

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1194

Chapter 194, Laws of 2013

63rd Legislature
2013 Regular Session

HABITAT PROJECTS--LIABILITY

EFFECTIVE DATE: 07/28/13

Passed by the House April 22, 2013
Yeas 77 Nays 18

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 17, 2013
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 10, 2013, 10:44 a.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1194** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 10, 2013

**Secretary of State
State of Washington**

HOUSE BILL 1194

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

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, and who has received notice from
22 the project sponsor that the conditions of this section have been met,
23 may not be held civilly liable for any property damages resulting from
24 the habitat project regardless of whether or not the project was funded
25 by the salmon recovery funding board. This subsection is subject to
26 the following conditions:

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

30 (b) The project is designed to withstand one hundred year floods;

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

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

35 (e) If the project includes large wood placement, each individual
36 root wad and each log larger than ten feet long and one foot in

1 diameter must be visibly tagged with a unique numerical identifier that
2 will withstand typical river conditions for at least three years.

Passed by the House April 22, 2013.

Passed by the Senate April 17, 2013.

Approved by the Governor May 10, 2013.

Filed in Office of Secretary of State May 10, 2013.