
SUBSTITUTE SENATE BILL 5281

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senators Hargrove, Oke, Sutherland, Owen, Jesernig, Anderson, von Reichbauer and Barr)

Read first time 03/01/93.

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

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

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

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

28 The department of wildlife shall initiate a habitat incentives
29 program through which a private owner of forest lands may enter into an
30 agreement with the director of wildlife to enhance habitat for wildlife
31 on the landowner's property. Based on the agreement, the department
32 may, with the concurrence of the department of natural resources, the
33 department of fisheries, the forest practices board, affected local
34 governments, and affected federally recognized Indian tribes, stipulate
35 the conditions that will be considered when evaluating a future
36 application on the subject property for a hydraulic permit applied for
37 under RCW 75.20.100 or 75.20.103 or a forest practices permit applied
38 for under RCW 76.09.060. The department of wildlife is not obligated

1 to enter into an agreement it does not believe is in the best interests
2 of protecting wildlife or wildlife habitat. After an agreement is
3 made, future decisions pertaining to the issuance, denial, or
4 conditioning of a hydraulics permit or a forest practices permit shall
5 be based on the conditions present on the landowner's property at the
6 time of the agreement, unless jointly agreed upon by all parties. If
7 at any time during the course of the agreement any conditions of the
8 property are currently or will become subject to federal laws or
9 regulations, the remaining conditions shall continue to remain binding
10 on the parties.

11 The agreement is binding on and may be used by only the landowner
12 who entered into the agreement with the department of wildlife. The
13 agreement shall not be appurtenant to the land.

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

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