
SENATE BILL 6368

State of Washington

58th Legislature

2004 Regular Session

By Senators Haugen, Oke and Spanel

Read first time 01/19/2004. Referred to Committee on Parks, Fish & Wildlife.

1 AN ACT Relating to compliance with the hydraulic project approval
2 requirements; amending RCW 77.15.300; and adding a new section to
3 chapter 77.55 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.55 RCW
6 to read as follows:

7 If any person or government agency fails to follow the requirements
8 of obtaining hydraulic project approval under this chapter or fails to
9 carry out any of the requirements or conditions of a hydraulic project
10 approval issued under this chapter, the department may issue a cease
11 and desist order to that person or government agency. The cease and
12 desist order must set forth the specific nature, extent, and time of
13 violation, the damage or potential damage, a notice that the violation
14 cease and desist, and, in appropriate cases, the specific corrective
15 action to be taken within a specified time. Within twenty days of
16 service of a cease and desist or other order or as provided by rule of
17 the department extending the time, the person may file a written
18 petition with the department appealing the order, and this petition
19 must be treated as an application for an adjudicative proceeding under

1 chapter 34.05 RCW. In the event of an appeal, a person or government
2 agency may seek interim relief from a cease and desist or other order
3 under this section as provided in chapter 34.05 RCW.

4 **Sec. 2.** RCW 77.15.300 and 2000 c 107 s 239 are each amended to
5 read as follows:

6 (1) Except as otherwise provided in this section, a person is
7 guilty of unlawfully undertaking hydraulic project activities if the
8 person constructs any form of hydraulic project or performs other work
9 on a hydraulic project and:

10 (a) Fails to have a hydraulic project approval required under
11 chapter 77.55 RCW for such construction or work; ~~((or))~~

12 (b) Violates any requirements or conditions of the hydraulic
13 project approval for such construction or work; or

14 (c) Violates any cease and desist or other order issued under
15 section 1 of this act if that order has been either served on the
16 person or posted at the site of the violation, except if the person
17 acts in accordance with any relief under chapter 34.05 RCW pursuant to
18 a timely appeal or timely relief from the department cease and desist
19 or other order.

20 (2) Unlawfully undertaking hydraulic project activities is a gross
21 misdemeanor.

22 (3) A person is not guilty of unlawfully undertaking hydraulic
23 project activities if the person is subject to a cease and desist or
24 other order issued under section 1 of this act unless the person
25 violates the cease and desist or other order. This section does not
26 apply to activities that are the subject of a cease and desist or other
27 order issued under section 1 of this act and the person does not
28 violate such an order.

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