
**Fisheries, Ecology & Parks
Committee**

HB 1515

Brief Description: Providing for a sliding-scale fee for processing and issuing hydraulic project approvals applications.

Sponsors: Representatives Cooper, Upthegrove, Rockefeller and Simpson.

Brief Summary of Bill

- Authorizes the Department of Fish and Wildlife to charge a fee for processing and issuing decisions on hydraulic project approval (HPA) applications based on the complexity of the project.
- Dedicates revenues from fees to support the HPA program.

Hearing Date: 2/13/03

Staff: Jeff Olsen (786-7157).

Background:

A person is required to obtain a hydraulic permit for any project or work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state before beginning the construction or work. The permits are issued by the Department of Fish and Wildlife (DFW) to ensure the proper protection of fish life. The DFW does not charge a fee to process a hydraulic permit. The state general fund supports the costs of the hydraulic project approval program.

Engrossed Substitute Senate Bill 6387, Section 307 (23) passed by the 2002 Legislature created the Hydraulic Project Approval (HPA) Task Force (Task Force). The Task Force was directed to conduct an evaluation of the HPA program and make recommendations to the Legislature by November 30, 2002. The Task Force was also directed to make recommendations regarding a potential fee structure and schedule for hydraulic project approvals. The Task Force identified approximately \$10 million in biennial program costs to support the HPA program. The Task Force was unable to reach consensus on charging fees for HPAs, but offered some factors that should be considered including:

- Fees collected should be dedicated to support the cost of the HPA program;
- DFW needs to demonstrate improvements to the HPA program before fees are charged;
- There should be a mechanism for periodic review and annual reporting;
- The fee structure should consider the different complexities of HPA projects;
- There should be increased staff accessibility and consultation prior to application;
- Program costs need to be defined and supported by a mix of funds; and
- An administrative accounting system should be implemented.

Summary of Bill:

The DFW may charge a fee for processing and issuing decisions on hydraulic project approval applications. The fee must be based upon the scale and complexity of the project. Revenues generated from the fee are deposited in the wildlife fund and dedicated to support the HPA program. Habitat enhancement projects conducted pursuant to RCW 77.55.290 are exempt from HPA fees. The fees are exempt from the limitation requiring fee increases not to exceed the annual fiscal growth factor without prior legislative approval.

By July 31, 2004 the Fish and Wildlife Commission must adopt rules for the fee criteria and amount for the various categories of HPAs. The criteria must be based on a workload analysis and may include the capital cost of the project.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.