
SUBSTITUTE SENATE BILL 6368

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Haugen, Oke and Spanel)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to compliance with the hydraulic project approval
2 requirements; amending RCW 77.15.300; adding a new section to chapter
3 77.55 RCW; and repealing RCW 77.15.140.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.55 RCW
6 to read as follows:

7 If any person or government agency fails to follow the requirements
8 of obtaining hydraulic project approval under this chapter or fails to
9 carry out any of the requirements or conditions of a hydraulic project
10 approval issued under this chapter, the department's regional program
11 manager responsible for overseeing the regional hydraulic project
12 activities at any point prior to the approval of a hydraulic project
13 approval may issue a stop work order to that person or government
14 agency. The stop work order must set forth the specific nature,
15 extent, and time of violation, the damage or potential damage, a notice
16 that the violation must stop, and, in appropriate cases, the specific
17 corrective action to be taken within a specified time. Within twenty
18 days of service of a stop work order or other order or as provided by
19 rule of the department extending the time, the person may file a

1 written petition with the department appealing the order, and this
2 petition must be treated as an application for an adjudicative
3 proceeding under chapter 34.05 RCW. In the event of an appeal, a
4 person or government agency may seek interim relief from a stop work
5 order or other order under this section as provided in chapter 34.05
6 RCW.

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

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

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

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

17 (2) Unlawfully undertaking hydraulic project activities is a gross
18 misdemeanor.

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

22 (4) This section does not apply to:

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

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

28 NEW SECTION. **Sec. 3.** RCW 77.15.140 (Unclassified fish or
29 wildlife--Unlawful taking--Penalty) and 1998 c 190 s 15 are each
30 repealed.

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