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HOUSE BILL 2597

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Stanford, Chandler, Blake, Hinkle, Warnick, Kretz, McCune, and Tharinger

Read first time 01/18/12. Referred to Committee on Judiciary.

1 AN ACT Relating to removing potential barriers to successful salmon  
2 recovery efforts; and adding a new section to chapter 77.85 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.85 RCW  
5 to read as follows:

6 (1) Subject to subsection (3) of this section, a landowner is not  
7 liable in contract or tort for any personal injury, death, or property  
8 damage that arises out of the use of the landowner's land by:

9 (a) A person conducting a fish habitat improvement project using  
10 state or federal money for the purpose of building the project; or

11 (b) A participant in a state or federally funded watershed or  
12 stream restoration or enhancement program.

13 (2) An operator, timber owner, or landowner may not be held liable  
14 for any damages resulting from:

15 (a) A fish habitat improvement project done in cooperation and  
16 consultation with the department, a tribe, or the salmon recovery  
17 funding board, or conducted as part of a forest practice in accordance  
18 with chapter 76.09 RCW; or

1           (b) Leaving large woody debris within the waters of the state to  
2 protect, retain, or recruit large woody debris for the purposes of  
3 enhancing fish habitat or water quality improvement, if such a project  
4 was funded by state or federal money for the purpose of building fish  
5 habitat or water quality improvement.

6           (3) The limitations to liability provided by this section only  
7 apply if:

8           (a) The damages, injury, or death were not caused by willful,  
9 wanton, or intentional conduct on the part of the operator, timber  
10 owner, or landowner or by the gross negligence of the operator, timber  
11 owner, or landowner; and

12           (b) The project was properly designed and constructed to meet  
13 appropriate standards of care that adequately address and mitigate for  
14 potential hazards to public safety.

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