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SENATE BILL 5020

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State of Washington

57th Legislature

2001 Regular Session

By Senator Jacobsen

Read first time 01/08/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to the closure of rivers and streams for protection  
2 of threatened or endangered salmon; adding new sections to chapter  
3 77.85 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the recovery of  
6 threatened or endangered salmon stocks listed under the endangered  
7 species act is best accomplished through preventative measures.  
8 Upstream migrating adult salmon and spawners are vulnerable to  
9 poaching, disturbance from human recreational activities, and instream  
10 hydraulic projects. Low streamflow conditions, high water  
11 temperatures, presence of fish disease pathogens, degraded water  
12 quality, and a host of other factors may cause adult salmon or spawners  
13 to be more susceptible to human activities. The prevention of harm to  
14 threatened or endangered salmon requires that some rivers or streams be  
15 closed to human access during critical times of the year and that the  
16 closure decisions be made on a case-by-case basis by the fish and  
17 wildlife commission.

1        NEW SECTION.    **Sec. 2.**    (1) When, in the opinion of the commission,  
2 any river or stream is subject to any abnormal streamflow condition,  
3 the commission may designate the river or stream as an area subject to  
4 closure, and the commission shall adopt rules for the protection  
5 thereof.

6        (2) All rules shall be published in newspapers of general  
7 circulation in the counties where the region of the river or stream  
8 subject to closure is situated for the length of time as the commission  
9 may determine.

10       (3) When, in the opinion of the commission, it becomes necessary to  
11 close the region of a river or stream to entry, posters carrying the  
12 wording "Region of abnormal streamflow conditions-CLOSED TO ENTRY-  
13 except as provided by section 2 of this act" and indicating the  
14 beginning and ending dates of the closures shall be posted on the  
15 public highways entering the regions.

16       (4) The rules shall be in force from the time specified therein,  
17 but when, in the opinion of the commission, the closed river or stream  
18 region continues to be exposed to abnormal streamflow conditions, or  
19 ceases to be so exposed, the commission may extend, suspend, or  
20 terminate the closure by proclamation.

21       (5) This section does not authorize the commission to prohibit the  
22 conduct of industrial operations, public work, or access of permanent  
23 residents to their own property within the closed area, but no one  
24 legally entering the region may use the area for recreational purposes  
25 which are prohibited to the general public under the terms of this  
26 section.

27       NEW SECTION.    **Sec. 3.**    In times and localities of abnormal  
28 streamflow conditions, the commission may issue an order suspending any  
29 or all hydraulic permits or privileges authorized by chapter 77.55 RCW  
30 and may prohibit absolutely the alteration of the natural flow or bed  
31 of any salt or fresh waters in these locations.

32       NEW SECTION.    **Sec. 4.**    (1) A person violating section 2 of this act  
33 is guilty of a misdemeanor.

34       (2) A person violating section 3 of this act is guilty of a gross  
35 misdemeanor.

1        NEW SECTION.    **Sec. 5.**    The departments of natural resources, fish  
2 and wildlife, and ecology shall coordinate the closure of any lands,  
3 streams, or rivers to improve abnormal streamflow conditions.

4        NEW SECTION.    **Sec. 6.**    For the purposes of sections 2, 3, and 5 of  
5 this act, "abnormal streamflow conditions" means an atypical  
6 disturbance to a stream or river, which includes low streamflow, water-  
7 borne pathogens, degraded water quality, high water temperatures, or  
8 any other factor which negatively impacts threatened or endangered  
9 salmon.

10       NEW SECTION.    **Sec. 7.**    Sections 1 through 6 of this act are each  
11 added to chapter 77.85 RCW.

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