

HB 1194 - S COMM AMD

By Committee on Law & Justice

ADOPTED AND ENGROSSED 4/17/13

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 77.85.050 and 2009 c 345 s 3 and 2009 c 333 s 25 are
4 each reenacted and amended to read as follows:

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

14 (b) The lead entity shall establish a committee that consists of
15 representative interests of counties, cities, conservation districts,
16 tribes, environmental groups, business interests, landowners, citizens,
17 volunteer groups, regional fish enhancement groups, and other habitat
18 interests. The purpose of the committee is to provide a citizen-based
19 evaluation of the projects proposed to promote salmon habitat.

20 (c) The committee shall compile a list of habitat projects,
21 establish priorities for individual projects, define the sequence for
22 project implementation, and submit these activities as the habitat
23 project list. The committee shall also identify potential federal,
24 state, local, and private funding sources.

25 (2) The area covered by the habitat project list must be based, at
26 a minimum, on a WRIA, combination of WRIs, or any other area as agreed
27 to by the counties, cities, and tribes in resolutions or in letters of
28 support meeting the requirements of this subsection. Preference will
29 be given to projects in an area that contain a salmon species that is

1 listed or proposed for listing under the federal endangered species
2 act.

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

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

8 (5) A landowner whose land is used for a habitat project that is
9 included on a habitat project list, and who has received notice from
10 the project sponsor that the conditions of this section have been met,
11 may not be held civilly liable for any property damages resulting from
12 the habitat project regardless of whether or not the project was funded
13 by the salmon recovery funding board. This subsection is subject to
14 the following conditions:

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

18 (b) The project is designed to withstand one hundred year floods;

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

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

23 (e) If the project includes large wood placement, each individual
24 root wad and each log larger than ten feet long and one foot in
25 diameter must be visibly tagged with a unique numerical identifier that
26 will withstand typical river conditions for at least three years."

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27 On page 1, line 1 of the title, after "projects;" strike the
28 remainder of the title and insert "and reenacting and amending RCW
29 77.85.050."

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