
HOUSE BILL 1194

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Stanford, Warnick, Lytton, Goodman, Wilcox, Tharinger, Chandler, Blake, Nealey, Orcutt, Hansen, Kirby, Ryu, Fagan, and McCoy

Read first time 01/18/13. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting liability for habitat projects; and
2 reenacting and amending RCW 77.85.050.

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

4 **Sec. 1.** RCW 77.85.050 and 2009 c 345 s 3 and 2009 c 333 s 25 are
5 each reenacted and amended to read as follows:

6 (1)(a) Counties, cities, and tribal governments must jointly
7 designate, by resolution or by letters of support, the area for which
8 a habitat project list is to be developed and the lead entity that is
9 to be responsible for submitting the habitat project list. No project
10 included on a habitat project list shall be considered mandatory in
11 nature and no private landowner may be forced or coerced into
12 participation in any respect. The lead entity may be a county, city,
13 conservation district, special district, tribal government, regional
14 recovery organization, or other entity.

15 (b) The lead entity shall establish a committee that consists of
16 representative interests of counties, cities, conservation districts,
17 tribes, environmental groups, business interests, landowners, citizens,
18 volunteer groups, regional fish enhancement groups, and other habitat

1 interests. The purpose of the committee is to provide a citizen-based
2 evaluation of the projects proposed to promote salmon habitat.

3 (c) The committee shall compile a list of habitat projects,
4 establish priorities for individual projects, define the sequence for
5 project implementation, and submit these activities as the habitat
6 project list. The committee shall also identify potential federal,
7 state, local, and private funding sources.

8 (2) The area covered by the habitat project list must be based, at
9 a minimum, on a WRIA, combination of WRIsAs, or any other area as agreed
10 to by the counties, cities, and tribes in resolutions or in letters of
11 support meeting the requirements of this subsection. Preference will
12 be given to projects in an area that contain a salmon species that is
13 listed or proposed for listing under the federal endangered species
14 act.

15 (3) The lead entity shall submit the habitat project list to the
16 salmon recovery funding board in accordance with procedures adopted by
17 the board.

18 (4) The recreation and conservation office shall administer funding
19 to support the functions of lead entities.

20 (5) A landowner whose land is used for a habitat project that is
21 included on a habitat project list may not be held civilly liable for
22 any property damages resulting from the habitat project regardless of
23 whether or not the project was funded by the salmon recovery funding
24 board.

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