
HOUSE BILL 1378

State of Washington

58th Legislature

2003 Regular Session

By Representative Ericksen

Read first time 01/24/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to placement of large woody debris; amending RCW
2 77.55.120; adding a new section to chapter 77.55 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that large woody
6 debris was frequently removed from rivers and streams decades ago
7 because of concerns that it may cause flooding downstream. The
8 legislature finds that the placement of large woody debris into rivers
9 and streams serves an important function in salmon recovery because the
10 large woody debris can create pools for salmon to rest and feed, and
11 can provide salmon protection from predators. The legislature also
12 finds that landowners are sometimes required to place large woody
13 debris into rivers or streams as a condition of a hydraulic permit
14 approval, or because of rules adopted by the forest practices board.
15 Because landowners, project sponsors, and volunteers who place large
16 woody debris into rivers and streams pursuant to a hydraulic permit
17 serve an important state purpose by helping to restore salmon habitat,
18 it is the legislature's intent to provide immunity from liability that

1 may occur as a result of this activity. It is also the intent of the
2 legislature to increase participation of downstream property owners in
3 decisions pertaining to placement of large woody debris.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.55 RCW
5 to read as follows:

6 (1) Any landowner, or any project sponsor or volunteer working on
7 a project from a habitat project list, who is involved in the design or
8 placement of large woody debris into a watercourse to enhance salmon or
9 other fish recovery shall not be held liable for any injury or damages
10 resulting from ordinary negligence associated with these actions, if
11 the placement of the large woody debris is in accordance with the terms
12 of a hydraulic permit and is consistent with generally accepted design
13 guidelines. The immunity provided in this section applies, but is not
14 limited to, personal injury, property damage, flooding, erosion, damage
15 to public improvements, and other injuries or damages of any kind or
16 character resulting from the placement of the large woody debris.

17 (2) The definitions in this subsection apply throughout this
18 section:

19 (a) "Watercourse" has the same meaning as defined in WAC 220- 110-
20 020, as that regulation existed on January 1, 2001.

21 (b) "Large woody debris" means trees or tree parts larger than four
22 inches in diameter and longer than six feet and rootwads, wholly or
23 partially waterward of the ordinary high water line.

24 **Sec. 3.** RCW 77.55.120 and 2000 c 107 s 17 are each amended to read
25 as follows:

26 Whenever the placement of large woody debris (~~((is required as a~~
27 ~~condition of))~~), as defined in section 2 of this act, requires a
28 hydraulic permit approval issued pursuant to RCW 77.55.100 or
29 77.55.110, the department, upon request, shall invite comment regarding
30 that placement from the local governmental authority, affected tribes,
31 affected federal and state agencies, (~~and~~) the project applicant, and
32 downstream property owners who own property within one mile of where
33 the large woody debris is to be installed.

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