
SUBSTITUTE SENATE BILL 5345

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Agriculture (originally sponsored by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove and Horn)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to drainage infrastructure; and amending RCW
2 77.55.060.

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

4 **Sec. 1.** RCW 77.55.060 and 1998 c 190 s 86 are each amended to read
5 as follows:

6 A dam or other obstruction across or in a bona fide stream shall be
7 provided with a durable and efficient fishway approved by the director.
8 Plans and specifications shall be provided to the department prior to
9 the director's approval. The fishway shall be maintained in an
10 effective condition and continuously supplied with sufficient water to
11 freely pass fish.

12 If a person fails to construct and maintain a fishway or to remove
13 the dam or obstruction in a manner satisfactory to the director, then
14 within thirty days after written notice to comply has been served upon
15 the owner, his or her agent, or the person in charge, the director may
16 construct a fishway or remove the dam or obstruction. Expenses
17 incurred by the department constitute the value of a lien upon the dam
18 and upon the personal property of the person owning the dam. Notice of

1 the lien shall be filed and recorded in the office of the county
2 auditor of the county in which the dam or obstruction is situated. The
3 lien may be foreclosed in an action brought in the name of the state.

4 If, within thirty days after notice to construct a fishway or
5 remove a dam or obstruction, the owner, his or her agent, or the person
6 in charge fails to do so, the dam or obstruction is a public nuisance
7 and the director may take possession of the dam or obstruction and
8 destroy it. No liability shall attach for the destruction.

9 This section shall not apply to installed drainage infrastructure
10 that was originally installed on or before the effective date of this
11 section or to the repair, improvement, or replacement of such drainage
12 infrastructure including dikes, drains, tide gates, flood gates, pumps,
13 drainage tiles, and drainage pipe that protects land for agricultural
14 uses unless these facilities are located on a bona fide stream. For
15 the purpose of this section, bona fide streams do not include drainage
16 ditches and installed drainage infrastructure.

--- END ---