
SENATE BILL 6306

State of Washington 57th Legislature

2002 Regular Session

By Senator Jacobsen

Read first time 01/15/2002. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to cultural resources with respect to forest
2 practices; and reenacting and amending RCW 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:~~) The definitions in this section
7 apply throughout this chapter unless the context clearly requires
8 otherwise.

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

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

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

1 salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and
2 their respective habitats.

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

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

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

10 (7) "Cultural resources" means archaeological and historic sites
11 and artifacts and traditional religious, ceremonial, and social uses
12 and activities of affected Indian tribes.

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

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

22 ((+9)) (10) "Forest landowner" means any person in actual control
23 of forest land, whether such control is based either on legal or
24 equitable title, or on any other interest entitling the holder to sell
25 or otherwise dispose of any or all of the timber on such land in any
26 manner: PROVIDED, That any lessee or other person in possession of
27 forest land without legal or equitable title to such land shall be
28 excluded from the definition of "forest landowner" unless such lessee
29 or other person has the right to sell or otherwise dispose of any or
30 all of the timber located on such forest land.

31 ((+10)) (11) "Forest practice" means any activity conducted on or
32 directly pertaining to forest land and relating to growing, harvesting,
33 or processing timber, including but not limited to:

34 (a) Road and trail construction;

35 (b) Harvesting, final and intermediate;

36 (c) Precommercial thinning;

37 (d) Reforestation;

38 (e) Fertilization;

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

1 (g) Salvage of trees; and

2 (h) Brush control.

3 "Forest practice" shall not include preparatory work such as tree
4 marking, surveying and road flagging, and removal or harvesting of
5 incidental vegetation from forest lands such as berries, ferns,
6 greenery, mistletoe, herbs, mushrooms, and other products which cannot
7 normally be expected to result in damage to forest soils, timber, or
8 public resources.

9 ~~((11))~~ (12) "Forest practices rules" means any rules adopted
10 pursuant to RCW 76.09.040.

11 ~~((12))~~ (13) "Forest trees" does not include hardwood trees
12 cultivated by agricultural methods in growing cycles shorter than
13 fifteen years if the trees were planted on land that was not in forest
14 use immediately before the trees were planted and before the land was
15 prepared for planting the trees. "Forest trees" includes Christmas
16 trees.

17 ~~((13))~~ (14) "Forests and fish report" means the forests and fish
18 report to the board dated April 29, 1999.

19 ~~((14))~~ (15) "Application" means the application required pursuant
20 to RCW 76.09.050.

21 ~~((15))~~ (16) "Operator" means any person engaging in forest
22 practices except an employee with wages as his or her sole
23 compensation.

24 ~~((16))~~ (17) "Person" means any individual, partnership, private,
25 public, or municipal corporation, county, the department or other state
26 or local governmental entity, or association of individuals of whatever
27 nature.

28 ~~((17))~~ (18) "Public resources" means water, fish and wildlife,
29 cultural resources, and in addition shall mean capital improvements of
30 the state or its political subdivisions.

31 ~~((18))~~ (19) "Timber" means forest trees, standing or down, of a
32 commercial species, including Christmas trees.

33 ~~((19))~~ (20) "Timber owner" means any person having all or any
34 part of the legal interest in timber. Where such timber is subject to
35 a contract of sale, "timber owner" shall mean the contract purchaser.

36 ~~((20))~~ (21) "Board" means the forest practices board created in
37 RCW 76.09.030.

38 ~~((21))~~ (22) "Unconfined avulsing channel migration zone" means
39 the area within which the active channel of an unconfined avulsing

1 stream is prone to move and where the movement would result in a
2 potential near-term loss of riparian forest adjacent to the stream.
3 Sizeable islands with productive timber may exist within the zone.
4 ((+22)) (23) "Unconfined avulsing stream" means generally fifth
5 order or larger waters that experience abrupt shifts in channel
6 location, creating a complex flood plain characterized by extensive
7 gravel bars, disturbance species of vegetation of variable age,
8 numerous side channels, wall-based channels, oxbow lakes, and wetland
9 complexes. Many of these streams have dikes and levees that may
10 temporarily or permanently restrict channel movement.

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