

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1775

68th Legislature
2023 Regular Session

Passed by the House April 14, 2023
Yeas 93 Nays 3

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 31 Nays 18

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1775** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1775

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Representatives Lekanoff, Chapman, Ramel, and Reed

Read first time 02/06/23. Referred to Committee on Agriculture and Natural Resources.

1 AN ACT Relating to limiting liability for salmon recovery
2 projects performed by regional fisheries enhancement groups; and
3 amending RCW 77.85.050.

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

5 **Sec. 1.** RCW 77.85.050 and 2013 c 194 s 1 are each amended to
6 read as follows:

7 (1)(a) Counties, cities, and tribal governments must jointly
8 designate, by resolution or by letters of support, the area for which
9 a habitat project list is to be developed and the lead entity that is
10 to be responsible for submitting the habitat project list. No project
11 included on a habitat project list shall be considered mandatory in
12 nature and no private landowner may be forced or coerced into
13 participation in any respect. The lead entity may be a county, city,
14 conservation district, special district, tribal government, regional
15 recovery organization, or other entity.

16 (b) The lead entity shall establish a committee that consists of
17 representative interests of counties, cities, conservation districts,
18 tribes, environmental groups, business interests, landowners,
19 citizens, volunteer groups, regional fish enhancement groups, and
20 other habitat interests. The purpose of the committee is to provide a

1 citizen-based evaluation of the projects proposed to promote salmon
2 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,
9 at a minimum, on a WRIA, combination of WRIsAs, or any other area as
10 agreed to by the counties, cities, and tribes in resolutions or in
11 letters of support meeting the requirements of this subsection.
12 Preference will be given to projects in an area that contain a salmon
13 species that is listed or proposed for listing under the federal
14 endangered species act.

15 (3) The lead entity shall submit the habitat project list to the
16 salmon recovery funding board in accordance with procedures adopted
17 by the board.

18 (4) The recreation and conservation office shall administer
19 funding to support the functions of lead entities.

20 (5) ((A)) Except as provided in subsection (6) of this section, a
21 landowner whose land is used for a habitat project that is included
22 on a habitat project list, and who has received notice from the
23 project sponsor that the conditions of this section have been met, or
24 a regional fisheries enhancement group authorized under RCW 77.95.060
25 performing habitat restoration activities under this chapter, may not
26 be held civilly liable for any property damages resulting from the
27 habitat project regardless of whether or not the project was funded
28 by the salmon recovery funding board. This subsection is subject to
29 the following conditions:

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

33 (b) The project is designed to withstand ((one hundred)) 100 year
34 floods;

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

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

39 (e) If the project includes large wood placement, each individual
40 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
2 that will withstand typical river conditions for at least three
3 years.

4 (6) A regional fisheries enhancement group performing habitat
5 restoration activities under this chapter may not be held civilly
6 liable for any property damage resulting from a habitat project
7 performed subject to the conditions specified under subsection (5) of
8 this section unless the damage is due to acts or omissions
9 constituting gross negligence or willful or wanton misconduct.

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