

---

SENATE BILL 6241

---

State of Washington 57th Legislature

2002 Regular Session

By Senators Rasmussen, T. Sheldon, Swecker, Hargrove and Snyder

Read first time 01/14/2002. Referred to Committee on Agriculture & International Trade.

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.

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.

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

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

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

38 (22) "Unconfined avulsing stream" means generally fifth order or  
39 larger waters that experience abrupt shifts in channel location,

1 creating a complex flood plain characterized by extensive gravel bars,  
2 disturbance species of vegetation of variable age, numerous side  
3 channels, wall-based channels, oxbow lakes, and wetland complexes.  
4 Many of these streams have dikes and levees that may temporarily or  
5 permanently restrict channel movement.

--- END ---