

---

HOUSE BILL 2351

---

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Shin, Patterson, Campbell, Finkbeiner, Forner, Appelwick, J. Kohl and Johanson

Read first time 01/14/94. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the recovery of stray logs; adding new sections  
2 to chapter 76.40 RCW; creating a new section; and repealing RCW  
3 76.40.010, 76.40.012, 76.40.013, 76.40.020, 76.40.030, 76.40.040,  
4 76.40.050, 76.40.060, 76.40.070, 76.40.080, 76.40.090, 76.40.100,  
5 76.40.110, 76.40.120, 76.40.130, 76.40.135, 76.40.140, 76.40.145,  
6 76.40.900, and 76.40.910.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that:

9 (1) Reduced levels of log raft storage and transportation on the  
10 waters of this state have resulted in a reduction of commercial log  
11 recovery activity and have eliminated the need for a separate licensing  
12 program for recovery of stray logs; and

13 (2) While stray logs are a much less common problem today than when  
14 log raft transportation was more common, stray logs that are adrift on  
15 waters of this state may still pose a threat to navigation, life, and  
16 property; and

17 (3) Recovery of submerged or stranded stray logs can result in  
18 damage to the environment.

1           Therefore, the legislature finds that an alternative method for  
2 encouraging the recovery of adrift stray logs must be established.

3           NEW SECTION.   **Sec. 2.** A new section is added to chapter 76.40 RCW  
4 to read as follows:

5           For the purposes of this chapter, the following terms shall have  
6 the following meanings:

7           (1) "Adrift" means floating without control; neither aground,  
8 beached, stranded, fully submerged, anchored in place, or secured in  
9 any way;

10          (2) "Department" means the Washington state department of natural  
11 resources;

12          (3) "Having a merchantable value" means capable of commanding value  
13 alone or in combination with other recovered logs;

14          (4) "Person" means an individual, partnership, private corporation,  
15 or association of individuals of whatever nature, including public  
16 agencies;

17          (5) "Stray logs" means logs, piling, poles, and boom sticks having  
18 a merchantable value that have escaped from their owner or the owner's  
19 agent during storage or while being transported. The term includes  
20 stray logs that are adrift, those that have been adrift and are  
21 stranded on beaches, marshes, tidelands, shorelands, or state-owned  
22 aquatic lands, and those that are partially or wholly submerged in the  
23 waters of the state; and

24          (6) "Waters of the state" means bodies of fresh or salt water  
25 including all rivers and lakes and their tributaries, harbors, bays,  
26 bayous, and marshes within the state capable of being used for the  
27 transportation or storage of forest products.

28           NEW SECTION.   **Sec. 3.** A new section is added to chapter 76.40 RCW  
29 to read as follows:

30           Any person may recover and secure adrift stray logs on waters of  
31 this state. Landowners may recover and secure stray logs that have  
32 become submerged or stranded on their property as the result of being  
33 adrift on waters of this state. A person who chooses to recover and  
34 secure stray logs must do so in a manner that does not damage beaches,  
35 marshes, tidelands, shorelands, aquatic lands, or other property and  
36 that does not diminish the merchantable value of the timber. Within  
37 thirty days of recovering stray logs, the person who recovered the logs

1 must notify the owner of the logs that the logs have been recovered.  
2 Ownership of logs shall be determined under chapter 76.36 RCW.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.40 RCW  
4 to read as follows:

5 Within thirty days of receipt of notification that his or her stray  
6 logs have been recovered, a log owner may retrieve his or her stray  
7 logs from the person who recovered them. In order to retrieve  
8 recovered stray logs, the owner must pay the persons who recovered the  
9 adrift stray logs fifty percent of the market value of the logs. In  
10 order to retrieve stranded or submerged logs that landowners have  
11 recovered from their property, the log owner must pay twenty-five  
12 percent of the market value of the logs. If the owner chooses not to  
13 retrieve his or her logs, the person who recovered the logs may sell  
14 them or dispose of them as that person sees fit.

15 Log owners and agents of log owners shall take reasonable actions  
16 to prevent logs from becoming stray logs.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 76.40 RCW  
18 to read as follows:

19 The department may close areas under its jurisdiction to log  
20 recovery activities if the department determines that log recovery in  
21 those areas would pose a threat to public safety or the environment.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 76.40 RCW  
23 to read as follows:

24 The department may enter into agreements with the state of Oregon  
25 and its applicable agencies to coordinate log recovery activities where  
26 possible.

27 NEW SECTION. **Sec. 7.** REPEALER. The following acts or parts of  
28 acts are each repealed:

29 (1) RCW 76.40.010 and 1984 c 60 s 9 & 1957 c 182 s 1;

30 (2) RCW 76.40.012 and 1984 c 60 s 10, 1955 c 108 s 1, & 1953 c 140  
31 s 2;

32 (3) RCW 76.40.013 and 1984 c 60 s 11 & 1957 c 182 s 9;

33 (4) RCW 76.40.020 and 1984 c 60 s 12, 1957 c 182 s 2, 1955 c 27 s  
34 1, 1953 c 140 s 9, & 1947 c 116 s 1;

- 1 (5) RCW 76.40.030 and 1984 c 60 s 13, 1979 ex.s. c 67 s 13, 1963 c  
2 12 s 1, 1957 c 182 s 3, 1955 c 108 s 3, 1953 c 140 s 10, & 1947 c 116  
3 s 3;
- 4 (6) RCW 76.40.040 and 1984 c 60 s 14, 1957 c 182 s 4, & 1947 c 116  
5 s 5;
- 6 (7) RCW 76.40.050 and 1984 c 60 s 15, 1957 c 182 s 5, 1953 c 140 s  
7 11, & 1947 c 116 s 5;
- 8 (8) RCW 76.40.060 and 1982 c 35 s 199 & 1947 c 116 s 6;
- 9 (9) RCW 76.40.070 and 1984 c 60 s 16, 1957 c 182 s 6, & 1947 c 116  
10 s 8;
- 11 (10) RCW 76.40.080 and 1984 c 60 s 17 & 1947 c 116 s 9;
- 12 (11) RCW 76.40.090 and 1947 c 116 s 10;
- 13 (12) RCW 76.40.100 and 1984 c 60 s 18 & 1947 c 116 s 11;
- 14 (13) RCW 76.40.110 and 1957 c 182 s 7, 1953 c 140 s 12, & 1947 c  
15 116 s 12;
- 16 (14) RCW 76.40.120 and 1984 c 60 s 19 & 1947 c 116 s 14;
- 17 (15) RCW 76.40.130 and 1947 c 116 s 13;
- 18 (16) RCW 76.40.135 and 1984 c 60 s 20;
- 19 (17) RCW 76.40.140 and 1984 c 60 s 21;
- 20 (18) RCW 76.40.145 and 1984 c 60 s 22;
- 21 (19) RCW 76.40.900 and 1947 c 116 s 15; and
- 22 (20) RCW 76.40.910 and 1947 c 116 s 16.

--- END ---