

CHAPTER 99.

[S. B. 111.]

PROTECTION OF FISH LIFE.

AN ACT relating to rivers and streams, and rights of riparian owners; amending section 1, chapter 40, Laws of 1943; and declaring an emergency.

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

SECTION 1. Section 1, chapter 40, Laws of 1943 (sec. 5734-1, Rem. Supp. 1943), is amended to read as follows: Amendment.

Section 1. In the event that any person, firm, corporation or government agency desires to construct any form of hydraulic project or other project 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, firm, corporation or government agency shall submit to the Department of Fisheries and the Department of Game full plans and specifications of their 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, firm, corporation or government agency shall commence 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

Directors
of Fisheries
and Game
to approve
plans.

Penalty for
violations.

Subject to
abatement.

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, he, it or they shall be guilty of a gross misdemeanor. If any such person, firm, corporation or government agency be convicted of violating any of the provisions of this act and continues construction on any such works or projects without fully complying with the provisions of this act, 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 or owner of a legal water right for removing any obstructions or for repairing existing structures without the necessity of submitting prepared plans and specifications.

Emergency.

SEC. 2. This act is necessary for the immediate public health and welfare, and shall take effect immediately.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.