
**Agriculture & Natural Resources
Committee**

HB 2974

Brief Description: Regarding enforcement actions under chapter 77.55 RCW.

Sponsors: Representatives Orcutt, Herrera, Taylor, McCune, Klippert, Pearson, Kretz, Warnick and Johnson.

Brief Summary of Bill

- Requires a signed statement of violation to be provided to any person against whom a hydraulics project approval enforcement action is initiated which explains how the underlying violation harmed fish life and provides evidence of any individual fish that were harmed by the project.

Hearing Date: 2/2/10

Staff: Jason Callahan (786-7117).

Background:

Before beginning a construction project, a person must obtain a hydraulic project approval (HPA) for any project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. HPAs are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

A person who unlawfully undertakes a project in violation of the HPA requirements may be prosecuted for a gross misdemeanor. Prosecution is available if a person conducts a project without an HPA, or if a person violates the conditions the operative HPA.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A statement of violation must be provided to any person against whom an enforcement action related to HPA requirements is initiated. The statement of violation must be provided at the time an enforcement action is initiated and must include the following:

- a detailed explanation of how the underlying violation is harming fish life;
- evidence of any individual fish that were harmed by the project; and
- a signature by a WDFW biologist confirming that the impacts of the construction project have been personally and physically investigated and that the accuracy of the information in the statement of violation has been attested to.

The WDFW is prohibited from pursuing any enforcement actions relating to the HPA requirements if a statement of violation is not provided when the action is initiated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.