

CHAPTER 39.

[S. B. 60.]

CONSTRUCTION OF FISH PROTECTIVE FACILITIES.

AN ACT relating to fisheries; providing for the construction of fish protective facilities; providing for the payment of costs relating thereto; defining offenses and providing penalties; amending section 79, chapter 31, Laws of 1915, as amended by section 6, chapter 90, Laws of 1923 (sec. 5731, Rem. Rev. Stat.).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 79, chapter 31, Laws of 1915, as amended by section 6, chapter 90, Laws of 1923 (sec. 5731, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 79. In the event that any person, firm, corporation or government agency desires to construct a dam or other hydraulic work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the Director of Fisheries, then such person, firm, corporation or government agency, before any construction work shall commence on such dam or other hydraulic work shall at the option of the Director of Fisheries (1) convey to the State of Washington a site of the size and dimensions satisfactory to the Director of Fisheries, at such place as may be selected by the Director of Fisheries, and erect thereon a fish hatchery, rearing ponds and other buildings according to plans and specifications to be furnished by said person, firm, corporation or government agency subject to the approval of the Director of Fisheries and enter into an agreement with the Director of Fisheries secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said hatchery and rearing ponds

Where fish ladder impracticable.

Provide site and hatchery.

Director to approve.

Agreement to operate and maintain.

Alternative. or (2) enter into an agreement with the Director of Fisheries secured by good and sufficient bond to pay to the State of Washington such initial money and make such annual payments of additional money to the State of Washington as the Director of Fisheries may determine is necessary to expand, maintain and operate additional facilities at existing hatcheries within a reasonable distance of such dam or other hydraulic work to compensate for the damages sustained by the erection of any such dam or other hydraulic work. The provisions of this section shall not apply to cases where the right to use or divert such waters or to erect such dams as has heretofore been granted or has become vested, or where dams have been heretofore constructed in streams to a height where construction of a fish ladder is impracticable. Any decision of the Director of Fisheries hereunder shall be subject to review in the Superior Court of the State of Washington for Thurston county. Any person, firm, corporation or government agency who shall fail to comply with the provisions of this act shall be guilty of a gross misdemeanor and each day that such person, firm, corporation or government agency carries on construction work on such dam or hydraulic work or operates any such dam or hydraulic work without complying with the provisions of this act shall constitute a separate offense.

Finance expansion of existing facilities.

Exceptions.

Director's decisions may be reviewed.

Penalty for violation.

Passed the Senate February 5, 1943.

Passed the House February 24, 1943.

Approved by the Governor March 1, 1943.