

# HOUSE BILL REPORT

## SB 5204

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### As Reported by House Committee On: Agriculture & Natural Resources

**Title:** An act relating to providing an exemption from hydraulic project permit fees for certain emergency permits.

**Brief Description:** Providing an exemption from hydraulic project permit fees for certain emergency permits.

**Sponsors:** Senators Parlette, Pearson and Warnick.

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 3/12/15, 3/17/15 [DP].

#### **Brief Summary of Bill**

- Waives the \$150 Hydraulic Project Approval application fee for hydraulic project emergency approvals that are necessitated by a fire, earthquake, storm, flood, or similar natural disaster or phenomena.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 13 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

**Staff:** Jason Callahan (786-7117).

#### **Background:**

A person must obtain a hydraulic project approval (HPA) prior to commencing any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic project approvals are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. To receive a HPA, the applicant must provide certain information to the WDFW. This

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information includes general plans for the overall project and complete plans for the proper protection of fish life.

During an emergency situation, the WDFW is directed to immediately provide verbal approval for any stream crossing or for any work to remove any obstructions, repair existing structures, restore stream banks, protect fish life, or protect property threatened by the stream or a change in the streamflow. This verbal approval is considered the necessary HPA and any conditions of the emergency verbal approval must be reduced to writing within 30 days. The WDFW, a county, or the Governor may declare an emergency for the purposes of allowing a verbal HPA approval.

Until June 30, 2017, most applicants for a HPA are required to pay a \$150 application fee. Exemptions to the fee are provided to projects located above the ordinary high-water line, pamphlet HPAs, all HPAs processed under an applicant-funded project, all HPAs related to forest practices or mineral prospecting, and all HPAs occurring on farm or agricultural land. The fee, as it relates to emergency verbal HPAs, may not be assessed until the permit is issued and reduced to writing.

The collected fees are retained by the WDFW for use in implementing the HPA program.

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**Summary of Bill:**

The \$150 HPA application fee is waived for any emergency HPAs that are necessitated by a fire, earthquake, storm, flood, or similar natural disaster or phenomena that is subject to a Governor's declaration of emergency. The fee waiver is retroactive to any HPAs issued after August 1, 2014.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Exempting emergency HPAs from the HPA fee has a very small fiscal impact but can help response entities during times of emergencies.

(Opposed) None.

**Persons Testifying:** Senator Parlette, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.