
SUBSTITUTE SENATE BILL 6241

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, T. Sheldon, Swecker, Hargrove and Snyder)

READ FIRST TIME 1/21/2002.

1 AN ACT Relating to Christmas trees; and reenacting and amending RCW
2 76.09.020.

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

4 **Sec. 1.** RCW 76.09.020 and 2001 c 102 s 1 and 2001 c 97 s 2 are
5 each reenacted and amended to read as follows:

6 For purposes of this chapter:

7 (1) "Adaptive management" means reliance on scientific methods to
8 test the results of actions taken so that the management and related
9 policy can be changed promptly and appropriately.

10 (2) "Appeals board" means the forest practices appeals board
11 created by RCW 76.09.210.

12 (3) "Aquatic resources" includes water quality, salmon, other
13 species of the vertebrate classes Cephalaspidomorphi and Osteichthyes
14 identified in the forests and fish report, the Columbia torrent
15 salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander
16 (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton*
17 *olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's
18 salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and
19 their respective habitats.

1 (4) "Commissioner" means the commissioner of public lands.

2 (5) "Contiguous" means land adjoining or touching by common corner
3 or otherwise. Land having common ownership divided by a road or other
4 right of way shall be considered contiguous.

5 (6) "Conversion to a use other than commercial timber operation"
6 means a bona fide conversion to an active use which is incompatible
7 with timber growing and as may be defined by forest practices rules.

8 (7) "Department" means the department of natural resources.

9 (8) "Forest land" means all land which is capable of supporting a
10 merchantable stand of timber and is not being actively used for a use
11 which is incompatible with timber growing. Forest land does not
12 include agricultural land that is or was enrolled in the conservation
13 reserve enhancement program by contract if such agricultural land was
14 historically used for agricultural purposes and the landowner intends
15 to continue to use the land for agricultural purposes in the future.

16 (9) "Forest landowner" means any person in actual control of forest
17 land, whether such control is based either on legal or equitable title,
18 or on any other interest entitling the holder to sell or otherwise
19 dispose of any or all of the timber on such land in any manner:
20 PROVIDED, That any lessee or other person in possession of forest land
21 without legal or equitable title to such land shall be excluded from
22 the definition of "forest landowner" unless such lessee or other person
23 has the right to sell or otherwise dispose of any or all of the timber
24 located on such forest land.

25 (10) "Forest practice" means any activity conducted on or directly
26 pertaining to forest land and relating to growing, harvesting, or
27 processing timber, including but not limited to:

28 (a) Road and trail construction;

29 (b) Harvesting, final and intermediate;

30 (c) Precommercial thinning;

31 (d) Reforestation;

32 (e) Fertilization;

33 (f) Prevention and suppression of diseases and insects;

34 (g) Salvage of trees; and

35 (h) Brush control.

36 "Forest practice" shall not include preparatory work such as tree
37 marking, surveying and road flagging, and removal or harvesting of
38 incidental vegetation from forest lands such as berries, ferns,
39 greenery, mistletoe, herbs, mushrooms, and other products which cannot

1 normally be expected to result in damage to forest soils, timber, or
2 public resources.

3 (11) "Forest practices rules" means any rules adopted pursuant to
4 RCW 76.09.040.

5 (12) "Forest trees" does not include hardwood trees cultivated by
6 agricultural methods in growing cycles shorter than fifteen years if
7 the trees were planted on land that was not in forest use immediately
8 before the trees were planted and before the land was prepared for
9 planting the trees. "Forest trees" includes Christmas trees, but does
10 not include Christmas trees that are cultivated by agricultural
11 methods, as that term is defined in RCW 84.33.035.

12 (13) "Forests and fish report" means the forests and fish report to
13 the board dated April 29, 1999.

14 (14) "Application" means the application required pursuant to RCW
15 76.09.050.

16 (15) "Operator" means any person engaging in forest practices
17 except an employee with wages as his or her sole compensation.

18 (16) "Person" means any individual, partnership, private, public,
19 or municipal corporation, county, the department or other state or
20 local governmental entity, or association of individuals of whatever
21 nature.

22 (17) "Public resources" means water, fish and wildlife, and in
23 addition shall mean capital improvements of the state or its political
24 subdivisions.

25 (18) "Timber" means forest trees, standing or down, of a commercial
26 species, including Christmas trees. However, "timber" does not include
27 Christmas trees that are cultivated by agricultural methods, as that
28 term is defined in RCW 84.33.035.

29 (19) "Timber owner" means any person having all or any part of the
30 legal interest in timber. Where such timber is subject to a contract
31 of sale, "timber owner" shall mean the contract purchaser.

32 (20) "Board" means the forest practices board created in RCW
33 76.09.030.

34 (21) "Unconfined avulsing channel migration zone" means the area
35 within which the active channel of an unconfined avulsing stream is
36 prone to move and where the movement would result in a potential near-
37 term loss of riparian forest adjacent to the stream. Sizeable islands
38 with productive timber may exist within the zone.

1 (22) "Unconfined avulsing stream" means generally fifth order or
2 larger waters that experience abrupt shifts in channel location,
3 creating a complex flood plain characterized by extensive gravel bars,
4 disturbance species of vegetation of variable age, numerous side
5 channels, wall-based channels, oxbow lakes, and wetland complexes.
6 Many of these streams have dikes and levees that may temporarily or
7 permanently restrict channel movement.

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