
SUBSTITUTE SENATE BILL 5327

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Natural Resources & Parks (originally sponsored by Senators Hargrove, Morton, Loveland, Rossi, Stevens, Snyder and Oke)

Read first time 02/26/97.

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; adding a new section to chapter 76.09 RCW; creating a new section;
4 and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** In an effort to increase the amount of
7 habitat available for fish and wildlife it is desirable for the
8 department of fish and wildlife to work closely with private
9 landowners. In some instances landowners avoid enhancing habitat
10 because of a concern that the presence of fish or wildlife may make
11 future land management more difficult. It is the intent of this act to
12 provide a mechanism that facilitates habitat development while avoiding
13 an adverse impact on the landowner at a later date.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.08 RCW
15 to read as follows:

16 The department shall initiate a habitat incentives program through
17 which a private owner of lands, owning less than a total of one
18 thousand acres of land, may enter into an agreement with the director

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

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

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

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

27 The department shall initiate a habitat incentives program through
28 which a private owner of lands, owning less than a total of one
29 thousand acres of land, may enter into an agreement with the director
30 to enhance habitat for wildlife on the landowner's property. Based on
31 the agreement, the department may, with the concurrence of affected
32 local governments and affected federally recognized Indian tribes,
33 stipulate the conditions that will be considered when evaluating a
34 future application on the subject property for a hydraulic permit
35 applied for under RCW 75.20.100 or 75.20.103. The department is not
36 obligated to enter into an agreement it does not believe is in the best
37 interests of protecting wildlife or wildlife habitat. After an
38 agreement is made, future decisions pertaining to the issuance, denial,

1 or conditioning of a hydraulics permit shall be based on the conditions
2 present on the landowner's property at the time of the agreement,
3 unless jointly agreed upon by all parties. If at any time during the
4 course of the agreement any conditions of the property are currently or
5 will become subject to federal laws or regulations, the remaining
6 conditions shall continue to remain binding on the parties.

7 The agreement is binding on and may be used by only the landowner
8 who entered into the agreement with the department. The agreement
9 shall not be appurtenant to the land.

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

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.09 RCW
16 to read as follows:

17 The department shall utilize the forest practice rules for a
18 private parcel of land under the habitat incentives program that were
19 in effect upon the date that the individual parcel of land was accepted
20 into the habitat incentive program. After an agreement is made, future
21 decisions pertaining to the issuance, denial, or conditioning of a
22 forest practices permit must be based on the conditions present on the
23 landowner's property at the time of the agreement, unless jointly
24 agreed by all parties. If at any time during the course of the
25 agreement any conditions of the property are currently or will become
26 subject to federal laws or regulations, the remaining conditions must
27 continue to remain binding on the parties.

28 NEW SECTION. **Sec. 5.** The sum of forty-three thousand dollars, or
29 as much thereof as may be necessary, is appropriated for the biennium
30 ending June 30, 1999, from the general fund to the department of fish
31 and wildlife for the purposes of funding a one-half FTE fisheries
32 biologist position for the purposes of this act.

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