

# FINAL BILL REPORT

## HB 1194

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Synopsis as Enacted

**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.

**House Committee on Judiciary**  
**Senate Committee on Law & Justice**

### **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. The Salmon Recovery Funding Board (SRFB), consisting of five voting Governor appointees and five state officials serving as ex officio nonvoting members, determines which projects receive funding.

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. The lead entity may be a county, city, 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 restoration projects, protection projects, projects that improve water quality, projects that protect water quality, habitat-related mitigation projects, and 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Together, the lead entity and the committee evaluate the suggested projects, prioritize them, define the sequence for project implementation, and submit the habitat project list to the SRFB. Of the 139 projects submitted by lead entities in 2012, the SRFB fully or partially funded 116 of them.

**Summary:**

A landowner 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 regardless of whether the project was funded by the Salmon Recovery Funding Board, if the landowner has received notice from the project sponsor that the following conditions have been met:

- the project was designed by a licensed professional engineer or a licensed geologist with experience in riverine restoration;
- the project is designed to withstand 100-year floods;
- the project is not located within one-quarter mile of an established downstream boat launch;
- the project is designed to allow adequate response time for in-river boaters to safely evade in-stream structures; and
- if the project includes large wood placement, each individual root wad and each log larger than 10 feet long and one foot in diameter must be visibly tagged with a unique numerical identifier that will withstand typical river conditions for at least three years.

**Votes on Final Passage:**

House	75	22	
Senate	48	0	(Senate amended)
House	77	18	(House concurred)

**Effective:** July 28, 2013