
Ways & Means Committee

HB 2135

Brief Description: Charging an application fee for hydraulic project permits.

Sponsors: Representatives Hudgins and Hunter; by request of Department of Fish and Wildlife.

Brief Summary of Bill

- Establishes a flat application fee for Hydraulic Project Approvals, with certain exemptions.
- Creates the Hydraulic Project Approval account to deposit application fees and to fund related activities.

Hearing Date: 12/6/11

Staff: Michael Bennion (786-7118).

Background:

Hydraulic Project Approvals

A Hydraulic Project Approval (HPA) is required under the Hydraulic Code for any person, organization, or government agency wishing to conduct any construction activity that will use, divert, obstruct, or change the natural flow or bed of state waters. State waters are defined as all marine waters and freshwaters within ordinary high water lines and within the territorial boundaries of the state. Typical work regulated by the Washington Department of Fish and Wildlife (WDFW) under the Hydraulics Code includes streambank protection, constructing and maintaining bulkheads, overwater structures and culverts, and modifying stream channels.

HPA Application Process

To obtain an HPA, an interested party submits an application to the WDFW, where it is reviewed for completeness and compliance by a habitat biologist. Additional site-specific conditions may be attached to the HPA during individual review of the application.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

With few exceptions, the WDFW must issue an approval or denial of an HPA within 45 days of receiving an application. If approved, the HPA is valid for five years and the applicant is required to demonstrate substantial progress on the construction within two years. If conditions change from the application, for example the department determines new biological or physical information indicates a need for additional action, both the holder of the HPA and the WDFW can request modifications to the HPA.

The WDFW issues over 4,000 new and modified HPAs per year on average. There is currently no fee on HPA applications; therefore, all costs associated with processing the application, including technical assistance and on-site review, are borne by the WDFW and not the applicant.

Summary of Bill:

The Washington Department of Fish and Wildlife (WDFW) is directed to recover a portion of the cost incurred in processing and issuing a decision on Hydraulic Project Approval (HPA) applications by charging a \$150 application fee on all HPA applications, with certain exemptions. Applications that are exempt from the fee include:

- HPAs applied for and issued as emergency approvals.
- HPAs by which the applicant has entered into a contract with the WDFW to fully fund the HPA processing costs.
- Modified HPAs for which the department has initiated the change to the HPA.

All fees are to be deposited into a new appropriated account created for these purposes. This account, the Hydraulic Project Approval Account, may only be used by the WDFW to fund activities relating to processing the HPA applications.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill contains an emergency clause and takes effect on January 1, 2012.