

**County Requested Amendments:
(5/31/16)**

Amendment 1:

Amend the proposed Section 2081.2(a)(1)(D) to read: "Project cost" means the total direct and indirect project expenses that include, ~~but are not limited to,~~ labor, equipment, permanent materials and supplies, and subcontracts, permits and licenses, overhead, and miscellaneous costs associated with the construction or implementation of the project.

Comment: Avoids penalizing efforts in the planning and design stage to prepare designs that produce better functioning facilities.

Amendment 2:

Amend the proposed 2081.2.(b) to read: The department shall collect a permit application fee for processing a permit application submitted pursuant to this article at the time the permit application is submitted to the department. Notwithstanding Section 2098, upon appropriation to the department from the Endangered Species Permitting Account, the department shall use the permit application fee to pay for all or a portion of the department's cost of processing permit applications, permit development, and compliance monitoring pursuant to this article. This subdivision shall not apply to activities undertaken to operate, maintain, repair or restore existing publicly owned infrastructure.

Comment: Environmental harm, including that to endangered species, will result if public infrastructure isn't operated and kept functional; therefore, O&M activities of existing public infrastructure should not be subject to the proposed fee.

Amendments 3:

Amend the proposed 2081.2 (e)(2) to read: If a permit or amendment application is withdrawn within ~~30~~ 60 days after paying the permit or amendment application fee, the department shall refund any unused portion of the fee to the permittee.

Amend the proposed 2081.2 (e)(3) to read: If a permit or amendment application is withdrawn after ~~30~~ 60 days of paying the permit or amendment application fee, the department shall not refund any portion of the fee to the permittee.

Comment: This amendment would address the timing issue -- Consultation with DFW at beginning of a project routinely takes 3 to 4 months. Having a 30-day refund policy for remaining fee probably won't work as it could take the agency more than 30-days to provide initial feedback on the project.