
SENATE BILL 5281

State of Washington

53rd Legislature

1993 Regular Session

By Senators Hargrove, Oke, Sutherland, Owen, Jesernig, Anderson, von Reichbauer and Barr

Read first time 01/21/93. 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 departments of fisheries and wildlife to work closely with landowners.
8 In some instances landowners avoid enhancing habitat because of a
9 concern that the presence of fish or wildlife may make future land
10 management more difficult. It is the intent of this act to provide a
11 mechanism that facilitates habitat development while avoiding an
12 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 of fisheries shall initiate a habitat incentives
16 program through which an owner of forest lands may enter into an
17 agreement with the director of fisheries to enhance habitat for food
18 fish on the landowner's property. Based on the agreement, the

1 department may, with the concurrence of the departments of natural
2 resources and wildlife, stipulate the conditions that the departments
3 will consider when evaluating a future application on the subject
4 property for a hydraulic permit applied for under RCW 75.20.100 or
5 75.20.103 or a forest practices permit applied for under RCW 76.09.060.
6 Unless jointly agreed upon by all parties, the future decisions
7 pertaining to the issuance, denial, or conditioning of a hydraulic
8 permit or a forest practice permit shall be based on the conditions
9 present on the landowner's property at the time of the agreement. The
10 stipulations shall not be appurtenant to the land.

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

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

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

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

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