
Judiciary Committee

HB 1194

Title: An act relating to limiting liability for habitat projects.

Brief Description: Limiting liability for habitat projects.

Sponsors: Representatives Stanford, Warnick, Lytton, Goodman, Wilcox, Tharinger, Chandler, Blake, Nealey, Orcutt, Hansen, Kirby, Ryu, Fagan and McCoy.

Brief Summary of Bill

- Eliminates civil liability for any property damage resulting from habitat projects for landowners whose land is used for such habitat projects regardless of whether the project was funded by the Salmon Recovery Funding Board.

Hearing Date: 1/31/13

Staff: Sara Campbell (786-7119), Cece Clynch (786-7195).

Background:

The Governor's Salmon Recovery Office, located within the Recreation and Conservation Office (RCO), is responsible for coordinating the state strategy to allow for salmon recovery to healthy, sustainable population levels. Part of that responsibility is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as part of the statewide strategy for salmon recovery.

Washington's system of watersheds is divided into eight Salmon Recovery Regions: Hood Canal, Lower Columbia River, Middle Columbia River, Northeast Washington, Puget Sound, Snake River, Southwest Washington, Upper Columbia River, and Washington Coast.

Within those eight regions, the counties, cities, and tribal governments jointly designate areas for which a "habitat project list" is to be developed, and designate the lead entity that will be responsible for submitting the habitat project list. The lead entity may be a county, city,

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conservation district, special district, tribal government, regional recovery organization, or other entity.

Once selected, a lead entity must establish a committee to provide citizen-based evaluation of the projects proposed for the habitat project list.

Projects eligible for the list include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities. No project included on a habitat project list is mandatory, however, and no private landowner may be forced to participate in any project. All areas covered by a project must be based on a water resource inventory area (WRIA), a combination of WRIs, or be an area agreed to by the counties, cities, and tribes.

Together the lead entity and the committee evaluate the suggested projects, prioritize them, define the sequence for project implementation, and submit this as the "habitat project list" to the Salmon Recovery Funding Board (SRFB). During this process, the committee is also required to identify potential federal, state, local, and private funding sources for projects on the habitat project list.

The SRFB consists of ten members: five are voting members who are appointed by the governor, and five are state officials serving as ex officio nonvoting members. Of the 139 projects submitted by lead entities in 2012, the SRFB fully or partially funded 116 of them. The RCO is responsible for administering the funding to support the functions of lead entities.

Summary of Bill:

Landowners whose land is used for a habitat project that is included on a habitat project list may not be held civilly liable for property damage resulting from the habitat project whether or not the project was funded by the Salmon Recovery Funding Board.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.