

# SENATE BILL REPORT

## SHB 2719

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As of February 15, 2000

**Title:** An act relating to providing immunity for placement of large woody debris into streams.

**Brief Description:** Providing immunity for placement of large woody debris into streams.

**Sponsors:** House Committee on Natural Resources (originally sponsored by Representatives Ericksen, Linville, Sump, Koster, Regala, Lambert, Morris, Eickmeyer, Anderson, Fortunato, Haigh, G. Chandler, Kagi and Rockefeller).

**Brief History:**

**Committee Activity:** Natural Resources, Parks & Recreation: 2/21/2000.

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### SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & RECREATION

**Staff:** Ross Antipa (786-7413)

**Background:** Fish and wildlife benefit when trees in riparian areas are left unharvested. While they are standing, these trees provide shading for the stream and nesting places for birds and other wildlife. When the trees fall into the stream, they often provide large woody debris to help fish evade predators and to feed. Recognizing this benefit to the environment, the Legislature provided immunity to landowners who leave these trees standing along streams from any injuries or damages that may result from the trees being left.

The placement of large woody debris into streams is a project frequently undertaken by landowners, volunteers, and project sponsors to assist in salmon recovery. Landowners are also sometimes required to place large woody debris as a condition of a hydraulic permit approval or because of forest practices rules. There is no similar immunity provided in statute for people who are involved in these projects from injuries or damages that may result from the placement of the large woody debris.

**Summary of Bill:** Any landowner, or volunteer or project sponsor working on a project from a habitat project list, who is involved in the design or placement of large woody debris into a stream to enhance fish recovery, is not liable for any injuries or damages resulting from ordinary negligence associated with these actions, if the placement of the large woody debris is in accordance with the terms of a hydraulic permit and is consistent with generally accepted design guidelines. The immunity provided under this legislation does not extend to the issuer of a hydraulic permit. The issuer of a hydraulic permit retains any immunity which exists currently in statute or the common law.

**Appropriation:** None.

**Fiscal Note:** Requested on February 11, 2000.

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

