

SSB 6368 - S AMD 696
By Senator Haugen

1 Strike everything after the enacting clause and insert the
2 following:

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

5 If any person or government agency fails to follow the requirements
6 of obtaining hydraulic project approval under this chapter or fails to
7 carry out any of the requirements or conditions of a hydraulic project
8 approval issued under this chapter, the department's regional program
9 manager responsible for overseeing the regional hydraulic project
10 activities at any point prior to the approval of a hydraulic project
11 approval may issue a stop work order to that person or government
12 agency. The stop work order must set forth the specific nature,
13 extent, and time of violation, the damage or potential damage, a notice
14 that the violation must stop, and, in appropriate cases, the specific
15 corrective action to be taken within a specified time. Within twenty
16 days of service of a stop work order or other order or as provided by
17 rule of the department extending the time, the person may file a
18 written petition with the department appealing the order, and this
19 petition must be treated as an application for an adjudicative
20 proceeding under chapter 34.05 RCW. In the event of an appeal, a
21 person or government agency may seek interim relief from a stop work
22 order or other order under this section as provided in chapter 34.05
23 RCW.

24 The department's authority under this section is limited to work
25 that occurs below the line of mean higher high water in marine waters
26 or below the ordinary high water line of fresh waters of the state and
27 to work on bulkheads and rockwalls under the provisions of RCW
28 77.55.200.

1 **Sec. 2.** RCW 77.15.300 and 2000 c 107 s 239 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this section, a person or
4 government agency is guilty of unlawfully undertaking hydraulic project
5 activities if the person constructs any form of hydraulic project or
6 performs other work on a hydraulic project and:

7 (a) Fails to have a hydraulic project approval required under
8 chapter 77.55 RCW for such construction or work; or

9 (b) Violates any requirements or conditions of the hydraulic
10 project approval for such construction or work.

11 (2) Unlawfully undertaking hydraulic project activities is a gross
12 misdemeanor.

13 (3) The commission may, by rule, identify categories of acts that
14 violate the hydraulics code, chapter 77.55 RCW, and may classify such
15 acts as infractions, punishable under RCW 77.15.160.

16 (4) This section does not apply to:

17 (a) Activities that are the subject of a stop work order issued
18 under section 1 of this act and the person does not violate such an
19 order; or

20 (b) Activities for which an infraction has been issued under
21 subsection (3) of this section.

22 (5) The department's authority under this section is limited to
23 work that occurs below the line of mean higher high water in marine
24 waters or below the ordinary high water line of fresh waters of the
25 state and to work on bulkheads and rockwalls under the provisions of
26 RCW 77.55.200.

27 NEW SECTION. **Sec. 3.** RCW 77.55.140 (Hydraulic projects--Civil
28 penalty) and 2000 c 107 s 19, 1993 sp.s. c 2 s 35, 1988 c 36 s 35, &
29 1986 c 173 s 6 are each repealed."

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1 On page 1, line 2 of the title, after "requirements;" strike the
2 remainder of the title and insert "amending RCW 77.15.300; adding a new
3 section to chapter 77.55 RCW; and repealing RCW 77.55.140."

EFFECT: The amendment clarifies that stop-work orders issued by the Department of Fish and Wildlife will only be issued for activities that occur in the water.

The amendment also corrects a typographical error by including the proper section reference in the repealer section.

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