

SENATE BILL REPORT

SHB 2351

AS REPORTED BY COMMITTEE ON NATURAL RESOURCES, FEBRUARY 25, 1994

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

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

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Franklin, Oke and Snyder.

Staff: Vic Moon (786-7469)

Hearing Dates: February 21, 1994; February 25, 1994

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:

The existing log patrol statutes are repealed, and a new log recovery procedure is established.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.

SUMMARY OF PROPOSED COMMITTEE AMENDMENT:

The payment to the person who recovers the stray log will be \$200 or 30 percent of the value, whichever is less. Branded and marked logs, boom sticks and chains will be presumed to be the property of the person who registers the brand. Theft of these items will be a gross misdemeanor and civil action is authorized.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The current law is not needed but some system to protect marine watercraft from logs is necessary.

TESTIMONY AGAINST:

The tug boat industry has concerns (original bill).

TESTIFIED: Wylie Hemphil, Lane Mountain Co. (pro); Randy Ray,
Maritime Env. Coalition (con); Mimi Welch, DNR (pro)