

HOUSE BILL REPORT

HB 1032

As Passed House:
February 12, 2015

Title: An act relating to amending the fee structure provided in RCW 77.55.321 to encourage habitat projects that provide a public benefit

Brief Description: Amending the fee structure provided in RCW 77.55.321 to encourage habitat projects that provide a public benefit.

Sponsors: Representatives Blake, Hurst and Moeller.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/14/15, 1/27/15 [DP].

Floor Activity:

Passed House: 2/12/15, 67-30.

Brief Summary of Bill

- Creates an exemption to the \$150 application fee associated with hydraulic project permits for all fish habitat enhancement projects that are expected to result in beneficial impacts to the environment and that qualify for the existing streamlined permit review and approval process.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Hurst, Orcutt, Pettigrew, 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

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

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

Certain fish habitat enhancement projects may qualify for a streamlined administrative review and approval process by the WDFW. These projects are expected to result in beneficial impacts to the environment and, if they qualify for streamlined review, receive a decision regarding the associated HPA in 45 days. This streamlined review is available for projects of an adequate size or scale that either eliminate human-made or fish passage barriers, restore eroded or unstable stream banks, or involve the placement of woody debris into the water. However, not all of these projects are eligible for a streamlined review. To be eligible, the projects must also be approved for specific and limited purposes by the WDFW, a conservation district, the Department of Transportation, a city or county, or another formal review and approval process.

Fish habitat enhancement projects that qualify for a streamlined review are exempt from any local government permitting or fees; however, the applicants are required to pay the \$150 HPA application fee to the WDFW.

Summary of Bill:

The \$150 HPA application fee is waived for all fish habitat enhancement projects that are expected to result in beneficial impacts to the environment and qualify for the existing streamlined permit review and approval process.

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) Many small conservation districts and regional fisheries enhancement groups struggle to assemble the funds needed to do beneficial habitat projects and the \$150 application fee for an HPA makes that struggle even harder. Fish habitat improvement projects are important and should be given expedited project review and relief from application costs. However, any decrease in revenue to the HPA program results in less staff for the WDFW and less service to project applicants. Revenue generated by the HPA fee is

targeted to customer service improvements and that is the area that will most notice the decrease in funding if the funding loss is not made up elsewhere.

(With concerns) Even projects designed to benefit the environment still can involve complicated project design and the use of heavy equipment that can create habitat impacts. It is important that these projects are reviewed by the WDFW, and that review takes staff time and funding. The HPA application fee is a modest amount and any reduction to revenues threatens the ability of the WDFW to do adequate project reviews for all projects.

(Opposed) None.

Persons Testifying: (In support) Representative Blake, prime sponsor; and Jeff Davis, Washington Department of Fish and Wildlife.

(With concerns) Bruce Wishart, Sound Action.

Persons Signed In To Testify But Not Testifying: None.