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**SENATE BILL 5693**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Van De Wege and Lovelett

Read first time 02/03/23. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to limiting liability for salmon recovery  
2 projects performed by regional fisheries enhancement groups; and  
3 amending RCW 77.85.050.

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

5 **Sec. 1.** RCW 77.85.050 and 2013 c 194 s 1 are each amended to  
6 read as follows:

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

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

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

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

18 (4) The recreation and conservation office shall administer  
19 funding 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, and who has received notice from  
22 the project sponsor that the conditions of this section have been  
23 met, or a regional fisheries enhancement group authorized under RCW  
24 77.95.060 performing habitat restoration activities under this  
25 chapter, may not be held civilly liable for any property damages  
26 resulting from the habitat project regardless of whether or not the  
27 project was funded by the salmon recovery funding board. This  
28 subsection is subject to the following conditions:

29 (a) The project was designed by a licensed professional engineer  
30 (PE) or a licensed geologist (LG, LEG, or LHG) with experience in  
31 riverine restoration;

32 (b) The project is designed to withstand (~~one hundred~~) 100 year  
33 floods;

34 (c) The project is not located within one-quarter mile of an  
35 established downstream boat launch;

36 (d) The project is designed to allow adequate response time for  
37 in-river boaters to safely evade in-stream structures; and

38 (e) If the project includes large wood placement, each individual  
39 root wad and each log larger than ten feet long and one foot in  
40 diameter must be visibly tagged with a unique numerical identifier

1 that will withstand typical river conditions for at least three  
2 years.

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