview of how federal formula programs are allocated and administered in our state by FHWA and flow through WSDOT Local Programs to local governments. WSDOT can likely provide this information. This section could also provide more information for the reader regarding Certification Acceptance (CA) status and the challenges with or value of having local jurisdictions obtain and maintain CA status with FHWA.

3. Finally, there are several opportunities regarding the FHEP statute and Hydraulic Project Approvals (HPAs) process. The introductory sections should provide the reader with more discussion of these statutes and other efforts that have happened recently to try and make fish barrier removal and habitat restoration projects easier to accomplish. At a minimum, this section should include more background information regarding the FHEP statute. From our perspective, this statute is a good example of a policy to build from; for instance, qualifying projects are not subject to RCW 42.21C.030(2)(c), however, the process still requires a joint aquatic resource permit application and its main focus continues to be exempting WSDOT projects from local permit review. This is important context for the reader to understand as they think about Streamlining Opportunities because while this provides some relief and efficiency for WSDOT, most culvert corrections in our state need to be done by local governments and private landowners. There's also an opportunity here to offer to the reader an example of a legislative approach to streamlining that can be measured against an agency approach to streamlining like the current rulemaking for Chapter 173-217 WAC – State Waters Alteration Permit.

Other Comments and Feedback:

1. We would request that two of the noted "OTHER STREAMLINING IDEAS" be added to the final report as Streamlining Opportunities:
   Broaden availability of expedited processes and reviews for transportation projects by:
   - Expanding the special exceptions, processes, and fee structures available to WSDOT for use by cities, counties, transit agencies, and port districts (this could be one of the tasks a permanent work group is charged with); and

Facilitate sharing of resources and best practices for successful tribal coordination by:

- Developing best-practices guidance or training for transportation applicants.
- Consolidating agency resources related to tribal coordination in an accessible location. (We received feedback that possibly the Governor's Office of Indian Affairs (GOIA) could help with this Streamlining Opportunity).

2. We received feedback from our review team that perhaps someone from the Governor's Office for Regulatory Innovation & Assistance (ORIA) should participate in this streamlining work moving forward. Possibly the agency could help organize an ongoing work group. The ORIA website has several helpful permit process schematics that illustrate the application, review, and appeal phases for specific permits.
3. An observation our review team made was that if there's no opposition to a Streamlining Opportunity, "should it require arguments against it?" Perhaps those sections would be better characterized as "other considerations."
4. Another observation our team made was that Table 2 on page 10 does a nice job trying to define project categories (Maintenance, Preservation, etc.) but pointed out that it's important to note that these definitions are not consistent across jurisdictions, agencies, and programs which is something that creates permitting challenges and confusion.
5. We ask that somewhere in the report it is made clear to the reader that adequate resources should be provided to any "responsible parties" before requiring the implementation of any Streamlining Opportunity.
6. We appreciate the work to try and identify the value of each Streamlining Opportunity in the report to show the reader the importance of pursuing each idea. We want to offer our help as an Association to the project team with this portion of the project. We are willing to help gather project data and provide any specific project level information that might be helpful in this effort.

Streamlining Opportunity No. 1: RGP for Emergency Actions

Comment: In general, WSACE supports the goal of this opportunity. However, we agree with the Summary of arguments against statement that "while additional permit coverage for emergency situations could be beneficial, developing a new RGP may not be the most effective approach. Creating a new RGP could be a multi-year, resource-intensive process and might not be best suited for this permit streamlining effort." We address this concern in more detail and provide an example in our comments for Streamlining Opportunity No. 6.

WSACE Position: Support (with the concern that Regional, General, and Programmatic Permits can sometimes create more cost and process than efficiency).

Streamlining Opportunity No. 2: ESA Programmatic Coverage for Emergency Actions

Comment: In general, WSACE supports the goal of this opportunity. However, we agree with the Summary of arguments against statement that "The resulting consultation could also include conditions that limit types of projects or circumstances for which agencies could use it, reducing its practical application." We address this concern in more detail and provide an example in our comments for Streamlining Opportunity No. 6.

WSACE Position: Support (with the concern that Regional, General, and Programmatic Permits can sometimes create more cost and process than efficiency).

Streamlining Opportunity No. 3: Expedited Review Processes Emergency Actions

Comment: WSACE strongly agrees with the Summary of arguments for this opportunity.

WSACE Position: Support

Streamlining Opportunity No. 4: RGP for Maintenance, Repair, and Replacement Activities

Comment: In general, WSACE supports the goal of this opportunity. However, we agree with the Summary of arguments against that "Developing a new RGP is a multi-year, resource-intensive effort and may not provide sufficient benefits to justify the investment." We will address this concern in more detail and provide an example under Streamlining Opportunity No. 6.

WSACE Position: Support (with the concern that Regional, General, and Programmatic Permits can sometimes create more cost and process than efficiency).

Streamlining Opportunity No. 5: Statewide Catalog of Maintenance, Repair, and Replacement Activities

Comment: WSACE strongly supports the goal of this opportunity. Feedback from membership was that if implemented correctly, establishing "a consistent statewide framework for WSDOT, cities, counties, transit agencies, and port authorities across multiple environmental statutes, including SEPA, SMA, GMA, Hydraulic Code, and the State Noise Code" could greatly improve permit approval process efficiency and consistency. However, we agree with the Summary of arguments against that "Developing and maintaining the catalog would require extensive review and coordination."

WSACE Position: Support

Streamlining Opportunity No. 6: NPDES Coverage for Maintenance, Repair, and Replacement Activities

Comment: WSACE strongly supports the goal of this opportunity, but as mentioned above, we are concerned that the approach can be problematic and is a primary reason we ask that more background be added to the Introduction Section of the report. Our members have found that agency drafted General and Programmatic permits can start with a goal of creating efficiency, but without feedback from policymakers, end up with requirements and criteria that create a more costly and challenging process.

For this reason, we feel the Bridge and Ferry Terminal Washing general permit example cited in this Opportunity as a streamlining success is misplaced. For example, Ecology states that this permit is necessary because "bridge and ferry terminals need regular upkeep, including inspections, washing, painting, and surface repairs to keep them safe." While we agree these activities are necessary to keep bridges maintained and safe, we must question how adopting a 60-page permit with dozens of special

and general conditions for routine maintenance activities advances this goal. For example, it seems that routine maintenance washing and spot cleaning for inspections could have been provided with exemptions under this permit or covered by existing processes. Those activities, for instance, could be rolled into a jurisdiction's existing stormwater (NPDES) permit or handled through the HPA process. Without an exemption, our members must comply with a separate and additional process, including notice requirements and fees. Also worth noting, when we last reviewed the fee tables for this permit, WSDOT pays roughly $134.50 per project review, while local jurisdictions pay over $4,000.00 per project review. We feel this permit provides a good example of why a permanent work group is needed to provide an opportunity for more policymaker awareness and review of these types of regulatory changes.

WSACE Position: Neutral. In general, WSACE supports the goal of this opportunity, however, we do not agree with the Summary of arguments statement that "In Washington, Ecology has successfully used a general permit for Bridge and Ferry Terminal Washing and has reissued the permit multiple times."

Streamlining Opportunity No. 7: SEPA Exemption for Bridge Maintenance and Replacement Activities

Comment: WSACE supports this opportunity. As discussed in the comment above, the drafters of the report should contrast for the reader the legislative process for providing this exemption with that of Streamlining Opportunity No. 6 and the Bridge and Ferry Terminal Washing permit.

WSACE Position: Support

Streamlining Opportunity No. 8: SMA Exemption for Utility Relocation and Modification

Comment: RCW 90.58.356 provides another example where the report could highlight for the reader that state agencies are regularly given more exemptions and greater flexibility than local governments. Also, Figure 2. for example, reads that the SMA and CAO are under local jurisdictions. While this is accurate for the review process, it can lead the reader to believe local governments are exclusively responsible for creating these requirements and processes. The SMA is a state statute put in place by the legislature which also requires approval by Ecology. It can be misleading to leave the impression that local governments created these requirements, can waive their implementation, or receive enough resources from the state to administer the additional requirements they place on applicants.

WSACE Position: Neutral

Streamlining Opportunity No. 9: SMA Maintenance Standards

Comments: Maintenance definitions are not consistent across jurisdictions, agencies, and programs which is something that creates permitting challenges and confusion.

WSACE Position: Neutral

Streamlining Opportunity No. 10: Expanding ESA Programmatic Coverage

Comment: WSACE agrees with the Summary of arguments for this opportunity.

WSACE Position: Support

Streamlining Opportunity No. 11: Enforceable Permit Application Processing Timelines

Comment: WSACE agrees with the Summary arguments against this opportunity as it relates to local governments and the statement that "HB 2418 (from 2026) arguably already addresses the concern underlying this streamlining opportunity with regards to review by local governments." We do agree that the legislature should continue seeking opportunities for improved timelines for state agency permit reviews like those followed by WDFW for HPA approvals.

WSACE Position: Neutral

Streamlining Opportunity No. 12: GHPA Coverage for Multiple Transportation Groups

Comment: WSACE strongly agrees with the Summary of arguments for this opportunity.

WSACE Position: Support

Streamlining Opportunity No. 13: Expanding Transportation FHEP Project Types

Comment: WSACE strongly agrees with the Summary of arguments for this opportunity.

WSACE Position: Support

Streamlining Opportunity No. 14: Expanding FHEP Project Types

Comments: WSACE strongly agrees with the Summary of arguments for this opportunity. The FHEP is a good policy to build upon and provides a framework for other streamlining programs and exemption ideas.

WSACE Position: Support

Streamlining Opportunity No. 15: Clarifying FHEP Criteria for Bank Stabilization

Comment: While our review team supported this opportunity, they had questions about the current application and discussed ideas regarding expanding the proposed language. For example, the language below only seems to apply to "stream" banks.

> *(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank method, except in locations where rock mimic the natural bank substrate and with primary emphasis on using native vegetation to control the erosive forces of flowing water;*

WSACE Position: Support

Streamlining Opportunity No. 16: Multi-Owner Culverts Coverage under FHEP

Comment: By reducing the opportunity for local government review, this practice could result in fish passage barriers not being fully corrected and potentially creating flood control concerns on adjacent property.

WSACE Position: Oppose

Streamlining Opportunity No. 17: Expand FHEP Sponsorship to Local Governments, Transit Agencies, and Ports

Comments: WSACE strongly agrees with the Summary of arguments for this opportunity. The FHEP is a good policy to build upon and provides a framework for other streamlining programs and exemption ideas.

WSACE Position: Support

Streamlining Opportunity No. 18: Extend HPA Duration

Comments: WSACE strongly agrees with the Summary of arguments for this opportunity.

WSACE Position: Support

Streamlining Opportunity No. 19: Expand Access to Liaison Programs

Comments: None

WSACE Position: Support

Streamlining Opportunity No. 20: Expand WSDOT Local Programs Technical Assistance

Comment: WSDOT Local Programs is struggling to administer a substantial increase in federal funding without the additional staffing resources needed. This proposal could have benefits for local governments, but if not properly resourced, could also lead to additional project delays and inconsistent application of standards across the state.

WSACE Position: Neutral

Streamlining Opportunity No. 21: Establish a Multi-Agency Permit Application Portal

Comment: None

WSACE Position: Support

Streamlining Opportunity No. 22: Establish a Permanent Work Group

Comment: WSACE strongly agrees with the Summary of arguments for this opportunity. The permanent workgroup should include policymakers.

WSACE Position: Support

Streamlining Opportunity No. 23: Federal Funds Exchange Program

Comment: WSACE strongly agrees with the Summary of arguments for this opportunity. As suggested earlier, we feel the report needs additional language, perhaps a figure or graphic, that helps explain some key differences between the procurement process required when a project is federally funded as opposed to funded with state or local revenue. Our review team suggested ideas for how to improve and expand the current pilot program. For example, the team suggested:

- Expanding eligible funding sources to include other formula fund programs such as Highway Safety Improvement Program, Bridge programs, National Highway Freight Program, etc.
- Continuing to Evaluate other options for keeping federal and state dollars separate and giving local jurisdictions better access to state-only funding.

WSACE Position: Support

Streamlining Opportunity No. 24: Resources for Certification Acceptance Status

Comment: WSACE agrees with the Summary of arguments for this opportunity. Our team felt that this effort would need to be implemented correctly and with adequate resources. If this can't be accomplished, we believe the Summary statement "Adding capacity within the WSDOT Local Programs office to support local jurisdictions in conducting transportation projects would be a more effective method for accelerating the pace of project delivery" is accurate. Other perspectives included:

- Opportunities to evaluate and refine the CA program.

- A process that provides CA agencies with training for new requirements, followed by one or two reviews, but then eliminates the need for review once an agency has clearly demonstrated compliance proficiency.

WSACE Position: Support

Streamlining Opportunity No. 25: Improve Education and Resources

Comment: WSACE agrees with the Summary of arguments for this opportunity. When a statute, permit, or rule allows staff to exercise significant discretion; provide statewide training and resources to encourage and strengthen consistency among decision makers. During discussions, our membership pointed out two examples. WAC 220-660-110 Authorized work times in freshwater areas states: (3)(a) "The department has the discretion to modify timing windows depending on actual site conditions (such as hydrology, run timing, and fish presence) and the risk of the proposed work to fish life." The FHEP statute reads: (1)(b) "The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes." By providing considerable discretion to agency staff, these examples illustrate how, without statewide training, they could make very different project level decisions.

WSACE Position: Support

5.0 OTHER STREAMLINING IDEAS

We received feedback that included an additional streamlining idea that we would request be added to the list of "other ideas" in the report:

- Consider criteria for exceptions when working outside an established fish window would be allowed if project completion will provide substantially more benefit to the natural environment than the harm caused by additional activity in the water.

Thank you for giving us the opportunity to provide our comments and update our positions.

Sincerely,

Axel Swanson
Managing Director, WSACE

September 4, 2026

RE: Washington State Transit Association Comments on the ESHB 1902 Transportation Permitting Streamlining Final Report

On behalf of the Washington State Transit Association (WSTA) and our member public transportation agencies, thank you for the opportunity to comment on the final report developed pursuant to Engrossed Substitute House Bill 1902 (ESHB 1902).

WSTA represents 31 public transit agencies and the Washington State Department of Transportation's Public Transportation Division. Our members include some of the largest transit systems in Washington as well as smaller rural and community-based providers. Together, our members provide public transportation throughout the state and are responsible for maintaining an extensive network of transit facilities and infrastructure while delivering investments in safety, accessibility, mobility, and transit service.

WSTA supports the overall goal of ESHB 1902 to make transportation permitting more efficient, predictable, and coordinated while maintaining appropriate environmental protections. Our members experience firsthand the time, cost, and uncertainty that can result from navigating multiple permitting requirements and review processes. These challenges can be particularly significant for smaller transit agencies with limited environmental and engineering resources, while also affecting larger agencies undertaking complex capital projects.

We appreciate that the final report recognizes public transit agencies as transportation project sponsors and identifies a number of opportunities that could benefit transit. The report identifies 25 specific streamlining opportunities, several of which have direct or significant implications for public transportation. WSTA offers the following comments and recommendations as the state considers implementation.

Maintenance, Repair, and Replacement

WSTA believes Streamlining Opportunity No. 5: Statewide Catalog of Maintenance, Repair, and Replacement Activities has some of the greatest potential to provide immediate and practical benefits to public transit agencies.

We recommend that the statewide work catalog explicitly recognize existing bus stops, shelters, passenger amenities, and associated transit infrastructure as transit facilities and include routine bus stop maintenance, repair, replacement, accessibility, and safety improvements as eligible activities.

Transit agencies routinely repair and replace shelters, benches, signs, lighting, boarding areas, and other passenger amenities. These activities are essential to maintaining safe and accessible service, yet permitting requirements can vary depending on the jurisdiction and nature of the work.

Permit Streamlining Opportunities, Recommendations – WPPA Updated Positions/Comments

Last updated: 9.4.2026

Rec No.	Subject Matter (report pg. #)	WPPA Position	Comments/Questions:
1	RGP for Emergency Actions (pg. 14)	Neutral	May need some more detail, unclear how this would help with overlapping federal, state, local permitting approaches.
2	ESA Programmatic Coverage for Emergency Actions (pg. 17)	Support	
3	Expedited Review Processes Emergency Actions (pg. 21)	Support	The argument against claims that a case-by-case basis for emergencies would actually be faster, what is an example of this and how would WSDOT staff be impacted?
4	RGP for Maintenance, Repair, and Replacement Activities (pg. 24)	Neutral	
5	Statewide Catalog of Maintenance, Repair, and Replacement Activities (pg. 27)	Neutral	Catalogue would need to be comprehensive and broad for projects to be helpful. Disagree with the argument against claiming that SMA exemptions covers this. Should ensure that statutory definitions for "operational footprints" explicitly include marine infrastructure.
6	NPDES Coverage for Maintenance, Repair, and Replacement Activities (pg. 31)	Neutral	Expanding could limit consideration of site-by-site conditions... Not sure about the bridge washing example and if that makes sense.
7	SEPA Exemption for Bridge Maintenance and Replacement Activities (pg. 34)	Neutral	
8	SMA Exemption for Utility Relocation and Modification (pg. 38)	Support	Argument against mentions SMA and that this would remove a level of oversight - disagree with that.
9	SMA Maintenance Standards (pg. 41)	Neutral	This may need to be defined better.
10	Expanding ESA Programmatic Coverage (pg. 45)	Support	
11	Enforceable Permit Application Processing Timelines (pg. 48)	Support	Support additional timelines and some sort of incentive or reimbursement for not meeting the timeline. Provides predictability and certainty. Establishing clearer criteria could improve consistency, transparency, and accountability while preserving agency flexibility to address complex situations.
12	GHPA Coverage for Multiple Transportation Groups (pg. 51)	Support - include ports!	Support but want to make sure port districts are included.
13	Expanding Transportation FHEP Project Types (pg. 54)	Neutral	Okay if done with #14
14	Expanding FHEP Project Types (pg. 58)	Support	YES, very supportive of including creosote piling and tire contaminants, including advanced mitigation. Why FHEP that included Advance Mitigation wouldn't be eligible for streamlining? This should be reconsidered.

15	Clarifying FHEP Criteria for Bank Stabilization (pg. 62)	Support	
16	Multi-Owner Culverts Coverage under FHEP (pg. 67)	Opposed	
17	Expand FHEP Sponsorship to Local Governments, Transit Agencies, and Ports (pg. 70)	Support	Adds ports and others to the permit streamlining benefits – great.
18	Extend HPA Duration (pg. 73)	Support	
19	Expand Access to Liaison Programs (pg. 78)	Support	
20	Expand WSDOT Local Programs Technical Assistance (pg. 82)	Support	
21	Establish a Multi-Agency Permit Application Portal (pg. 87)	Support	Very expensive to do this, but would provide some way for document sharing or inter-agency communication on permit applications and documents. Would be very useful to entities with limited staff and resources.
22	Establish a Permanent Work Group (pg. 92)	Neutral	Not sure why do we would need a permanent working group unless there was some type of progress or improvements from this one or additional recommendations to develop. Suggest more detail, including a dedicated Maritime Infrastructure Subgroup (WSF, WPPA, ECY, WDFW, Corps, NMFS, Tribes) to discuss shoreline and federal permitting and dredging challenges.
23	Federal Funds Exchange Program (pg. 97)	Support	Ports are local agencies that, could receive a Surface Block Transportation Grant award from the county (counties are the pass-through entity for that federal program).
24	Resources for Certification Acceptance Status (pg. 101)	Neutral	
25	Improve Education and Resources (pg. 105)	Neutral	Support timeline certainty and assistance.

WSTA appreciates the proposed recognition of minor increases in footprint and the concept of providing transportation agencies with discretion to determine whether work qualifies. Clear, practical eligibility criteria will be important to ensuring that this opportunity actually reduces administrative burdens. If agency discretion is not ultimately provided, the definition of transit facilities should be clarified to explicitly include bus stops and passenger amenities.

WSTA also sees value in Streamlining Opportunity No. 4: RGP for Maintenance, Repair, and Replacement Activities, which is closely connected to Opportunity No. 5. The report recognizes that the two opportunities are related and notes that multiple work group members identified this area as a high priority.

Together, these approaches could provide a meaningful pathway for transit agencies to address routine infrastructure needs more quickly while maintaining appropriate environmental safeguards.

Predictability and Coordination

For transit agencies, streamlining is not simply about reducing the number of permits. Predictability and consistency are equally important. Transit capital projects often depend on coordinated funding, design, procurement, construction, and service schedules. A delay in permitting can affect the entire project schedule and increase costs.

WSTA therefore supports Streamlining Opportunity No. 11: Enforceable Permit Application Processing Timelines. The report proposes establishing enforceable processing timelines for local and state permitting agencies.

However, we recommend that implementation focus on accountability and predictability without creating unintended punitive consequences. Rigid deadlines that result in automatic permit denial could create additional delays, particularly for smaller jurisdictions that may not have sufficient resources to resolve complex technical questions within a prescribed period.

An approach that combines clear processing timelines, early identification of deficiencies, regular communication with applicants, escalation procedures, and incentives for meeting timelines may be more effective.

WSTA also sees an opportunity to improve consistency in permit reviews. Our members have experienced situations where subsequent reviews introduce comments that differ from or conflict with comments provided during earlier reviews. Maintaining a consistent review team throughout the permitting process, whenever practicable, could reduce duplicative work, improve institutional knowledge, and provide greater certainty for project sponsors.

There is a related opportunity to improve consistency between state and local requirements. Transportation projects frequently cross jurisdictional boundaries, and differing approaches to issues such as stormwater management and Traffic Impact Analysis can result in additional design work and costs. WSTA encourages the state to identify areas where WSDOT and local jurisdictions can better coordinate or standardize requirements.

Environmental Review and Permitting

WSTA supports Streamlining Opportunity No. 10: Expanding ESA Programmatic Coverage. The report proposes expanding existing ESA programmatic consultations to additional eligible project proponents and recognizes the potential benefits for transportation projects.

For transit agencies, broader programmatic approaches could reduce duplicative reviews and improve certainty for recurring or similar projects. WSTA encourages the state to ensure that programmatic pathways are accessible to transit agencies and applicable to appropriate transit project types.

Similarly, Streamlining Opportunity No. 12: GHPA Coverage for Multiple Transportation Groups could provide opportunities for greater coordination among transportation agencies undertaking qualifying hydraulic projects. WSTA supports the concept but believes implementation should clearly address agency responsibilities, compliance, and liability so that participation in a shared permit does not create uncertainty for individual transit agencies.

WSTA also supports Streamlining Opportunity No. 17: Expand FHEP Sponsorship to Local Governments, Transit Agencies, and Ports. The report specifically proposes expanding FHEP permit streamlining benefits to transit agencies for qualifying fish-passage barrier correction projects, including projects where the correction is part of a larger transportation project.

This is an important principle for WSTA: transit agencies should have access to streamlined permitting pathways comparable to those available to other transportation project sponsors when they are undertaking similar work.

WSTA also supports Streamlining Opportunity No. 18: Extend HPA Duration. The report proposes extending the current HPA duration for projects that cannot reasonably be completed within five years because of project scope or delays.

This could be particularly beneficial for major transit investments that may take several years to move from planning and design through construction, including bus rapid transit corridors, transit centers, station expansions, maintenance facilities, park-and-rides, and associated infrastructure.

Resources, Technical Assistance, and Transparency

WSTA supports Streamlining Opportunity No. 19: Expand Access to Liaison Programs and Streamlining Opportunity No. 20: Expand WSDOT Local Programs Technical Assistance. These opportunities could be particularly valuable to smaller transit agencies that may not have dedicated environmental permitting staff. The report identifies both opportunities as part of its broader effort to improve local capacity and technical assistance.

Regional or shared permitting resources could help transit agencies identify permitting requirements earlier, navigate multiple regulatory agencies, resolve questions before formal application, and coordinate reviews. Importantly, technical assistance should remain an advisory resource rather than becoming another mandatory layer of review.

WSTA also supports Streamlining Opportunity No. 21: Establish a Multi-Agency Permit Application Portal. A centralized system could improve transparency by allowing project sponsors to track applications, identify outstanding information requests, and understand where a project stands within the review process.

For transit agencies managing complex capital projects, this type of transparency could substantially improve project management and accountability. Any new system should integrate with existing agency systems wherever possible rather than creating another duplicative administrative requirement.

Finally, WSTA supports Streamlining Opportunity No. 25: Improve Education and Resources. Clear, plain-language guidance and centralized permitting resources would be particularly valuable to smaller transit

agencies. Future guidance should include transit-specific examples, including bus stop improvements, transit facilities, maintenance facilities, park-and-rides, bus rapid transit, transit-priority improvements, stormwater projects, and fleet electrification infrastructure.

Federal Coordination and Funding
WSTA also sees potential value in Streamlining Opportunity No. 23: Federal Funds Exchange Program. The report identifies potential benefits for transit-supportive improvements and transportation operations, including reducing administrative requirements associated with eligible federal funding.

However, additional analysis is needed regarding how this opportunity would specifically apply to FTA-funded projects and transit agencies. WSTA recommends further consideration of which federal transit funds and project types could participate and how federal transit requirements would be treated.

More broadly, major transportation projects frequently involve federal funding and federal environmental requirements. WSTA believes there is an opportunity to better coordinate federal, state, and local environmental review and reduce duplicative requirements where legally and environmentally appropriate. For transit agencies, this means coordination among FTA, WSDOT, Ecology, WDFW, the U.S. Army Corps of Engineers, and other applicable agencies.

WSTA appreciates the extensive work undertaken through ESHB 1902 and supports the effort to improve transportation permitting throughout Washington. We believe the final report provides a strong foundation for meaningful improvements to transportation project delivery.

For public transit, successful implementation should result in a permitting system that is faster, predictable, consistent, transparent, and practical for agencies of all sizes.

In particular, WSTA encourages the state to prioritize Streamlining Opportunity No. 5, Statewide Catalog of Maintenance, Repair, and Replacement Activities, including explicit recognition of bus stops and passenger amenities; ensure transit agencies have equitable access to the other applicable streamlining opportunities identified in the report; establish predictable permit processing timelines; improve consistency among reviewers and jurisdictions; expand programmatic environmental review; and strengthen coordination among federal, state, and local agencies.

These improvements can reduce project costs and delays while allowing transit agencies to focus resources on maintaining safe, accessible, and reliable public transportation and delivering the investments needed to serve Washington's communities.

Thank you for the opportunity to provide these comments. WSTA looks forward to continuing to work with the Legislature, WSDOT, Ecology, WDFW, federal agencies, local governments, and other stakeholders to advance these efforts.

Sincerely,



Justin D. Leighton
Executive Director
E. justin@watransit.com | P. 253.677.9448

Appendix C Estimated Time and Cost Savings Methodology

The approach for developing estimated cost and time savings associated with each streamlining opportunity relied on the professional experience and expertise of the project team. The following information outlines the elements of the permitting process for transportation projects that were considered when determining the appropriate range of cost and time savings. The ultimate time and cost savings associated with a given streamlining opportunity will depend on the details of implementation and the project specifics.

The estimated time and cost savings represented in the ESHB 1902 final report are related to process improvements that would involve shortened or removed steps in the current process for permitting and approval of a transportation project in Washington. Shortening the planning, design, and permitting phase can reduce recurring project management, consultant coordination, schedule maintenance, and document update effort. Where the reduced duration advances advertisement, procurement, or construction, it can also avoid a portion of construction-price escalation (though these cost savings are not included here). The resulting savings vary substantially by project type, size, and whether the permit process is the critical path for the project.

Elements of the environmental permitting and approval process that were considered when assessing potential time and cost savings are summarized in the bullets below. These represent steps of the process that can result in significant time and cost for a project, depending on the project complexity. Elements are grouped based on the relative amount of cost or time associated. To determine the estimated cost and time savings for a streamlining opportunity, the number of elements saved, and the relative value of each element were evaluated.

Low (0-3% of permit costs)

- **Project-specific application packaging and tailoring.** This is saved where streamlining opportunities involve the development of a general permit or programmatic approval that establishes defined eligibility criteria, standard conditions, and a targeted verification process.
- **Agency review and revisions.** Defined eligibility criteria and standardized documentation reduce duplicative review and revision cycles. Savings reflect reduced project-team effort responding to review comments.

Medium (3-5% of permit costs)

- **Improved schedule certainty and faster permit decisions.** This exists for streamlining opportunities that propose to consolidate or expedite review processes. Savings are associated with earlier agency alignment, use of a consolidated application package, focused review, fewer sequential information

requests, and reduced project-team effort responding to multiple agency review cycles.

- **SEPA review and supporting documentation.** Streamlining opportunities that would exempt eligible projects from SEPA review would avoid the preparation of a SEPA checklist and associated state or local SEPA documentation.

High (5-10% of permit costs)

- **Endangered Species Act documentation.** Expanding eligibility of projects for ESA programmatic consultation coverage would potentially remove the requirement for development of a biological assessment (or informal consultation materials). Regardless, fitting under a programmatic consultation can result in significant time savings.
- **Critical areas studies and local land-use submittals.** Exemption from local CAO requirements can avoid separate critical areas studies, exemption requests, and related local permit materials where those approvals would otherwise be required.
- **Shoreline development permit applications and documentation.** Streamlining opportunities that exempt eligible projects from SMA requirements would result in savings associated with the required time and documentation necessary to obtain a shoreline permit. A shoreline exemption application package remains necessary. This would also reduce the risk of lengthy appeal processes.

Appendix D Transportation System Maintenance, Preservation, Protection, and Safety Work

Executive Summary – Modernized Transportation Permit Streamlining

This proposal modernizes Washington's environmental review and permit streamlining for Transportation System Maintenance, Preservation, Protection, and Safety Work (TMPPS Work) by establishing a single, authoritative statewide catalog in Title 47 RCW – Public Highways and Transportation. The catalog identifies routine transportation projects and activities undertaken to maintain, preserve, protect, and improve the safety of the existing transportation system that are eligible for streamlined environmental review and permit exemptions, and serves as a consistent reference across multiple environmental statutes.

This approach ensures projects and activities obtain only the permits and approvals necessary to protect environmental resources, eliminates duplicative reviews that add cost and delay, and establishes a framework that can be updated as transportation systems, facilities, and work practices evolve, resulting in eligible TMPPS Work qualifying for efficient and consistent environmental review and permit streamlining. By reducing unnecessary review of routine TMPPS Work, the proposal helps state and local regulatory agencies to focus limited staff resources on projects with greater potential environmental impacts, thereby improving efficiency and reducing public costs.

The proposal recognizes that Washington's transportation system is already built and operating, and that the environmental impacts associated with its original construction and establishment have already occurred and are reflected in existing environmental and operational conditions. Most ongoing work on this system is incremental and focused on maintaining, preserving, protecting, strengthening, and adapting existing infrastructure. Projects involving substantial new expansion or construction of new transportation facilities remain subject to applicable environmental review and permitting requirements.

The framework applies to transportation projects and activities under the authority of the Washington State Department of Transportation (WSDOT) and transportation projects and activities of cities, counties, transit agencies, and port authorities, thereby improving consistency, reducing delays, and lowering costs statewide. Transportation and transit facilities include marine and freshwater transportation infrastructure operated or overseen by the WSDOT, including Washington State Ferries terminals and related facilities, as well as similar facilities owned or operated by transit agencies, port authorities, or other public agencies, and aviation facilities, including airports and associated operational infrastructure.

The catalog will be developed and maintained through a three-part process:

1. **Initial establishment** by consolidating and updating existing exemptions under current statutes (e.g., RCW 43.21C.470, RCW 43.21C.480, RCW 90.58.355, RCW 90.58.356, etc.).
2. **Expansion** to include additional maintenance, preservation, protection, and safety work that meet the intent of the act.
3. **Ongoing oversight** via WSDOT's Multi-Agency Permit Program (RCW 47.85.020) including an annual workgroup meeting to track results, publish estimated cost and time savings, ensure environmental protection, and recommend updates.

This proposal aligns key environmental statutes (e.g., SEPA, SMA, GMA, Hydraulic Code, and the State Noise Code) so that work listed in the catalog receives corresponding exemptions or streamlined pathways. Where provisions of this title conflict with other state or local laws governing environmental review or permitting for TMPPS Work, this title shall control.

Proposed Legislative Findings and Intent

The Legislature finds that transportation projects and activities are essential to public safety, economic vitality, and mobility throughout the state. Routine TMPPS Work frequently undergoes duplicative, costly, and time-consuming environmental review and permitting that provides minimal additional environmental benefit.

The Legislature further finds that requiring environmental review and permitting for routine TMPPS Work imposes substantial and unnecessary demands on state and local regulatory agency staff time and resources, while providing little additional environmental benefit. Reducing duplicative review for such work allows regulatory agencies to focus limited public resources on projects with greater potential environmental impacts, strengthening environmental protection outcomes, improving the effective stewardship of public and natural resources, and reducing costs borne by taxpayers.

The Legislature further finds that Washington's transportation system is a lawfully established and continuously operating system, and that the environmental impacts associated with the original construction and establishment of this system have already occurred and are reflected in existing environmental and operational conditions.

The Legislature further finds that the state's transportation system includes highways, rail, light rail, transit, pedestrian and bicycle facilities, marine and freshwater transportation facilities and vessels, including ferry terminals, docks, transfer spans, and related infrastructure, and publicly owned or publicly operated aviation facilities, including airports

and associated infrastructure, which are lawfully established, continuously operating, and subject to ongoing maintenance, preservation, protection, and safety improvements.

Ongoing work on existing transportation and transit facilities, including maintenance, repair, replacement, safety improvements, operational reconfiguration, and resilience strengthening—generally occurs within an existing operational footprint and, when best management practices are implemented, results in incremental, predictable, and limited environmental effects when evaluated relative to established baseline conditions.

Projects that substantially expand facility capacity, substantially alter existing alignment, or establish new transportation facilities or corridors are outside the scope of this act and remain subject to applicable environmental review and permitting requirements. Minor footprint and right-of-way adjustments, construction easements, airspace leases, and structural and geometric modifications necessary to improve safety, resilience, climate adaptation, or compliance with current safety or engineering or environmental standards do not constitute substantial expansion.

For the purposes of this act, “substantial expansion” means an increase in system capacity, travel demand inducement, or corridor function beyond the existing operational classification of the facility, rather than dimensional, geometric, safety-driven, or routine operational modifications necessary to meet current standards, maintain safety, preserve system service and function, such as TMPPS Work, including work outside existing right-of-way, leased areas, or minor off-facility improvements. Minor footprint and right-of-way adjustments, construction easements, airspace leases, or property acquisition required to perform TMPPS Work does not constitute substantial expansion.

The Legislature further finds that climate change and extreme weather events—including flooding, wildfire, extreme heat, landslides, sea level rise, and seismic risks—pose increasing threats to the safety, reliability, and operability of the existing transportation system.

The Legislature finds that proactive preservation, protection, strengthening, and safety improvements applied to existing transportation and transit facilities reduce the risk of service disruptions, emergency failures, environmental harm, and costly post-event reconstruction, and typically result in fewer and less severe environmental impacts than emergency response or infrastructure failure.

The Legislature further finds that delays in implementing such work increase lifecycle costs, emergency response expenditures, and environmental harm resulting from infrastructure failure.

The Legislature further finds that establishing a single, authoritative statewide catalog of TMPPS Work eligible for streamlined environmental review and permit exemptions provides clear guidance for public agencies, promotes consistency and predictability in project delivery, and improves coordination among agencies.

It is the intent of the Legislature that the terms "maintenance," "repair," "replacement," "service-continuity actions," and "structurally deficient bridges", along with any other terms defined in this chapter, be interpreted broadly and consistent with their ordinary meaning. These terms are not limited to enumerated examples and should not be construed narrowly.

It is further the intent of the Legislature that TMPPS Work eligibility determinations be made relative to existing operational and environmental baseline conditions of the transportation or transit facility, and not relative to an undeveloped or hypothetical condition. Evaluation relative to baseline conditions—including reasonably anticipated changes—does not authorize degradation of environmental resources and does not preclude improvement, restoration, or mitigative measures.

The owner of a transportation or transit facility shall have the sole discretion to determine whether proposed work qualifies as TMPPS Work, consistent with the department of transportation's plenary authority in RCW 47.01.260, and criteria and limitations established in this chapter and the TMPPS Work Catalog. Such determinations shall be documented in writing using a standardized eligibility documentation format developed by the department, retained in the project record, and be available for agency and public review consistent with existing public records laws. State and local regulatory agencies may not apply a more restrictive interpretation or impose requirements that conflict with this legislative intent.

New RCW Section:

RCW 47.xx.xxx – Transportation System Maintenance, Preservation, Protection, and Safety Work – Environmental Review and Permit Streamlining

Part I – Definitions

"Transportation System Maintenance, Preservation, Protection, and Safety Work (TMPPS Work)" means work on existing, lawfully established, and operating transportation or transit facilities owned, leased, or operated by or under the authority of, the state of Washington or a city, county, transit agency, or port authority—including highway, rail, light rail, transit, pedestrian and bicycle facilities, shared-use paths, and marine and freshwater

transportation facilities, and aviation facilities—that maintains, preserves, protects, or improves the safety, function, service, resilience, or state of repair of the existing transportation or transit system. TMPPS Work determinations are administrative determinations and do not constitute discretionary project approvals.

For purposes of this chapter, "protection" means preventive or risk-reduction actions taken to avoid or minimize damage, service disruptions, or safety risks at existing, lawfully established transportation or transit facilities. Protection actions include all work listed in the TMPPS Work Catalog, including addressing dangerous objects and structures under RCW 47.32.130.

All TMPPS Work is strictly limited to activities that do not increase mainline through-lane capacity, materially increase corridor function, or induce additional travel demand. It includes proactive strengthening, safety improvements, operational reconfiguration, adaptation to foreseeable and unforeseen extraordinary hazards or events, minor new construction or enhancements, and projects that provide environmental benefit. TMPPS Work is evaluated relative to the existing environmental and operational conditions of the facility and substantially conforms to preexisting design, function, and location. TMPPS Work does not include substantial expansion of facility capacity or establishment of new transportation facilities or corridors. Routine operational reconfigurations, minor safety or geometric modifications, and enhancements that maintain, preserve, protect, or improve the facility are explicitly TMPPS Work and are not considered substantial expansion.

The work may involve minor increases in footprint, limited right-of-way or sundry site expansions, leases, airspace leases, or temporary easements, and is not expected to result in significant adverse environmental impacts when best management practices are implemented.

Proposed Part II – TMPPS Work Catalog

1. **Catalog Establishment**
   The department shall maintain a centralized catalog of TMPPS Work limited to work on existing transportation or transit facilities owned, leased, or operated by or under the authority of, the state of Washington or a city, county, transit agency, or port authority, including marine and freshwater transportation facilities and terminals, and aviation facilities, and excluding substantial expansion or new transportation corridors.

Eligibility determinations shall be made relative to existing operational and environmental conditions by the facility owner, documented in writing, and retained in the project record.

TMPPS Work may occur as a standalone project or as part of a larger project. When a project includes TMPPS Work and substantial expansion or new transportation facilities, only the TMPPS Work is eligible for catalog benefits. The TMPPS Work and non-TMPPS Work portions must be clearly identified, with the non-TMPPS work remaining subject to all applicable environmental review and permitting requirements.

2. **Initial Catalog Content**
   Includes work already exempted under current law, consolidated and written to be interpreted broadly:
   - **Maintenance** – Preventative and corrective work to preserve safe, functional conditions.
   - **Repair** – Restoration to original condition, including minor alterations.
   - **Replacement** – Replacement and reconfiguration to maintain, protect, or restore function without increasing mainline through-lane capacity.
   - **Service-Continuity Actions** – Work to prevent, reduce the risk of, or respond to service disruption due to foreseeable or unforeseen extraordinary events, whether natural, accidental, or human-caused, including weather, climate-related hazards, and seismic risks. Actions include preventative, immediate response, and subsequent repair, replacement, or restoration work, any or all of which may qualify as emergency actions under applicable law.
   - **Structurally Deficient Bridges** – Repair or replacement or a combination thereof to maintain service, without adding new through-lanes to the mainline.
   - Analogous work on pedestrian, bicycle, and shared-use path facilities, transit facilities, marine and freshwater transportation facilities, and publicly owned or publicly operated aviation facilities.
3. **Catalog Expansion**
   May include additional TMPPS Work such as:
   - Operational reconfiguration or functional improvements of existing transportation facilities, including lane re-striping, intersection or

interchange modifications including conversion to or creation of roundabouts, without adding new mainline through-lane capacity.

- Minor new construction enhancing existing function without adding new through-lanes to the mainline, including bicycle lanes, pedestrian paths, or shared-use trails, without adding new corridor capacity.
- Transportation-related habitat restoration and enhancement projects (e.g., fish passage, stormwater retrofits, chronic environmental deficiency, and advanced compensatory mitigation).
- Utility relocation or modification necessary to perform TMPPS Work.
- Resilience and climate adaptation improvements.
- Other projects of comparable scale and environmental effect as those enumerated above.

4. Applicability

- TMPPS Work eligibility is determined by the facility owner based on the nature, purpose, scale, and environmental effects of the work relative to existing operational and environmental baseline conditions and is not conditioned on the geographic location of the work.
- Work generally occurs within existing right-of-way, sundry sites, leases, and airspace leases; however, TMPPS Work may also occur outside of these areas and remain eligible for streamlined environmental review and permitting where minor adjustments, property acquisitions or construction easements are needed for safety, constructability, environmental protection, habitat restoration or enhancement, or to meet current safety or engineering standards or permit requirements. TMPPS Work occurring outside existing right-of-way, facility boundaries, or lease areas does not, by itself, constitute substantial expansion.
- TMPPS Work, together with the related benefits of streamlined environmental review and permitting, shall apply to the department, cities, counties, transit agencies, and port authorities, including when such entities own or operate marine or freshwater transportation facilities or ferry-related infrastructure, or aviation facilities, including airports and associated operational infrastructure.

5. Catalog Updates

- Updates are proposed through legislative-approved processes. (See proposed Part IV below)
- Catalog revisions require legislative action.

6. **Compliance with Other Laws**
    - Nothing in this chapter exempts projects from compliance with federal or state environmental laws, federal tribal treaties, or obligations arising from those treaties, except as expressly provided by law. The location or nature of TMPPS Work, including work outside existing right-of-way or on leased or acquired sites, does not by itself create additional permitting requirements under these laws.
    - Nothing in this chapter alters the obligation of state or local agencies to engage in government-to-government consultation with federally recognized tribes where required by law; such consultation shall not be used to impose additional permitting requirements on cataloged TMPPS Work, including work occurring outside existing right-of-way or on leased or acquired sites.

Proposed Part III – Environmental Statute Alignment

TMPPS Work listed in the catalog is categorically exempt from review and approval or eligible for streamlined review and existing statutes will be updated as follows:

Statute	Applicability
SEPA (RCW 43.21C)	Add this new language to the statute: "TMPPS Work listed in RCW 47.xx.xxx is categorically exempt from review and approval under this chapter for all public agencies, including WSDOT, cities, counties, transit agencies, and port authorities."
Shoreline Management Act (RCW 90.58)	Add this new language to the statute: "TMPPS Work listed in RCW 47.xx.xxx is categorically exempt from review, permits or approvals under this chapter for all public agencies, including WSDOT, cities, counties, transit agencies, and port authorities."
Growth Management Act (RCW 36.70A)	Add this new language to the statute: "TMPPS Work listed in RCW 47.xx.xxx is categorically exempt from review, permits or approvals

Statute	Applicability
	under this chapter for all public agencies, including WSDOT, cities, counties, transit agencies, and port authorities." Add this new language to the RCW 36.70A.060(2): State transportation projects and activities that occur within a state highway as defined in RCW 47.04.010, and under the authority of the department as defined in RCW 47.01.260, the lease or ownership area of a state ferry terminal, or the lease or ownership area of a transit facility, are not subject to land clearing and grading or other development review, permits or approvals authorized by this section. Remove this language from RCW 47.01.485(1): ~~To the greatest extent practicable~~...
Public Highways and Transportation (RCW 47.01.485)	Add this new language to RCW 47.01.485: Except for those permits necessary in order for the local government to administer the national flood insurance program regulation's minimum requirements, permits not issued within ninety days after the submission of a complete permit application shall be deemed exempt, unless the permitting agency documents and communicates to the department in writing a specific and imminent public health or safety risk requiring additional review time.
State Noise Code (RCW 70A.20)	Add this new language to the statute: "TMPPS Work listed in RCW 47.xx.xxx is categorically exempt from review, permits or approvals under this chapter for all public agencies, including WSDOT, cities, counties, transit agencies, and port authorities."
Hydraulic Code (RCW 77.55)	Transportation-related habitat restoration and enhancement projects in RCW 47.xx.xxx qualify under FHEP provisions.

Important: Any existing RCW language that would conflict with these proposed legislative language changes would concurrently be updated or removed (e.g., RCW 90.355 and 356, and RCW 43.21c.470 and 480, RCW 35.21.950, RCW 35A.21.400, and RCW 36.01.340 would need to be addressed).

Proposed Part IV – Multi-Agency Permit Program

RCW 47.85.020 would be amended to annually convene a permanent transportation permit streamlining workgroup to review and propose updates to the TMPPS Work Catalog as follows:

1. **Workgroup**
    - Convened annually by WSDOT.
    - Includes representatives from transportation and regulatory agencies.
    - Additional participants may be invited at WSDOT's discretion.
2. **Responsibilities**
    - Review outcomes and estimated time/cost savings.
    - Review environmental protection effectiveness.
    - Recommend catalog updates for department submittal to Legislature.
    - Identify future opportunities for streamlining consistent with environmental protections.
    - Maintain and update a guidance list of TMPPS Work types that inform project eligibility determinations, track outcomes, and ensure consistency with legislative intent.
    - Biennially submit a report to the Legislature summarizing outcomes and estimated time/cost savings, environmental protection effectiveness, propose updates to the TMPPS Work Catalog, and propose additional permit streamlining that would reduce the time and cost of permitting while maintaining appropriate environmental protections. The first report shall be submitted to the Legislature no later than December 31 of the second calendar year after the effective date of this act.

OPTIONAL Proposed Part V – Rulemaking and Effective Date

- **Rulemaking** – Department may adopt rules as necessary to implement this act; no rulemaking is required for the act to take effect or for TMPPS Work to proceed.
- **Effective Date** – July 1, 20XX, or as determined.

- **Severability** – If any provision of this act or its application is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.