

CHAPTER 48.

[House Bill No. 159.]

HYDRAULIC PROJECTS—APPROVAL BY FISHERIES, GAME.

AN ACT relating to food fish and shellfish; providing for penalties relating to compliance with hydraulic permits; and amending section 75.20.100, chapter 12, Laws of 1955 and RCW 75.20.100.

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

RCW 75.20.100 amended.

Section 1. Section 75.20.100, chapter 12, Laws of 1955 and RCW 75.20.100 are each amended to read as follows:

Food fish and shellfish. Hydraulic projects—Approval by fisheries, game.

In the event that any person or government agency desires to construct any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person or government agency shall submit to the department of fisheries and the department of game full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence, and shall secure the written approval of the director of fisheries and the director of game as to the adequacy of the means outlined for the protection of fish life in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. If any person or government agency commences construction on any such works or projects without first providing plans and specifications subject to the approval of the director of fisheries and the director of game for the proper protection of fish

life in connection therewith and without first having obtained written approval of the director of fisheries and the director of game as to the adequacy of such plans and specifications submitted for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, he is guilty of a gross misdemeanor. If any such person or government agency be convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

*Provided,* That in case of an emergency arising from weather or stream flow conditions the department of fisheries or department of game, through their authorized representatives, shall issue oral permits to a riparian owner for removing any obstructions or for repairing existing structures without the necessity of submitting prepared plans and specifications.

Passed the House February 17, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.