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HOUSE BILL 1855

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Wang and Holland; by request of Office of Financial Management, Department of Fisheries and Department of Wildlife.

Read first time February 12, 1991. Referred to Committee on Revenue.

1 AN ACT Relating to imposing fees for hydraulic permits issued for  
2 construction projects in state waters; adding a new section to chapter  
3 75.20 RCW; creating a new section; providing an effective date; and  
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the  
7 departments of fisheries and wildlife process approximately six  
8 thousand applications a year for permits relating to construction  
9 projects in state waters. Value is conferred upon permit recipients  
10 since issuance of a permit authorizes the utilization of state waters  
11 for private purposes and benefits. Costs associated with a typical  
12 permit application include coordination of the permit application with  
13 other agencies, the evaluation of an activity's impacts, the  
14 preparation and issuance of documents authorizing or denying a proposed  
15 activity, investigations, and monitoring.

1       It is the intent of the legislature to adopt a schedule of fees for  
2 applications for construction projects in state waters that reflect the  
3 costs to the state in processing permit applications. The fees are  
4 based upon an analysis of costs incurred by the departments of  
5 fisheries and wildlife in implementing their regulatory programs. The  
6 fees reflect the approximate staff effort required to perform the  
7 analytical and administrative tasks associated with commercial and  
8 noncommercial activities.

9       The legislature finds that commercial activities are generally  
10 large in scope, complex, pose substantial impacts, generate  
11 controversy, and require intensive evaluation. Consequently those  
12 activities require a high level of regulatory review which results in  
13 increased costs. Commercial activities that fall within the  
14 jurisdiction of the United States Army corps of engineers require the  
15 highest level of effort. The legislature finds that noncommercial  
16 activities are generally narrower in scope and impacts, less  
17 controversial, less complex, and require less staff effort than  
18 commercial activities. Thus the proposed fees for noncommercial  
19 activities are lower because the state incurs less costs when  
20 evaluating such activities.

21       NEW SECTION. **Sec. 2.** A new section is added to chapter 75.20 RCW  
22 to read as follows:

23       (1) Fees are required for the review and evaluation of permit  
24 applications under this chapter. All applicable fees are  
25 nonrefundable, irrespective of whether the final decision is to issue  
26 or deny the requested permit. Each application for a permit shall be  
27 accompanied by the applicable fee provided in this section. No  
28 application for a permit will be accepted for evaluation without the  
29 applicable fee being remitted. After the application has been examined

1 and a determination made that the fee remitted is not the applicable  
2 fee for the specific type of permit required, the applicant will be  
3 notified of any additional fee required prior to processing.

4 (2) The fees charged for permit applications are:

5	CORPS COMMERCIAL ACTIVITY	\$1,000.
6	COMMERCIAL ACTIVITY	\$ 650.
7	NONCOMMERCIAL ACTIVITY	\$ 50.
8	MINERAL PROSPECTING	\$ 25.

9 (3) The fee charged for permit time extensions, permit renewals,  
10 and permit modifications which do not involve a significant change in  
11 project scope or impacts is thirty-five dollars.

12 (4) On January 1 of each odd-numbered year, the director shall  
13 adjust all fees under this chapter in accordance with the implicit  
14 price deflator published by the United States department of commerce.  
15 Fees adjusted under this section shall be rounded to the nearest ten  
16 dollars.

17 (5) The department of fisheries and the department of wildlife  
18 shall jointly adopt rules to administer the hydraulic permit fees  
19 contained in this section.

20 (6) For the purposes of this section:

21 (a) "Commercial activity" means those where the planned or ultimate  
22 purpose of the activity is commercial or industrial in nature and is in  
23 support of operations that charge for the production, distribution, or  
24 sale of goods or services. Activities by or on behalf of a  
25 governmental entity are commercial.

26 (b) "Noncommercial activity" means those that have no connection  
27 with a commercial enterprise and provide personal benefits. Small  
28 scale agricultural activities that are narrow in scope and impacts are  
29 noncommercial.

1        NEW SECTION.    **Sec. 3.**        This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of the  
3 state government and its existing public institutions, and shall take  
4 effect July 1, 1991.