

**HB 1775** - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

**ADOPTED 04/11/2023**

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

3 **"Sec. 1.** RCW 77.85.050 and 2013 c 194 s 1 are each amended to  
4 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,  
17 citizens, volunteer groups, regional fish enhancement groups, and  
18 other habitat interests. The purpose of the committee is to provide a  
19 citizen-based evaluation of the projects proposed to promote salmon  
20 habitat.

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

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

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

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

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

8 (5) ((A)) Except as provided in subsection (6) of this section, a  
9 landowner whose land is used for a habitat project that is included  
10 on a habitat project list, and who has received notice from the  
11 project sponsor that the conditions of this section have been met, or  
12 a regional fisheries enhancement group authorized under RCW 77.95.060  
13 performing habitat restoration activities under this chapter, may not  
14 be held civilly liable for any property damages resulting from the  
15 habitat project regardless of whether or not the project was funded  
16 by the salmon recovery funding board. This subsection is subject to  
17 the following conditions:

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

21 (b) The project is designed to withstand ((one hundred)) 100 year  
22 floods;

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

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

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

32 (6) A regional fisheries enhancement group performing habitat  
33 restoration activities under this chapter may not be held civilly  
34 liable for any property damage resulting from a habitat project  
35 performed subject to the conditions specified under subsection (5) of  
36 this section unless the damage is due to acts or omissions  
37 constituting gross negligence or willful or wanton misconduct."

38 On page 1, line 2 of the title, after "groups;" strike the  
39 remainder of the title and insert "and amending RCW 77.85.050."

EFFECT: Provides that a regional fisheries enhancement group performing habitat restoration activities from a habitat project list may be held civilly liable for property damage resulting from a habitat project performed, subject to certain conditions, if the damage is due to acts or omissions constituting gross negligence or willful or wanton misconduct.

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