
SENATE BILL 5327

State of Washington

55th Legislature

1997 Regular Session

By Senators Hargrove, Morton, Loveland, Rossi, Stevens, Snyder and Oke

Read first time 01/23/97. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to fish and wildlife enhancement; adding a new
2 section to chapter 75.08 RCW; adding a new section to chapter 77.12
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** In an effort to increase the amount of
6 habitat available for fish and wildlife it is desirable for the
7 department of fish and wildlife to work closely with private
8 landowners. In some instances landowners avoid enhancing habitat
9 because of a concern that the presence of fish or wildlife may make
10 future land management more difficult. It is the intent of this act to
11 provide a mechanism that facilitates habitat development while avoiding
12 an adverse impact on the landowner at a later date.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.08 RCW
14 to read as follows:

15 The department shall initiate a habitat incentives program through
16 which a private owner of lands may enter into an agreement with the
17 director to enhance habitat for food fish on the landowner's property.
18 Based on the agreement, the department may, with the concurrence of the

1 department of natural resources, affected local governments, and
2 affected federally recognized Indian tribes, stipulate the conditions
3 that will be considered when evaluating a future application on the
4 subject property for a hydraulic permit applied for under RCW 75.20.100
5 or 75.20.103 or a forest practices permit applied for under RCW
6 76.09.060. The department is not obligated to enter into an agreement
7 it does not believe is in the best interests of protecting fish life or
8 fish habitat. After an agreement is made, future decisions pertaining
9 to the issuance, denial, or conditioning of a hydraulic permit or a
10 forest practices permit shall be based on the conditions present on the
11 landowner's property at the time of the agreement, unless jointly
12 agreed upon by all parties. If at any time during the course of the
13 agreement any conditions of the property are currently or will become
14 subject to federal laws or regulations, the remaining conditions shall
15 continue to remain binding on the parties.

16 The agreement is binding on and may be used by only the landowner
17 who entered into the agreement with the department. The agreement
18 shall not be appurtenant to the land.

19 An agreement shall be in writing and shall contain a description of
20 the property affected by the stipulation, an expiration date, a
21 description of the condition of the property at the time of the
22 stipulation, and other information needed by the department and the
23 landowner for future reference and decisions.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW
25 to read as follows:

26 The department shall initiate a habitat incentives program through
27 which a private owner of lands may enter into an agreement with the
28 director to enhance habitat for wildlife on the landowner's property.
29 Based on the agreement, the department may, with the concurrence of
30 affected local governments and affected federally recognized Indian
31 tribes, stipulate the conditions that will be considered when
32 evaluating a future application on the subject property for a hydraulic
33 permit applied for under RCW 75.20.100 or 75.20.103 or a forest
34 practices permit applied for under RCW 76.09.060. The department is
35 not obligated to enter into an agreement it does not believe is in the
36 best interests of protecting wildlife or wildlife habitat. After an
37 agreement is made, future decisions pertaining to the issuance, denial,
38 or conditioning of a hydraulics permit or a forest practices permit

1 shall be based on the conditions present on the landowner's property at
2 the time of the agreement, unless jointly agreed upon by all parties.
3 If at any time during the course of the agreement any conditions of the
4 property are currently or will become subject to federal laws or
5 regulations, the remaining conditions shall continue to remain binding
6 on the parties.

7 The agreement is binding on and may be used by only the landowner
8 who entered into the agreement with the department. The agreement
9 shall not be appurtenant to the land.

10 An agreement shall be in writing and shall contain a description of
11 the property affected by the stipulation, an expiration date, a
12 description of the condition of the property at the time of the
13 stipulation, and other information needed by the department and the
14 landowner for future reference and decisions.

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