
SENATE BILL 5150

State of Washington 54th Legislature 1995 Regular Session

By Senators Hargrove, Owen, Snyder and Oke

Read first time 01/12/95. Referred to Committee on Natural Resources.

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 landowners. In
8 some instances landowners avoid enhancing habitat because of a concern
9 that the presence of fish or wildlife may make future land management
10 more difficult. It is the intent of this act to provide a mechanism
11 that facilitates habitat development while avoiding an adverse impact
12 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 an owner of forest 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, stipulate the conditions that the
2 departments will consider when evaluating a future application on the
3 subject property for a hydraulic permit applied for under RCW 75.20.100
4 or 75.20.103 or a forest practices permit applied for under RCW
5 76.09.060. Unless jointly agreed upon by all parties, the future
6 decisions pertaining to the issuance, denial, or conditioning of a
7 hydraulic permit or a forest practice permit shall be based on the
8 conditions present on the landowner's property at the time of the
9 agreement. The stipulations shall not be appurtenant to the land.

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

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

17 The department shall initiate a habitat incentives program through
18 which an owner of forest lands may enter into an agreement with the
19 director to enhance habitat for wildlife on the landowner's property.
20 Based on the agreement, the department may, with the concurrence of the
21 department of natural resources, stipulate the conditions that the
22 departments will consider when evaluating a future application on the
23 subject property for a hydraulic permit applied for under RCW 75.20.100
24 or 75.20.103 or a forest practices permit applied for under RCW
25 76.09.060. Unless jointly agreed upon by all parties, the future
26 decisions pertaining to the issuance, denial, or conditioning of a
27 hydraulics permit or a forest practice permit shall be based on the
28 conditions present on the landowner's property at the time of the
29 agreement. The stipulations shall not be appurtenant to the land.

30 A stipulation shall contain a description of the property affected
31 by the stipulation, an expiration date, a description of the condition
32 of the property at the time of the stipulation, and other information
33 needed by the department and the landowner for future reference and
34 decisions.

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