
SENATE BILL 6615

State of Washington 57th Legislature

2002 Regular Session

By Senators Regala, Jacobsen, Snyder, Spanel and Swecker; by request of Department of Fish and Wildlife

Read first time 01/23/2002. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to providing a fee for hydraulic project approvals;
2 amending RCW 43.135.055; adding a new section to chapter 77.55 RCW;
3 creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that hydraulic project
6 approvals required under chapter 77.55 RCW are currently processed by
7 the department of fish and wildlife at no cost to the applicant. The
8 work necessary to process these applications ranges from a simple
9 review to an extensive negotiated mitigation, and may result in an
10 administrative appeal if a hydraulic project approvals application is
11 denied or conditioned.

12 The legislature finds that the department of fish and wildlife
13 should be authorized to charge a fee for processing and issuing
14 decisions on hydraulic project approvals applications in order to
15 defray the cost incurred by the department. The fee system will be
16 based on the scale and complexity of the proposed project or activity,
17 and whether the application is an original or a time extension,
18 renewal, or alteration. Fish habitat enhancement projects conducted
19 under RCW 77.55.290 are exempt.

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

3 (1) The department must charge a fee for processing and issuing
4 decisions on hydraulic project approvals applications. The fee must be
5 based on the scale and complexity of the project. By July 31, 2002,
6 the commission, in collaboration with interested and affected parties,
7 must adopt rules that set forth the fee criteria and amount for these
8 various categories of approvals. The criteria and amounts must be
9 based on a workload analysis conducted by the department as part of the
10 rule development process. The fee criteria may include the capital
11 cost of the project.

12 (2) Habitat enhancement projects conducted pursuant to RCW
13 77.55.290 are exempted from fees.

14 (3) Revenue generated by these fees must be dedicated to fund
15 hydraulic project approvals processing and issuing decisions conducted
16 by the department.

17 (4) A fee established under this section is exempt from the fee
18 restriction provisions found under RCW 43.135.055.

19 (5) Fees charged under this section for processing and issuing
20 decisions on hydraulic project approvals applications must be deposited
21 in the general fund.

22 **Sec. 3.** RCW 43.135.055 and 2001 c 314 s 19 are each amended to
23 read as follows:

24 (1) No fee may increase in any fiscal year by a percentage in
25 excess of the fiscal growth factor for that fiscal year without prior
26 legislative approval.

27 (2) This section does not apply to an assessment made by an
28 agricultural commodity commission or board created by state statute or
29 created under a marketing agreement or order under chapter 15.65 or
30 15.66 RCW, or to the forest products commission, if the assessment is
31 approved by referendum in accordance with the provisions of the
32 statutes creating the commission or board or chapter 15.65 or 15.66 RCW
33 for approving such assessments.

34 (3) This section does not apply to fees charged by the department
35 of fish and wildlife to process hydraulic project approvals
36 applications under section 2 of this act.

1 NEW SECTION. **Sec. 4.** 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 takes effect
4 immediately.

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