

2 **SHB 2757 - H AMD 0246 Adopted 2-19-02**  
3 By Representative Rockefeller

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) The department of fish and wildlife issues thousands of  
9 hydraulic project approval permits each year for hydraulic projects or  
10 work that will use, divert, obstruct, or change the natural flow or bed  
11 of any of the salt or fresh waters of the state.

12 (2) The hydraulic project approval permit program can provide  
13 important habitat protection for salmon, steelhead, and trout stocks  
14 listed under the federal endangered species act.

15 (3) Determining the cost of processing, issuing, and implementing  
16 decisions on hydraulic project approval permit applications and whether  
17 a funding system that fairly allocates benefits to the applicant and to  
18 the public is desirable or possible.

19 (4) Since hydraulic project approval permit authority was first  
20 granted to the department of fish and wildlife there has been no  
21 external review and analysis of the program to determine its  
22 effectiveness.

23 (5) The state fish and wildlife commission should take a lead role  
24 in conducting such a review and analysis of the hydraulic project  
25 approval permit program.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.55 RCW  
27 to read as follows:

28 (1) There is hereby created the hydraulic project approval permit  
29 program technical advisory group as a subcommittee of the state fish  
30 and wildlife commission.

31 (2) The hydraulic project approval permit program technical  
32 advisory group shall consist of seventeen members including: One  
33 member of the commission who must serve as chair of the group; one  
34 member designated by the secretary of transportation; one member  
35 designated by the director of fish and wildlife; one member designated

1 by the director of ecology; one member designated by the commissioner  
2 of public lands; one member representing local government designated by  
3 the association of Washington cities and the Washington state  
4 association of counties; one member designated by the Washington state  
5 public ports association; one member designated by the regional  
6 fisheries enhancement group advisory board; one member designated by  
7 the Washington state farm bureau; one member representing marine  
8 construction, designated by the building industry association of  
9 Washington and the associated general contractors of Washington; one  
10 member designated by the American council of engineering companies; one  
11 member designated by the northwest Indian fisheries commission; one  
12 member designated by aquaculture interests; two members representing  
13 environmental organizations; one member designated by commercial  
14 fishing interests; and one member designated by recreational fishing  
15 interests.

16 (3) Representatives from federal regulatory agencies, including the  
17 United States army corps of engineers, the environmental protection  
18 agency, the national marine fisheries service, and the United States  
19 fish and wildlife service must be invited to participate in technical  
20 advisory group work.

21 (4) The committee may create technical subcommittees as needed.

22 (5) The commission may employ temporary staff or contract for  
23 services to provide administrative and technical assistance to the  
24 hydraulic project approval permit program technical advisory group.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.55 RCW  
26 to read as follows:

27 (1) The hydraulic project approval permit program technical  
28 advisory group must conduct a study of the state hydraulic project  
29 approval permit program to determine:

30 (a) If there are clear statutory and administrative goals for the  
31 program;

32 (b) Whether the activities, projects, and physical areas covered by  
33 the program are clearly delineated in statute;

34 (c) Whether there is redundancy, duplication, or conflict between  
35 federal, state, or local regulatory programs of similar nature;

36 (d) Whether the hydraulic project approval permit program is being  
37 administered in an economical, cost-effective manner and whether there

1 are system efficiencies that can be used to improve program performance  
2 in protecting fish life and processing permits;

3 (e) Consistency of hydraulic project approval permit program  
4 implementation from region to region of the state;

5 (f) The effectiveness of hydraulic project approval permit  
6 conditions and mitigation requirements in terms of protecting fish  
7 life;

8 (g) The adequacy of hydraulic project approval permit monitoring to  
9 ensure that the protection of fish life is being achieved;

10 (h) If currently available training and education programs are  
11 adequate and appropriate for educating department personnel responsible  
12 for adopting, implementing, and enforcing the hydraulic code and  
13 industry and other groups responsible for complying with hydraulic  
14 program requirements;

15 (i) Whether the hydraulic appeals board process and membership  
16 under RCW 77.55.170 can be modified to improve the hydraulic appeals  
17 process; and

18 (j) Based on findings from (c) through (e) of this subsection,  
19 whether existing funding sources:

20 (i) Are adequate for program workload; and

21 (ii) Fairly distribute program costs and benefits between the  
22 general taxpayer and program applicants.

23 (2) Once the hydraulic project approval permit program technical  
24 advisory group has concluded review of the existing program and the  
25 areas listed in subsection (1) of this section, the group must develop  
26 and provide a report to the commission, the governor, and the  
27 legislature that provides recommendations for administrative and  
28 statutory changes to improve the program, and appropriate funding  
29 sources for the program. However, projects whose sole purpose is to  
30 restore and enhance habitat are exempt from the payment of fees. The  
31 report must also identify outcome-based performance measures to improve  
32 the timeliness of permit issuance, service delivery, and client  
33 satisfaction.

34 (3) For those recommendations that do not receive the unanimous  
35 support of the hydraulic project approval permit program technical  
36 advisory group, a list of options for addressing the identified issue  
37 must be provided as part of the report.

38 (4) Any recommendations of the hydraulic project approval permit  
39 program technical advisory group concerning fees must be consistent

1 with the direction provided in RCW 76.09.030(2) to work for the  
2 integration of the forest practices and hydraulic permitting processes.  
3 It is the legislature's intent that no hydraulic permit fees be charged  
4 once these two permitting processes are integrated.

5 (5) The final report of the hydraulic project approval permit  
6 program technical advisory group must be provided to the commission,  
7 the governor, and the appropriate committees of the legislature by  
8 November 15, 2002."

9 Correct the title.

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