

HOUSE BILL REPORT

SHB 2351

As Amended by Senate

Title: An act relating to the recovery of stray logs.

Brief Description: Modifying provisions relating to recovery of stray logs.

Sponsors: By House Committee on Natural Resources & Parks (originally sponsored by Representatives Shin, Patterson, Campbell, Finkbeiner, Forner, Appelwick, J. Kohl and Johanson).

Brief History:

Reported by House Committee on:

Natural Resources & Parks, January 25, 1994, DPS;
Passed House, February 8, 1994, 92-0;
Amended by Senate.

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Pruitt, Chair; R. Johnson, Vice Chair; McMorris, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; B. Thomas; Valle; and Wolfe.

Staff: Linda Byers (786-7129).

Background: Transportation of logs and log raft storage were once commonplace on the waters of Washington. Licensed log patrols recovered logs which escaped from their owners and drifted or became stranded or submerged. Log patrols were licensed by the Department of Natural Resources. Only a log's owner, the owner's agent, or a licensed log patrol could recover stray logs.

While water transportation of logs is no longer commonplace, the occasional stray log can pose a threat to navigation, safety and property. The requirement that only a log's owner or a licensed log patrol may recover stray logs remains. This prevents local governments, state agencies, ports, private waterfront property owners, boaters and others from dealing with stray logs unless the log owner or a log patrol agrees to respond. The Department of Natural Resources also retains the responsibility for managing a log patrol licensing program for an ever-decreasing number of

licensees. Currently there are three log patrol license holders in the state. Licenses cost \$500 and are for a two-year period.

The Department of Natural Resources operates a mark and brand registration program for forest products. Registration of a brand with the department allows a log's owner to be identified when a branded log is recovered. A log's owner has a right to enter tidelands, beaches, mill yards, etc. to recover any logs marked with the owner's brand. Unbranded or unmarked stray logs become the property of the state when recovered.

Summary of Bill: The existing log patrol statutes are repealed, and a new log recovery procedure is established. A person who chooses to recover stray logs must do so in a way that does not damage beaches, tidelands or other property and that does not diminish the value of the timber. Within 30 days of recovering a stray log, the person who recovers the log must notify the log's owner. The owner then has 30 days in which to retrieve the log. If the owner chooses not to retrieve the stray log, the person who recovers the log may sell it or otherwise dispose of it as that person sees fit.

A distinction is made between stray logs which are adrift and those which are stranded or submerged. Any person may recover stray logs which are adrift on the waters of the state. In order to retrieve a recovered adrift log, the log owner must pay the person who recovers it 50 percent of the market value of the log. Landowners may recover stray logs which are submerged or stranded on their property. A log owner must pay 25 percent of the market value of the log in order to retrieve a stray log which a landowner has recovered from his or her property.

The department may close areas under its jurisdiction to log recovery activities if the department determines that log recovery in those areas would pose a threat to public safety or the environment. Also, in a provision similar to one in the existing log patrol statutes, the department may enter into agreements with state agencies in Oregon to coordinate log recovery where possible.

EFFECT OF SENATE AMENDMENT(S): The Senate striking amendment repeals the existing log patrol statutes and removes references to log patrols found elsewhere in statute. The striking amendment also directs the Department of Natural Resources to convene a discussion among various interested parties to review issues related to stray log recovery.

Fiscal Note: Not available. Available on similar measure (HB 2285).

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Stray logs can be very dangerous for boaters. The state has beautiful waterways; they should remain both beautiful and safe. The bill allows and provides an incentive for private citizens to retrieve adrift logs. Private landowners can retrieve logs on their property. The log patrol licensing program has been in place since the 1940's and has been a valuable program; however, the program has outlived its usefulness. The proposed supplemental budget removes the funding for the log patrol licensing program.

Testimony Against: None.

Witnesses: Representative Paul Shin, prime sponsor; and Art Stearns, Department of Natural Resources.

VOTE ON FINAL PASSAGE:

Yeas 92; Excused 6

Excused: Representatives Appelwick, Ballasiotes, Bray, Casada, Reams, B. Thomas