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HOUSE BILL 1178

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State of Washington

57th Legislature

2001 Regular Session

By Representative Ericksen

Read first time 01/19/2001. Referred to Committee on Judiciary.

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

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

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

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

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

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

19 (2) The definitions in this subsection apply throughout this  
20 section:

21 (a) "Watercourse" has the same meaning as defined in WAC 220-  
22 110-020, as that regulation existed on January 1, 2001.

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

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

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

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