
HOUSE BILL 1771

State of Washington

53rd Legislature

1993 Regular Session

By Representatives King and Jacobsen

Read first time 02/08/93. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to protection of fish life; adding a new section to
2 chapter 75.20 RCW; adding a new section to chapter 77.16 RCW; adding
3 new sections to chapter 90.03 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that salmonids and
6 other fish are important to citizens of the state, and that numerous
7 stocks of salmonids are declining in Washington. Certain regulatory
8 protections exist for fish. One such protection is the statutory
9 requirement that certain water diversions be screened. Another is
10 that bypasses be constructed for fish passage. The legislature finds
11 that such protective devices are being intentionally destroyed,
12 damaged, or modified in ways that result in loss of fish, and that
13 existing penalties are insufficient to prevent such damage. The
14 legislature declares that measures must be taken to prevent destruction
15 of screens in order to benefit the salmonid resources of the state.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.20 RCW
17 to read as follows:

1 It is unlawful to intentionally destroy, damage, or modify fish
2 guards, screens, or bypasses resulting in the loss of fish. The
3 director shall close a water diversion device if the director finds
4 that the holder of the water right associated with the diversion has
5 unlawfully destroyed, damaged, or modified, or caused to be unlawfully
6 destroyed, damaged, or modified, a fish guard, screen, or bypass on the
7 diversion. Proceedings under this section shall be in accordance with
8 chapter 34.05 RCW. The water diversion device shall remain closed
9 until the holder of the water right has repaired or replaced the fish
10 guard, screen, or bypass to the satisfaction of the director. Any
11 subsequent offense committed by the holder of the water right
12 associated with the diversion in question shall relinquish the water
13 right as provided in section 4 of this act. The director shall report
14 all violations of this section to the department of ecology.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.16 RCW
16 to read as follows:

17 It is unlawful to intentionally destroy, damage, or modify fish
18 guards, screens, or bypasses resulting in the loss of fish. The
19 director shall close a water diversion device if the director finds
20 that the holder of the water right associated with the diversion has
21 unlawfully destroyed, damaged, or modified, or caused to be unlawfully
22 destroyed, damaged, or modified, a fish guard, screen, or bypass on the
23 diversion. Proceedings under this section shall be in accordance with
24 chapter 34.05 RCW. The water diversion device shall remain closed
25 until the holder of the water right has repaired or replaced the fish
26 guard, screen, or bypass to the satisfaction of the director. Any
27 subsequent offense committed by the holder of the water right
28 associated with the diversion in question shall relinquish such water
29 right as provided in section 4 of this act. The director shall report
30 all violations of this section to the department of ecology.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.03 RCW
32 to read as follows:

33 Any person who violates section 2 or 3 of this act shall relinquish
34 such water right or portion thereof, and the right or portion thereof
35 shall revert to the state. The waters affected by the right shall
36 become available for appropriation in accordance with RCW 90.03.250.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.03 RCW
2 to read as follows:

3 If fish are lost due to violations of section 2 or 3 of this act,
4 the violator shall reimburse the state for the value of the fish, as
5 determined by the department of fisheries or wildlife. Reimbursement
6 moneys shall be deposited into the state general fund.

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