

REFERENCE TITLE: **state permitting council**

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1663

Introduced by

Senators Gowan: Borrelli, Fann, Farnsworth D, Leach; Representatives Biasiucci, Blackman, Campbell, Finchem, Griffin, Kern, Lawrence, Nutt, Rivero, Thorpe, Toma, Weninger

AN ACT

AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3027.05; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 16; RELATING STATE AGENCY REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 41, chapter 27, article 2, Arizona Revised
3 Statutes, is amended by adding section 41-3027.05, to read:

4 41-3027.05. State permitting council: termination July 1,
5 2027

6 A. THE STATE PERMITTING COUNCIL TERMINATES ON JULY 1, 2027.
7 B. TITLE 41, CHAPTER 16 AND THIS SECTION ARE REPEALED ON JANUARY 1,
8 2028.

9 Sec. 2. Title 41, Arizona Revised Statutes, is amended by adding
10 chapter 16, to read:

11 CHAPTER 16
12 STATE PERMITTING COUNCIL
13 ARTICLE 1. GENERAL PROVISIONS

14 41-2101. Definitions

15 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 1. "AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1001.
17 2. "AUTHORIZATION" MEANS A LICENSE, PERMIT, APPROVAL, FINDING,
18 DETERMINATION OR OTHER ADMINISTRATIVE DECISION THAT IS ISSUED BY THIS
19 STATE, A COUNTY OR MUNICIPAL AGENCY OR A METROPOLITAN PLANNING
20 ORGANIZATION THAT IS REQUIRED OR AUTHORIZED UNDER STATE LAW TO SITE,
21 CONSTRUCT, RECONSTRUCT OR COMMENCE OPERATIONS OF A COVERED PROJECT THAT IS
22 ADMINISTERED BY AN AGENCY.

23 3. "COOPERATING STATE AGENCY" MEANS AN AGENCY THAT HAS EITHER OF
24 THE FOLLOWING:

25 (a) JURISDICTION UNDER STATE LAW.
26 (b) SPECIAL EXPERTISE IN ENVIRONMENTAL REVIEW AND PERMITTING AS
27 DETERMINED BY THE COUNCIL.

28 4. "COUNCIL" MEANS THE STATE PERMITTING COUNCIL.

29 5. "COVERED PROJECT" MEANS AN ACTIVITY IN THIS STATE THAT REQUIRES
30 AUTHORIZATION, A LAND USE PERMIT OR AN ENVIRONMENTAL REVIEW BY AN AGENCY,
31 THAT INVOLVES INFRASTRUCTURE CONSTRUCTION FOR RENEWABLE OR CONVENTIONAL
32 ENERGY PRODUCTION, ELECTRICITY TRANSMISSION, MINING, LAND REVITALIZATION,
33 SURFACE TRANSPORTATION, AVIATION, PORTS AND WATERWAYS, WATER RESOURCE
34 PROJECTS, BROADBAND, PIPELINES OR MANUFACTURING OR ANY OTHER SECTOR AS
35 DETERMINED BY A MAJORITY VOTE OF THE COUNCIL AND THAT IS ANY OF THE
36 FOLLOWING:

37 (a) SUBJECT TO APPLICABLE STATE ENVIRONMENTAL LAWS, PERMITTING
38 REGULATIONS AND OTHER RELEVANT GOVERNMENT AUTHORIZATIONS.

39 (b) LIKELY TO REQUIRE A TOTAL INVESTMENT OF MORE THAN \$_____.

40 (c) SUBJECT TO APPLICABLE STATE ENVIRONMENTAL LAWS, THE SIZE AND
41 COMPLEXITY OF WHICH, IN THE OPINION OF THE COUNCIL, MAKE THE COVERED
42 PROJECT LIKELY TO BENEFIT FROM ENHANCED OVERSIGHT AND COORDINATION.

43 6. "ENVIRONMENTAL REVIEW" MEANS AGENCY PROCEDURES AND PROCESSES FOR
44 APPLYING A CATEGORICAL EXCLUSION OR FOR PREPARING AN ENVIRONMENTAL
45 ASSESSMENT, ENVIRONMENTAL IMPACT STATEMENT OR OTHER DOCUMENT.

1 7. "PERMITTING DASHBOARD" MEANS AN ONLINE TOOL FOR AGENCIES,
2 PROJECT DEVELOPERS AND INTERESTED MEMBERS OF THE PUBLIC TO TRACK THE
3 AGENCY'S ENVIRONMENTAL REVIEW AND AUTHORIZATION PROCESSES FOR COVERED
4 PROJECTS.

5 41-2102. State permitting council; agency chief environmental
6 review and permitting officer

7 A. THE STATE PERMITTING COUNCIL IS ESTABLISHED.
8 B. EACH HEAD OF THE FOLLOWING AGENCIES SHALL APPOINT AN AGENCY
9 EMPLOYEE TO SERVE ON THE COUNCIL:

10 1. _____.
11 2. _____.
12 3. _____.
13 4. _____.
14 5. _____.
15

16 C. APPOINTED COUNCIL MEMBERS MUST HAVE THE AUTHORITY TO ENTER INTO
17 BINDING DECISIONS ON BEHALF OF THE AGENCY FOR WHICH THEY ARE EMPLOYED. BY
18 MAJORITY VOTE, THE COUNCIL MAY APPOINT ADDITIONAL MEMBERS TO THE COUNCIL.

19 D. THE GOVERNOR OR THE GOVERNOR'S DESIGNEE SHALL APPOINT A
20 FULL-TIME EXECUTIVE DIRECTOR TO THE COUNCIL WHO SHALL SERVE AS CHAIRPERSON
21 OF THE COUNCIL.

22 E. THE AGENCY HEADS OF THE AGENCIES LISTED IN SUBSECTION B OF THIS
23 SECTION SHALL DESIGNATE ONE OR MORE AGENCY EMPLOYEES OF THE AGENCY IN
24 WHICH THE AGENCY HEAD SERVES TO SERVE AS AN AGENCY CHIEF ENVIRONMENTAL
25 REVIEW AND PERMITTING OFFICER. IN CARRYING OUT THE DUTIES OF THIS
26 CHAPTER, THE AGENCY CHIEF ENVIRONMENTAL REVIEW AND PERMITTING OFFICER
27 SHALL REPORT DIRECTLY TO THE COUNCIL MEMBER WHO IS APPOINTED FROM THE
28 AGENCY FOR WHICH THE AGENCY CHIEF ENVIRONMENTAL REVIEW AND PERMITTING
29 OFFICER IS EMPLOYED.

30 41-2103. Executive director: covered project categories;
31 performance schedules

32 A. THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE COUNCIL, SHALL:

33 1. NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE
34 OF THIS SECTION, ESTABLISH AN INVENTORY OF COVERED PROJECTS THAT ARE
35 AWAITING AN ENVIRONMENTAL REVIEW OR AUTHORIZATION FROM AN AGENCY.

36 2. CATEGORIZE THE COVERED PROJECTS IN THE INVENTORY AS APPROPRIATE,
37 BASED ON THE SECTOR THAT THE COVERED PROJECT AFFECTS AND THE PROJECT TYPE.
38 3. FOR EACH CATEGORY, IDENTIFY THE TYPES OF ENVIRONMENTAL REVIEWS
39 AND AUTHORIZATIONS THAT ARE COMMONLY INVOLVED.

40 4. ADD COVERED PROJECTS TO THE INVENTORY AFTER RECEIVING NOTICE
41 FROM THE COUNCIL.

42 5. DESIGNATE A FACILITATING STATE AGENCY FOR EACH CATEGORY OF
43 COVERED PROJECTS PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION.

44 6. PUBLISH A LIST OF DESIGNATED FACILITATING STATE AGENCIES FOR
45 EACH CATEGORY OF COVERED PROJECTS IN THE INVENTORY ON THE PERMITTING
DASHBOARD IN AN EASILY ACCESSIBLE FORMAT.

1 B. NOT LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS
2 SECTION, THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE COUNCIL, SHALL
3 DEVELOP RECOMMENDED PERFORMANCE SCHEDULES, INCLUDING INTERMEDIATE AND
4 FINAL COMPLETION DATES, FOR ENVIRONMENTAL REVIEWS AND AUTHORIZATIONS THAT
5 ARE MOST COMMONLY REQUIRED FOR EACH CATEGORY OF COVERED PROJECTS
6 PRESCRIBED IN SUBSECTION A, PARAGRAPH 2 OF THIS SECTION.

7 C. THE PERFORMANCE SCHEDULES DEVELOPED PURSUANT TO SUBSECTION B OF
8 THIS SECTION MUST REFLECT THE USE OF THE MOST EFFICIENT APPLICABLE
9 PROCESSES, INCLUDING ALIGNING STATE AND FEDERAL ENVIRONMENTAL REVIEWS OF
10 THE COVERED PROJECTS AND REDUCING PERMITTING AND COVERED PROJECT DELIVERY
11 TIMES. THE FINAL COMPLETION DATES IN ANY PERFORMANCE SCHEDULE FOR THE
12 COMPLETION OF AN ENVIRONMENTAL REVIEW OR AUTHORIZATION MAY NOT EXCEED THE
13 AVERAGE TIME TO COMPLETE AN ENVIRONMENTAL REVIEW OR AUTHORIZATION FOR A
14 COVERED PROJECT WITHIN THAT CATEGORY. THE EXECUTIVE DIRECTOR, IN
15 CONSULTATION WITH THE COUNCIL, SHALL CALCULATE THE AVERAGE COMPLETION TIME
16 BASED ON DATA FROM THE PRECEDING TWO CALENDAR YEARS, AND THE AVERAGE
17 COMPLETION TIME SHALL BEGIN ON THE DATE ON WHICH THE EXECUTIVE DIRECTOR
18 MAKES A SPECIFIC ENTRY FOR THE COVERED PROJECT ON THE PERMITTING DASHBOARD
19 PURSUANT TO SECTION 41-2107, SUBSECTION A AND END ON THE DATE OF THE
20 ISSUANCE OF A RECORD OF DECISION OR OTHER FINAL AGENCY ACTION ON THE
21 ENVIRONMENTAL REVIEW OR AUTHORIZATION.

22 D. EACH PERFORMANCE SCHEDULE MUST SPECIFY THAT ANY DECISION BY AN
23 AGENCY ON AN ENVIRONMENTAL REVIEW OR AUTHORIZATION MUST BE ISSUED NOT
24 LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH ALL INFORMATION
25 NEEDED TO COMPLETE THE ENVIRONMENTAL REVIEW OR AUTHORIZATION, INCLUDING
26 ANY HEARING THAT AN AGENCY HOLDS ON THE MATTER, IS IN THE POSSESSION OF
27 THE AGENCY.

28 E. NOT LATER THAN TWO YEARS AFTER THE DATE ON WHICH THE PERFORMANCE
29 SCHEDULES ARE ESTABLISHED UNDER THIS SECTION, AND AT LEAST ONCE EVERY TWO
30 YEARS THEREAFTER, THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE
31 COUNCIL, SHALL REVIEW AND REVISE THE PERFORMANCE SCHEDULES.

32 F. THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE COUNCIL, MAY
33 RECOMMEND TO THE GOVERNOR, AS APPROPRIATE, THAT GUIDANCE BE ISSUED AS
34 NECESSARY FOR AGENCIES TO CARRY OUT RESPONSIBILITIES UNDER THIS CHAPTER
35 AND TO EFFECTUATE THE ADOPTION BY AGENCIES OF THE BEST PRACTICES AND
36 RECOMMENDATIONS OF THE COUNCIL AS PRESCRIBED IN SECTION 41-2104.

37 41-2104. Council best practices

38 A. THE COUNCIL SHALL MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR
39 WITH RESPECT TO THE DESIGNATIONS UNDER SECTION 41-2103, SUBSECTION A,
40 PARAGRAPH 5 AND THE PERFORMANCE SCHEDULES UNDER SECTION 41-2103,
41 SUBSECTION B AND MAY UPDATE THESE RECOMMENDATIONS AS NEEDED.

42 B. NOT LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS
43 SECTION, AND AT LEAST ANNUALLY THEREAFTER, THE COUNCIL MAY ISSUE
44 RECOMMENDATIONS ON THE BEST PRACTICES FOR ALL OF THE FOLLOWING:

1 1. ENHANCING EARLY STAKEHOLDER ENGAGEMENT, INCLUDING FULLY
2 2. CONSIDERING AND, AS APPROPRIATE, INCORPORATING RECOMMENDATIONS PROVIDED IN
3 3. PUBLIC COMMENTS ON ANY PROPOSED COVERED PROJECT.

4 2. ENSURING TIMELY DECISIONS REGARDING ENVIRONMENTAL REVIEWS AND
5 5. AUTHORIZATIONS, INCLUDING THROUGH THE DEVELOPMENT OF PERFORMANCE METRICS.

6 3. IMPROVING COORDINATION BETWEEN STATE AND NONSTATE GOVERNMENTAL
7 7. ENTITIES, INCLUDING THROUGH THE DEVELOPMENT OF COMMON DATA STANDARDS AND
8 8. TERMINOLOGY ACROSS AGENCIES.

9 4. INCREASING TRANSPARENCY.

10 5. REDUCING INFORMATION COLLECTION REQUIREMENTS AND OTHER
11 11. ADMINISTRATIVE BURDENS ON AGENCIES, COVERED PROJECT SPONSORS AND OTHER
12 12. INTERESTED PARTIES.

13 6. DEVELOPING AND MAKING AVAILABLE TO APPLICANTS APPROPRIATE
14 14. GEOGRAPHIC INFORMATION SYSTEMS AND OTHER TOOLS.

15 7. CREATING AND DISTRIBUTING TRAINING MATERIALS THAT ARE USEFUL TO
16 16. STATE, TRIBAL AND LOCAL PERMITTING OFFICIALS.

17 8. ADDRESSING OTHER ASPECTS OF INFRASTRUCTURE PERMITTING, AS
18 18. DETERMINED BY THE COUNCIL.

19 C. THE COUNCIL SHALL MEET AT LEAST ANNUALLY WITH GROUPS OR
20 20. INDIVIDUALS REPRESENTING TRIBAL AND LOCAL GOVERNMENTS THAT ARE ENGAGED IN
21 21. THE INFRASTRUCTURE PERMITTING PROCESS.

22 41-2105. Agency chief environmental review and permitting officer

23 AN AGENCY CHIEF ENVIRONMENTAL REVIEW AND PERMITTING OFFICER SHALL:

24 1. ADVISE THE RESPECTIVE AGENCY COUNCIL MEMBER ON MATTERS RELATED
25 25. TO ENVIRONMENTAL REVIEWS AND AUTHORIZATIONS.

26 2. PROVIDE TECHNICAL SUPPORT, WHEN REQUESTED TO FACILITATE
27 27. EFFICIENT AND TIMELY PROCESSES FOR ENVIRONMENTAL REVIEWS AND
28 28. AUTHORIZATIONS FOR COVERED PROJECTS UNDER THE JURISDICTIONAL
29 29. RESPONSIBILITY OF THE AGENCY, INCLUDING SUPPORTING TIMELY IDENTIFICATION
30 30. AND RESOLUTION OF POTENTIAL DISPUTES WITHIN THE AGENCY OR BETWEEN THE
31 31. AGENCY AND OTHER AGENCIES.

32 3. ANALYZE AGENCY ENVIRONMENTAL REVIEW AND AUTHORIZATION PROCESSES,
33 33. POLICIES AND AUTHORITIES AND MAKE RECOMMENDATIONS TO THE RESPECTIVE AGENCY
34 34. COUNCIL MEMBER FOR WAYS TO STANDARDIZE, SIMPLIFY AND IMPROVE THE
35 35. EFFICIENCY OF THE PROCESSES, POLICIES AND AUTHORITIES, INCLUDING BY
36 36. IMPLEMENTING GUIDANCE ISSUED UNDER SECTION 41-2103, SUBSECTION F AND OTHER
37 37. BEST PRACTICES AND USING INFORMATION TECHNOLOGY AND GEOGRAPHIC INFORMATION
38 38. SYSTEM TOOLS WITHIN THE AGENCY AND ACROSS AGENCIES TO THE EXTENT
39 39. CONSISTENT WITH STATE AND FEDERAL LAW.

40 4. REVIEW AND DEVELOP TRAINING PROGRAMS FOR AGENCY STAFF THAT
41 41. SUPPORT AND CONDUCT ENVIRONMENTAL REVIEWS OR AUTHORIZATIONS.

1 41-2106. Covered projects; notice; participating and
2 cooperating state agencies designation; lead state
3 agency designation

4 A. A PROJECT SPONSOR OF A COVERED PROJECT SHALL SUBMIT TO THE
5 EXECUTIVE DIRECTOR AND THE FACILITATING STATE AGENCY NOTICE OF THE
6 INITIATION OF A PROPOSED PROJECT. IF AT THE TIME NOTICE IS SUBMITTED THE
7 EXECUTIVE DIRECTOR HAS NOT DESIGNATED A FACILITATING STATE AGENCY UNDER
8 SECTION 41-2103, SUBSECTION A, PARAGRAPH 5 FOR THE CATEGORIES OF COVERED
9 PROJECTS NOTICED, THE AGENCY THAT RECEIVES THE NOTICE SHALL BE DESIGNATED
10 AS THE FACILITATING STATE AGENCY. EACH NOTICE SHALL INCLUDE ALL OF THE
11 FOLLOWING:

12 1. A STATEMENT OF THE PURPOSES AND OBJECTIVES OF THE PROPOSED
13 PROJECT.

14 2. A CONCISE DESCRIPTION, INCLUDING THE GENERAL LOCATION OF THE
15 PROPOSED PROJECT AND A SUMMARY OF GEOSPATIAL INFORMATION, IF AVAILABLE,
16 THAT ILLUSTRATES THE COVERED PROJECT AREA AND THE LOCATIONS, IF ANY, OF
17 ENVIRONMENTAL, CULTURAL AND HISTORIC RESOURCES.

18 3. A STATEMENT REGARDING THE TECHNICAL AND FINANCIAL ABILITY OF THE
19 PROJECT SPONSOR TO CONSTRUCT THE PROPOSED PROJECT.

20 4. A STATEMENT OF ANY STATE FINANCING, ENVIRONMENTAL REVIEWS AND
21 AUTHORIZATIONS THAT ARE ANTICIPATED TO BE REQUIRED TO COMPLETE THE
22 PROPOSED PROJECT.

23 5. AN ASSESSMENT THAT THE PROPOSED PROJECT MEETS THE DEFINITION OF
24 A COVERED PROJECT UNDER THIS CHAPTER AND A STATEMENT OF REASONS SUPPORTING
25 THE ASSESSMENT.

26 B. NOT LATER THAN FORTY-FIVE DAYS AFTER THE DATE ON WHICH THE
27 EXECUTIVE DIRECTOR MUST MAKE A SPECIFIC ENTRY FOR THE COVERED PROJECT ON
28 THE PERMITTING DASHBOARD UNDER SECTION 41-2107, THE FACILITATING STATE
29 AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, SHALL DO BOTH OF THE
30 FOLLOWING:

31 1. IDENTIFY ALL STATE AND NONSTATE AGENCIES AND GOVERNMENTAL
32 ENTITIES THAT ARE LIKELY TO HAVE FINANCING, ENVIRONMENTAL REVIEW OR
33 AUTHORIZATION RESPONSIBILITIES OR OTHER RESPONSIBILITIES WITH RESPECT TO
34 THE PROPOSED PROJECT.

35 2. INVITE ALL STATE AND, AS APPLICABLE, FEDERAL AGENCIES TO BECOME
36 A PARTICIPATING STATE AGENCY OR A COOPERATING STATE AGENCY, AS
37 APPROPRIATE, IN THE ENVIRONMENTAL REVIEW AND AUTHORIZATION MANAGEMENT
38 PROCESS. ON REQUEST AND A SHOWING OF CHANGED CIRCUMSTANCES, THE EXECUTIVE
39 DIRECTOR MAY DESIGNATE AN AGENCY THAT HAS OPTED OUT TO BE A PARTICIPATING
40 STATE AGENCY OR COOPERATING STATE AGENCY, AS APPROPRIATE.

41 C. AN AGENCY THAT IS INVITED TO BECOME A PARTICIPATING STATE AGENCY
42 UNDER SUBSECTION B OF THIS SECTION SHALL BE DESIGNATED AS A PARTICIPATING
43 STATE AGENCY OR COOPERATING STATE AGENCY FOR A COVERED PROJECT, UNLESS THE
44 AGENCY INFORMS THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
45 APPLICABLE, IN WRITING BEFORE THE DEADLINE UNDER SUBSECTION B OF THIS

1 SECTION THAT THE AGENCY HAS NO JURISDICTION OR AUTHORITY WITH RESPECT TO
2 THE PROPOSED PROJECT OR DOES NOT INTEND TO EXERCISE AUTHORITY RELATED TO
3 OR SUBMIT COMMENTS ON THE PROPOSED PROJECT. THE DESIGNATION MADE UNDER
4 THIS SUBSECTION DOES NOT GIVE THE PARTICIPATING STATE AGENCY AUTHORITY OR
5 JURISDICTION OVER THE COVERED PROJECT OR EXPAND ANY JURISDICTION OR
6 AUTHORITY A COOPERATING STATE AGENCY MAY HAVE OVER THE PROPOSED PROJECT.

7 D. ON ESTABLISHMENT OF THE LEAD STATE AGENCY, THE LEAD STATE AGENCY
8 SHALL ASSUME THE RESPONSIBILITIES OF THE FACILITATING STATE AGENCY UNDER
9 THIS SECTION. IF THE LEAD STATE AGENCY ASSUMES THE RESPONSIBILITIES OF
10 THE FACILITATING STATE AGENCY, THE FACILITATING STATE AGENCY MAY BE
11 DESIGNATED AS A COOPERATIVE STATE AGENCY OR A PARTICIPATING STATE AGENCY.
12 ON THE REQUEST OF A PARTICIPATING STATE AGENCY OR PROJECT SPONSOR, THE
13 EXECUTIVE DIRECTOR MAY DESIGNATE A DIFFERENT AGENCY AS THE FACILITATING
14 STATE AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, FOR A COVERED PROJECT,
15 IF THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY OR THE EXECUTIVE
16 DIRECTOR RECEIVES NEW INFORMATION REGARDING THE SCOPE OR NATURE OF A
17 COVERED PROJECT THAT INDICATES THAT THE PROJECT SHOULD BE PLACED IN A
18 DIFFERENT CATEGORY PURSUANT TO SECTION 41-2103. THE GOVERNOR OR
19 GOVERNOR'S DESIGNEE SHALL RESOLVE ANY DISPUTE OVER DESIGNATION OF A
20 FACILITATING STATE AGENCY OR LEAD STATE AGENCY FOR A PARTICULAR COVERED
21 PROJECT.

22 41-2107. Permitting dashboard; permitting timetable; dispute
23 resolution

24 A. THE EXECUTIVE DIRECTOR SHALL MAINTAIN AN ONLINE DATABASE TO BE
25 KNOWN AS THE PERMITTING DASHBOARD TO TRACK THE STATUS OF ENVIRONMENTAL
26 REVIEWS AND AUTHORIZATIONS FOR A COVERED PROJECT IN THE INVENTORY
27 DESCRIBED IN SECTION 41-2103. THE PERMITTING DASHBOARD SHALL INCLUDE A
28 SPECIFIC AND SEARCHABLE ENTRY FOR EACH COVERED PROJECT. NOT LATER THAN
29 FOURTEEN DAYS AFTER THE DATE ON WHICH THE EXECUTIVE DIRECTOR ADDS A
30 COVERED PROJECT TO THE INVENTORY UNDER SECTION 41-2103, THE EXECUTIVE
31 DIRECTOR SHALL CREATE A SPECIFIC ENTRY ON THE PERMITTING DASHBOARD FOR THE
32 COVERED PROJECT. NOT LATER THAN FOURTEEN DAYS AFTER THE DATE ON WHICH THE
33 EXECUTIVE DIRECTOR RECEIVES A NOTICE UNDER SECTION 41-2106, SUBSECTION A,
34 THE EXECUTIVE DIRECTOR SHALL CREATE A SPECIFIC ENTRY ON THE PERMITTING
35 DASHBOARD FOR THE COVERED PROJECT, UNLESS THE EXECUTIVE DIRECTOR,
36 FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, DETERMINES
37 THAT THE PROJECT IS NOT A COVERED PROJECT. IF THE FACILITATING STATE
38 AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, DETERMINES THAT THE PROJECT IS
39 NOT A COVERED PROJECT, THE PROJECT SPONSOR MAY SUBMIT A FURTHER
40 EXPLANATION AS TO WHY THE PROJECT IS A COVERED PROJECT NOT LATER THAN
41 FOURTEEN DAYS AFTER THE DATE OF THE DETERMINATION UNDER THIS SUBSECTION.
42 NOT LATER THAN FOURTEEN DAYS AFTER RECEIVING THE EXPLANATION, THE
43 EXECUTIVE DIRECTOR SHALL MAKE A FINAL AND CONCLUSIVE DETERMINATION AS TO
44 WHETHER THE PROJECT IS A COVERED PROJECT AND, IF THE EXECUTIVE DIRECTOR

1 DETERMINES THAT THE PROJECT IS A COVERED PROJECT, CREATE A SPECIFIC ENTRY
2 ON THE PERMITTING DASHBOARD FOR THE COVERED PROJECT.

3 B. FOR EACH COVERED PROJECT THAT IS ADDED TO THE PERMITTING
4 DASHBOARD UNDER SUBSECTION A OF THIS SECTION, THE FACILITATING STATE
5 AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, AND EACH COOPERATING STATE
6 AGENCY AND PARTICIPATING STATE AGENCY SHALL POST TO THE PERMITTING
7 DASHBOARD A HYPERLINK THAT DIRECTS A USER TO A WEBSITE THAT CONTAINS, TO
8 THE EXTENT CONSISTENT WITH APPLICABLE LAW, ALL OF THE FOLLOWING:

9 1. THE NOTIFICATION SUBMITTED UNDER SUBSECTION A OF THIS SECTION.

10 2. THE APPLICATION AND SUPPORTING DOCUMENTS, IF APPLICABLE, THAT
11 HAVE BEEN SUBMITTED BY A PROJECT SPONSOR FOR ANY REQUIRED ENVIRONMENTAL
12 REVIEW OR AUTHORIZATION OR A NOTICE EXPLAINING HOW THE PUBLIC MAY OBTAIN
13 ACCESS TO SUCH DOCUMENTS IF THE DOCUMENTS ARE NOT AVAILABLE ON THE
14 WEBSITE.

15 3. A DESCRIPTION OF ANY AGENCY ACTION TAKEN OR DECISION MADE THAT
16 MATERIALLY AFFECTS THE STATUS OF A COVERED PROJECT.

17 4. ANY SIGNIFICANT DOCUMENT THAT SUPPORTS THE ACTION OR DECISION
18 DESCRIBED IN PARAGRAPH 3 OF THIS SUBSECTION.

19 5. A DESCRIPTION OF THE STATUS OF ANY LITIGATION TO WHICH THE
20 AGENCY IS A PARTY THAT IS DIRECTLY RELATED TO THE COVERED PROJECT,
21 INCLUDING, IF PRACTICABLE, ANY JUDICIAL DOCUMENT MADE AVAILABLE ON AN
22 ELECTRONIC DOCKET THAT IS MAINTAINED BY A STATE OR LOCAL COURT.

23 6. ANY DOCUMENT DESCRIBED IN THIS SUBSECTION THAT IS NOT AVAILABLE
24 BY HYPERLINK ON ANOTHER WEBSITE.

25 C. THE INFORMATION DESCRIBED IN SUBSECTION B OF THIS SECTION MUST
26 BE POSTED TO THE WEBSITE AND MADE AVAILABLE BY HYPERLINK ON THE PERMITTING
27 DASHBOARD NOT LATER THAN FIVE BUSINESS DAYS AFTER THE DATE ON WHICH THE
28 AGENCY RECEIVES THE INFORMATION.

29 D. THE EXECUTIVE DIRECTOR SHALL PUBLISH TO THE PERMITTING DASHBOARD
30 ALL OF THE FOLLOWING:

31 1. THE PERMITTING TIMETABLE ESTABLISHED UNDER SUBSECTION A OR E OF
32 SECTION.

33 2. THE STATUS OF THE COMPLIANCE OF EACH AGENCY WITH THE PERMITTING
34 TIMETABLE.

35 3. ANY MODIFICATIONS OF THE PERMITTING TIMETABLE.

36 4. AN EXPLANATION OF EACH MODIFICATION DESCRIBED IN SUBSECTION H OF
37 THIS SECTION.

38 5. ANY MEMORANDUM OF UNDERSTANDING ESTABLISHED UNDER SUBSECTION F
39 OF THIS SECTION.

40 E. NOT LATER THAN SIXTY DAYS AFTER THE DATE ON WHICH THE EXECUTIVE
41 DIRECTOR MUST MAKE A SPECIFIC ENTRY FOR THE COVERED PROJECT ON THE
42 PERMITTING DASHBOARD UNDER SUBSECTION A OF THIS SECTION, THE FACILITATING
43 STATE AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, IN CONSULTATION WITH
44 EACH COORDINATING STATE AGENCY AND PARTICIPATING STATE AGENCY, SHALL
45 ESTABLISH A CONCISE PLAN FOR COORDINATING PUBLIC AND AGENCY PARTICIPATION

1 IN, AND COMPLETION OF, ANY REQUIRED STATE ENVIRONMENTAL REVIEW AND
2 AUTHORIZATION FOR THE COVERED PROJECT. THE COORDINATED PROJECT PLAN SHALL
3 INCLUDE THE FOLLOWING INFORMATION AND BE UPDATED BY THE FACILITATING STATE
4 AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, AT LEAST ONCE PER QUARTER:

5 1. A LIST OF AND ROLES AND RESPONSIBILITIES FOR ALL ENTITIES WITH
6 ENVIRONMENTAL REVIEW OR AUTHORIZATION RESPONSIBILITY FOR THE COVERED
7 PROJECT.

8 2. A PERMITTING TIMETABLE THAT SETS FORTH A COMPREHENSIVE SCHEDULE
9 OF DATES BY WHICH ALL ENVIRONMENTAL REVIEWS AND AUTHORIZATIONS, AND TO THE
10 MAXIMUM EXTENT PRACTICABLE, STATE PERMITS, REVIEWS AND APPROVALS MUST BE
11 MADE.

12 3. A DISCUSSION OF POTENTIAL AVOIDANCE, MINIMIZATION AND MITIGATION
13 STRATEGIES, IF REQUIRED BY APPLICABLE LAW AND KNOWN.

14 4. PLANS AND A SCHEDULE FOR PUBLIC AND TRIBAL OUTREACH AND
15 COORDINATION, TO THE EXTENT REQUIRED BY APPLICABLE LAW.

16 F. THE COORDINATED PROJECT PLAN MAY BE INCORPORATED INTO A
17 MEMORANDUM OF UNDERSTANDING. AS PART OF THE COORDINATION PROJECT PLAN,
18 THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, IN
19 CONSULTATION WITH EACH COOPERATING STATE AGENCY AND PARTICIPATING STATE
20 AGENCY, THE PROJECT SPONSOR AND ANY LOCAL GOVERNMENT IN WHICH THE COVERED
21 PROJECT IS LOCATED, WITH THE CONCURRENCE OF EACH COOPERATING STATE AGENCY,
22 SHALL ESTABLISH A PERMITTING TIMETABLE THAT INCLUDES INTERMEDIATE AND
23 FINAL COMPLETION DATES FOR ACTION BY EACH PARTICIPATING STATE AGENCY ON
24 ANY STATE ENVIRONMENTAL REVIEW OR AUTHORIZATION REQUIRED FOR THE PROJECT.
25 IN ESTABLISHING THE PERMITTING TIMETABLE, THE FACILITATING STATE AGENCY OR
26 LEAD STATE AGENCY SHALL FOLLOW THE PERFORMANCE SCHEDULES ESTABLISHED
27 PURSUANT TO SECTION 41-2103, BUT MAY VARY THE TIMETABLE BASED ON RELEVANT
28 FACTORS, INCLUDING:

29 1. THE SIZE AND COMPLEXITY OF THE COVERED PROJECT.
30 2. THE RESOURCES AVAILABLE TO EACH PARTICIPATING STATE AGENCY.
31 3. THE REGIONAL OR STATE ECONOMIC SIGNIFICANCE OF THE PROJECT.
32 4. THE SENSITIVITY OF THE NATURAL OR HISTORIC RESOURCES THAT MAY BE
33 AFFECTED BY THE PROJECT.

34 5. THE FINANCING PLAN FOR THE PROJECT.
35 6. THE EXTENT TO WHICH SIMILAR PROJECTS IN GEOGRAPHIC PROXIMITY TO
36 THE PROJECT WERE RECENTLY SUBJECT TO ENVIRONMENTAL REVIEW OR SIMILAR
37 PROCEDURES UNDER STATE LAW.

38 G. THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE APPROPRIATE
39 AGENCY CHIEF ENVIRONMENTAL REVIEW AND PERMITTING OFFICER AND THE PROJECT
40 SPONSOR, AS NECESSARY, SHALL MEDIATE ANY DISPUTES REGARDING THE PERMITTING
41 TIMETABLE. IF A DISPUTE REMAINS UNRESOLVED THIRTY DAYS AFTER THE DATE ON
42 WHICH THE DISPUTE WAS SUBMITTED TO THE EXECUTIVE DIRECTOR, THE GOVERNOR OR
43 GOVERNOR'S DESIGNEE SHALL FACILITATE A RESOLUTION OF THE DISPUTE AND
44 DIRECT THE AGENCIES THAT ARE PARTY TO THE DISPUTE TO RESOLVE THE DISPUTE
45 BY THE END OF THE SIXTY-DAY PERIOD BEGINNING ON THE DATE OF SUBMISSION OF

1 THE DISPUTE TO THE EXECUTIVE DIRECTOR. ANY ACTION TAKEN BY THE GOVERNOR
2 OR GOVERNOR'S DESIGNEE IN THE RESOLUTION OF A DISPUTE IS FINAL AND
3 CONCLUSIVE AND NOT SUBJECT TO JUDICIAL REVIEW.

4 H. THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
5 APPLICABLE, MAY MODIFY A PERMITTING TIMETABLE ONLY IF ALL OF THE FOLLOWING
6 CONDITIONS ARE MET:

7 1. THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
8 APPLICABLE, AND THE Affected COOPERATING STATE AGENCIES, AFTER
9 CONSULTATION WITH THE PARTICIPATING STATE AGENCIES AND THE PROJECT
10 SPONSOR, AGREE TO A DIFFERENT COMPLETION DATE.

11 2. THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
12 APPLICABLE, OR THE Affected COOPERATING STATE AGENCY PROVIDES A WRITTEN
13 JUSTIFICATION FOR THE MODIFICATION.

14 3. IN THE CASE OF A MODIFICATION THAT WOULD NECESSITATE AN
15 EXTENSION OF A FINAL COMPLETION DATE UNDER A PERMITTING TIMETABLE
16 ESTABLISHED UNDER SUBSECTION A OR E OF THIS SECTION TO A DATE MORE THAN
17 THIRTY DAYS AFTER THE FINAL COMPLETION DATE ORIGINALLY ESTABLISHED UNDER
18 SUBSECTION A OR E OF THIS SECTION, THE FACILITATING STATE AGENCY OR LEAD
19 STATE AGENCY SUBMITS A REQUEST TO MODIFY THE PERMITTING TIMETABLE TO THE
20 EXECUTIVE DIRECTOR, WHO SHALL CONSULT WITH THE PROJECT SPONSOR AND MAKE A
21 DETERMINATION ON THE RECORD, BASED ON CONSIDERATION OF THE RELEVANT
22 FACTORS DESCRIBED UNDER SUBSECTION F OF THIS SECTION, WHETHER TO GRANT THE
23 FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, AUTHORITY
24 TO MAKE SUCH MODIFICATION.

25 I. A COMPLETION DATE IN THE PERMITTING TIMETABLE MAY NOT BE
26 MODIFIED WITHIN THIRTY DAYS OF THE COMPLETION DATE.

27 J. EXCEPT AS PROVIDED IN SUBSECTION K OF THIS SECTION, THE TOTAL
28 LENGTH OF ALL MODIFICATIONS TO A PERMITTING TIMETABLE THAT ARE AUTHORIZED
29 OR MADE UNDER THIS SECTION, OTHER THAN FOR REASONS OUTSIDE THE CONTROL OF
30 STATE, LOCAL OR TRIBAL GOVERNMENTS, MAY NOT EXTEND THE PERMITTING
31 TIMETABLE FOR A PERIOD OF TIME GREATER THAN HALF OF THE AMOUNT OF TIME
32 FROM THE ESTABLISHMENT OF THE PERMITTING TIMETABLE UNDER SUBSECTION A OF
33 THIS SECTION TO THE LAST FINAL COMPLETION DATE ORIGINALLY ESTABLISHED
34 UNDER SUBSECTION A OF THIS SECTION.

35 K. THE GOVERNOR OR GOVERNOR'S DESIGNEE, AFTER CONSULTATION WITH THE
36 PROJECT SPONSOR, MAY ALLOW THE EXECUTIVE DIRECTOR TO AUTHORIZE ADDITIONAL
37 EXTENSIONS OF A PERMITTING TIMETABLE BEYOND THE LIMIT PRESCRIBED BY
38 SUBSECTION J OF THIS SECTION. IN SUCH A CASE, THE GOVERNOR OR GOVERNOR'S
39 DESIGNEE SHALL TRANSMIT, NOT LATER THAN FIVE DAYS AFTER MAKING A
40 DETERMINATION TO ALLOW AN AUTHORIZATION OF EXTENSION UNDER THIS
41 SUBSECTION, A REPORT TO THE LEGISLATURE EXPLAINING WHY THE MODIFICATION IS
42 REQUIRED. THE REPORT SHALL EXPLAIN TO THE LEGISLATURE WITH SPECIFICITY
43 WHY THE ORIGINAL PERMITTING TIMETABLE AND THE MODIFICATIONS AUTHORIZED BY
44 THE EXECUTIVE DIRECTOR FAILED TO BE ADEQUATE. THE LEAD STATE AGENCY OR
45 FACILITATING STATE AGENCY, AS APPLICABLE, SHALL TRANSMIT TO THE

1 LEGISLATURE, THE GOVERNOR OR GOVERNOR'S DESIGNEE AND THE EXECUTIVE
2 DIRECTOR A SUPPLEMENTAL REPORT ON PROGRESS TOWARD THE FINAL COMPLETION
3 DATE EACH YEAR THEREAFTER, UNTIL THE PERMIT REVIEW IS COMPLETED OR THE
4 PROJECT SPONSOR WITHDRAWS ITS NOTICE OR APPLICATION OR OTHER REQUEST TO
5 WHICH THIS SECTION APPLIES.

6 L. EACH AGENCY SHALL CONFORM TO THE COMPLETION DATES SET FORTH IN
7 THE PERMITTING TIMETABLE ESTABLISHED UNDER SUBSECTION A OF THIS SECTION OR
8 WITH ANY COMPLETION DATE MODIFIED UNDER SUBSECTION J OF THIS SECTION. IF
9 AN AGENCY FAILS TO CONFORM WITH A COMPLETION DATE FOR AGENCY ACTION ON A
10 COVERED PROJECT OR IS AT SIGNIFICANT RISK OF FAILING TO CONFORM WITH SUCH
11 A COMPLETION DATE, THE AGENCY SHALL DO ALL OF THE FOLLOWING:

12 1. PROMPTLY SUBMIT TO THE EXECUTIVE DIRECTOR FOR PUBLICATION ON THE
13 PERMITTING DASHBOARD AN EXPLANATION OF THE SPECIFIC REASONS FOR FAILING OR
14 SIGNIFICANTLY RISKING FAILING TO CONFORM TO THE COMPLETION DATE AND A
15 PROPOSAL FOR AN ALTERNATIVE COMPLETION DATE.

16 2. IN CONSULTATION WITH THE FACILITATING STATE AGENCY OR LEAD STATE
17 AGENCY, AS APPLICABLE, ESTABLISH AN ALTERNATIVE COMPLETION DATE.

18 3. EACH MONTH THEREAFTER UNTIL THE AGENCY HAS TAKEN FINAL ACTION ON
19 THE DELAYED AUTHORIZATION OR REVIEW, SUBMIT TO THE EXECUTIVE DIRECTOR FOR
20 POSTING ON THE PERMITTING DASHBOARD A STATUS REPORT DESCRIBING ANY AGENCY
21 ACTIVITY RELATED TO THE PROJECT.

22 M. IF THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
23 APPLICABLE, HAS A REASONABLE BASIS TO DOUBT THE CONTINUING TECHNICAL OR
24 FINANCIAL ABILITY OF THE PROJECT SPONSOR TO CONSTRUCT THE COVERED PROJECT,
25 THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY MAY REQUEST THAT THE
26 PROJECT SPONSOR PROVIDE AN UPDATED STATEMENT REGARDING THE ABILITY OF THE
27 PROJECT SPONSOR TO COMPLETE THE COVERED PROJECT. IF THE PROJECT SPONSOR
28 FAILS TO RESPOND TO A REQUEST WITHIN THIRTY DAYS AFTER RECEIVING THE
29 REQUEST, THE LEAD STATE AGENCY OR FACILITATING STATE AGENCY, AS
30 APPLICABLE, SHALL NOTIFY THE EXECUTIVE DIRECTOR, WHO SHALL PUBLISH AN
31 APPROPRIATE NOTICE ON THE PERMITTING DASHBOARD. ON PUBLICATION OF A
32 NOTICE, THE COMPLETION DATES IN THE PERMITTING TIMETABLE SHALL BE TOLLED
33 AND THE AGENCIES SHALL BE RELIEVED OF THE OBLIGATION TO COMPLY WITH
34 SUBSECTION L OF THIS SECTION UNTIL SUCH TIME AS THE PROJECT SPONSOR
35 SUBMITS TO THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
36 APPLICABLE, AN UPDATED STATEMENT REGARDING THE TECHNICAL AND FINANCIAL
37 ABILITY OF THE PROJECT SPONSOR TO CONSTRUCT THE COVERED PROJECT.

38 N. EACH AGENCY SHALL CONFORM TO THE COMPLETION DATES SET FORTH IN
39 THE PERMITTING TIMETABLE ESTABLISHED UNDER SUBSECTION A OF THIS SECTION,
40 OR WITH ANY COMPLETION DATE MODIFIED UNDER SUBSECTION J OF THIS SECTION.
41 IF AN AGENCY FAILS TO CONFORM WITH A COMPLETION DATE FOR AGENCY ACTION ON
42 A COVERED PROJECT OR IS AT SIGNIFICANT RISK OF FAILING TO CONFORM WITH
43 SUCH A COMPLETION DATE, THE AGENCY SHALL DO ALL OF THE FOLLOWING:

44 1. PROMPTLY SUBMIT TO THE EXECUTIVE DIRECTOR FOR PUBLICATION ON THE
45 PERMITTING DASHBOARD AN EXPLANATION OF THE SPECIFIC REASONS FOR FAILING OR

1 SIGNIFICANTLY RISKING FAILING TO CONFORM TO THE COMPLETION DATE AND A
2 PROPOSAL FOR AN ALTERNATIVE COMPLETION DATE.

3 2. IN CONSULTATION WITH THE FACILITATING STATE AGENCY OR LEAD STATE
4 AGENCY, AS APPLICABLE, ESTABLISH AN ALTERNATIVE COMPLETION DATE.

5 3. EACH MONTH THEREAFTER UNTIL THE AGENCY HAS TAKEN FINAL ACTION ON
6 THE DELAYED AUTHORIZATION OR REVIEW, SUBMIT TO THE EXECUTIVE DIRECTOR FOR
7 POSTING ON THE PERMITTING DASHBOARD A STATUS REPORT DESCRIBING ANY AGENCY
8 ACTIVITY RELATED TO THE COVERED PROJECT.

9 41-2108. State, local and tribal government coordination

10 A. TO THE MAXIMUM EXTENT PRACTICABLE UNDER APPLICABLE LAW, THE
11 FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS APPLICABLE, SHALL
12 COORDINATE THE STATE ENVIRONMENTAL REVIEW AND AUTHORIZATION PROCESSES
13 UNDER THIS SECTION WITH ANY LOCAL OR TRIBAL AGENCY RESPONSIBLE FOR
14 CONDUCTING ANY SEPARATE REVIEW OR AUTHORIZATION OF THE COVERED PROJECT TO
15 ENSURE TIMELY AND EFFICIENT COMPLETION OF ENVIRONMENTAL REVIEWS AND
16 AUTHORIZATIONS.

17 B. ANY COORDINATION PLAN BETWEEN THE FACILITATING STATE AGENCY OR
18 LEAD STATE AGENCY, AS APPLICABLE, AND ANY LOCAL OR TRIBAL AGENCY, TO THE
19 MAXIMUM EXTENT PRACTICABLE, SHALL BE INCLUDED IN A MEMORANDUM OF
20 UNDERSTANDING. THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
21 APPLICABLE, SHALL SUBMIT TO THE EXECUTIVE DIRECTOR EACH MEMORANDUM OF
22 UNDERSTANDING.

23 C. THE FACILITATING STATE AGENCY OR LEAD STATE AGENCY, AS
24 APPLICABLE, SHALL PROVIDE AN EXPEDITIOUS PROCESS FOR PROJECT SPONSORS TO
25 CONFER WITH EACH COOPERATING STATE AGENCY AND PARTICIPATING STATE AGENCY
26 INVOLVED AND, NOT LATER THAN SIXTY DAYS AFTER THE DATE ON WHICH THE
27 PROJECT SPONSOR SUBMITS A REQUEST, TO HAVE EACH AGENCY PROVIDE TO THE
28 PROJECT SPONSOR INFORMATION CONCERNING ALL OF THE FOLLOWING:

29 1. THE AVAILABILITY OF INFORMATION AND TOOLS, INCLUDING
30 PREAPPLICATION TOOLKITS, TO FACILITATE EARLY PLANNING EFFORTS.

31 2. KEY ISSUES OF CONCERN TO EACH AGENCY AND TO THE PUBLIC.

32 3. ISSUES THAT MUST BE ADDRESSED BEFORE AN ENVIRONMENTAL REVIEW OR
33 AUTHORIZATION CAN BE COMPLETED.

34 D. A LEAD STATE AGENCY MAY DESIGNATE A PARTICIPATING STATE AGENCY
35 AS A COOPERATING STATE AGENCY. THE DESIGNATION MAY NOT AFFECT ANY
36 DESIGNATION UNDER SECTION 41-2106, SUBSECTION C. ANY AGENCY THAT IS NOT
37 DESIGNATED AS A PARTICIPATING STATE AGENCY UNDER SECTION 41-2106,
38 SUBSECTION C MAY NOT BE DESIGNATED AS A COOPERATING STATE AGENCY.

39 E. ON REQUEST OF THE EXECUTIVE DIRECTOR, THE GOVERNOR OR GOVERNOR'S
40 DESIGNEE SHALL USE BEST EFFORTS TO PROVIDE INFORMATION FOR INCLUSION ON
41 THE PERMITTING DASHBOARD ON PROJECTS THAT ARE LIKELY TO REQUIRE A TOTAL
42 INVESTMENT OF MORE THAN \$200,000,000 AND AN ENVIRONMENTAL IMPACT STATEMENT
43 UNDER APPLICABLE STATE ENVIRONMENTAL LAWS. INCLUSION ON THE PERMITTING
44 DASHBOARD OF INFORMATION REGARDING SUCH OTHER PROJECTS MAY NOT SUBJECT
45 THOSE COVERED PROJECTS TO ANY REQUIREMENTS OF THIS CHAPTER.

1 F. TO INTEGRATE ENVIRONMENTAL REVIEWS AND AUTHORIZATIONS, EACH
2 AGENCY, TO THE MAXIMUM EXTENT PRACTICABLE, SHALL:

3 1. CARRY OUT THE OBLIGATIONS OF THE AGENCY WITH RESPECT TO A
4 COVERED PROJECT UNDER ANY OTHER APPLICABLE LAW CONCURRENTLY AND, IN
5 CONJUNCTION WITH, OTHER ENVIRONMENTAL REVIEWS AND AUTHORIZATIONS BEING
6 CONDUCTED BY OTHER COOPERATING STATE AGENCIES OR PARTICIPATING STATE
7 AGENCIES, INCLUDING ENVIRONMENTAL REVIEWS AND AUTHORIZATIONS THAT ARE
8 REQUIRED UNDER APPLICABLE STATE ENVIRONMENTAL LAWS, UNLESS THE AGENCY
9 DETERMINES THAT DOING SO WOULD IMPAIR THE ABILITY OF THE AGENCY TO CARRY
10 OUT THE STATUTORY OBLIGATIONS OF THE AGENCY.

11 2. FORMULATE AND IMPLEMENT ADMINISTRATIVE, POLICY AND PROCEDURAL
12 MECHANISMS TO ENABLE THE AGENCY TO ENSURE COMPLETION OF THE ENVIRONMENTAL
13 REVIEW PROCESS IN A TIMELY, COORDINATED AND ENVIRONMENTALLY RESPONSIBLE
14 MANNER.

15 G. A LEAD STATE AGENCY SHALL ISSUE A RECORD OF DECISION OR FINDING
16 OF NO SIGNIFICANT IMPACT, AS APPROPRIATE, BASED ON THE DOCUMENT ADOPTED
17 UNDER SUBSECTION A OF THIS SECTION AND ANY SUPPLEMENTAL REPORT PREPARED
18 PURSUANT TO SECTION 41-2107, SUBSECTION K.

19 41-2109. Annual report

20 A. NOT LATER THAN JANUARY 1, 2021 AND EACH YEAR THEREAFTER FOR TEN
21 YEARS, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE LEGISLATURE A REPORT
22 DETAILING THE PROGRESS ACCOMPLISHED UNDER THIS CHAPTER DURING THE PREVIOUS
23 FISCAL YEAR. THE REPORT SHALL ASSESS THE PERFORMANCE OF EACH
24 PARTICIPATING STATE AGENCY AND LEAD STATE AGENCY BASED ON THE BEST
25 PRACTICES DESCRIBED IN SECTION 41-2104, INCLUDING ALL OF THE FOLLOW:

26 1. AGENCY PROGRESS IN MAKING IMPROVEMENTS CONSISTENT WITH THOSE
27 BEST PRACTICES.

28 2. AGENCY COMPLIANCE WITH THE PERFORMANCE SCHEDULES ESTABLISHED
29 UNDER SECTION 41-2103.

30 B. EACH COUNCILMEMBER, WITH INPUT FROM THE RESPECTIVE AGENCY CHIEF
31 ENVIRONMENTAL REVIEW AND PERMITTING OFFICER, SHALL HAVE THE OPPORTUNITY TO
32 INCLUDE COMMENTS CONCERNING THE PERFORMANCE OF THE AGENCY IN THE REPORT.

33 C. ON OR BEFORE JANUARY 1, 2024, THE STATE COMPTROLLER SHALL SUBMIT
34 TO THE LEGISLATURE A REPORT THAT DESCRIBES ALL OF THE FOLLOWING:

35 1. AGENCY PROGRESS IN MAKING IMPROVEMENTS CONSISTENT WITH THE BEST
36 PRACTICES ISSUED UNDER SECTION 41-2104.

37 2. AGENCY COMPLIANCE WITH THE PERFORMANCE SCHEDULES ESTABLISHED
38 UNDER SECTION 41-2103.

39 41-2110. Fee structure; rules; state environmental review and
40 permitting improvement fund

41 A. THE AGENCY HEADS LISTED IN SECTION 41-2102, WITH THE GUIDANCE OF
42 THE GOVERNOR OR GOVERNOR'S DESIGNEE AND IN CONSULTATION WITH THE EXECUTIVE
43 DIRECTOR, AFTER PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT, MAY ESTABLISH A
44 FEE STRUCTURE FOR PROJECT PROPONENTS TO REIMBURSE THIS STATE FOR

1 REASONABLE COSTS INCURRED IN CONDUCTING ENVIRONMENTAL REVIEWS AND
2 AUTHORIZATIONS FOR COVERED PROJECTS.

3 B. THE FEE STRUCTURE ESTABLISHED PURSUANT TO SUBSECTION A OF THIS
4 SECTION SHALL:

5 1. BE DEVELOPED IN CONSULTATION WITH AFFECTED PROJECT PROPONENTS,
6 INDUSTRIES AND OTHER STAKEHOLDERS.

7 2. EXCLUDE PARTIES FOR WHICH THE FEE WOULD IMPOSE AN UNDUE
8 FINANCIAL BURDEN OR IS OTHERWISE DETERMINED TO BE INAPPROPRIATE.

9 C. THE STATE ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND
10 IS ESTABLISHED CONSISTING OF FEES COLLECTED PURSUANT TO THE FEE SCHEDULE
11 ESTABLISHED PURSUANT TO THIS SECTION. THE EXECUTIVE DIRECTOR SHALL
12 ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND
13 MAY BE USED SOLELY FOR THE PURPOSES OF ADMINISTERING, IMPLEMENTING AND
14 ENFORCING THIS CHAPTER, INCLUDING THE EXPENSES OF THE COUNCIL.

15 D. THE EXECUTIVE DIRECTOR, WITH THE APPROVAL OF THE GOVERNOR OR
16 GOVERNOR'S DESIGNEE, MAY TRANSFER MONIES FROM THE FUND TO OTHER AGENCIES
17 TO FACILITATE TIMELY AND EFFICIENT ENVIRONMENTAL REVIEWS AND
18 AUTHORIZATIONS FOR PROPOSED COVERED PROJECTS.

19 E. THE REGULATIONS ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION
20 MUST ENSURE THAT THE USE OF MONIES WILL NOT IMPACT IMPARTIAL
21 DECISION-MAKING WITH RESPECT TO ENVIRONMENTAL REVIEWS OR AUTHORIZATIONS,
22 EITHER SUBSTANTIVELY OR PROCEDURALLY.

23 F. THE AGENCY HEADS LISTED IN SECTION 41-2102 MAY TRANSFER MONIES
24 THAT ARE APPROPRIATED TO THEIR RESPECTIVE AGENCIES OR TO LOCAL OR TRIBAL
25 GOVERNMENTS AND THAT ARE NOT OTHERWISE OBLIGATED TO OTHER AFFECTED
26 AGENCIES FOR THE PURPOSE OF IMPLEMENTING THIS CHAPTER.

27 Sec. 3. Purpose

28 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
29 the legislature establishes the state permitting council to streamline the
30 permitting process for specified projects.

31 Sec. 4. Requirements for enactment; two-thirds vote

32 Pursuant to article IX, section 22, Constitution of Arizona, this
33 act is effective only on the affirmative vote of at least two-thirds of
34 the members of each house of the legislature and is effective immediately
35 on the signature of the governor or, if the governor vetoes this act, on
36 the subsequent affirmative vote of at least three-fourths of the members
37 of each house of the legislature.