CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2865

Chapter 184, Laws of 1992
52nd Legislature
1992 Regular Session

WILD MUSHROOM HARVESTING--PERMIT AND LIMIT REQUIREMENTS

EFFECTIVE DATE: 6/11/92

Passed by the House March 7, 1992
Yeas 96 Nays 0

JOE KING
Speaker of the
House of Representatives

Passed by the Senate March 3, 1992
Yeas 44 Nays 0

JOEL PRITCHARD
President of the Senate

ALAN THOMPSON
Chief Clerk

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is SUBSTITUTE HOUSE BILL
2865 as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

BOOTH GARDNER
Governor of the State of Washington

SECRETARY OF STATE
State of Washington

APPROVED

APPROVED

FILED

April 1, 1992 - 11:10 a.m.
AN ACT Relating to wild mushrooms; and amending RCW 76.48.020, 76.48.060, and 76.48.070.

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

Sec. 1. RCW 76.48.020 and 1979 ex.s. c 94 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" shall mean any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" shall mean any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.
(3) "Cut or picked evergreen foliage," commonly known as brush, shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, and other cut or picked evergreen products.

(4) "Cedar products" shall mean cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" shall mean cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" shall mean cedar shakes, shingles, fence posts, hop poles, pickets, stakes, or rails; or rounds less than one foot in length.

(7) "Cedar processor" shall mean any person who purchases and/or takes or retains possession of cedar products or cedar salvage, for later sale in the same or modified form, following their removal and delivery from the land where harvested.

(8) "Cascara bark" shall mean the bark of a Cascara tree.

(9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

(10) "Specialized forest products" shall mean Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.

(11) "Person" shall include the plural and all corporations foreign or domestic, copartnerships, firms, and associations of persons.
"Harvest" shall mean to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection with or contact with the land or vegetation upon which it was or has been growing, or (b) from the position in which it has been lying upon such land.

"Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site, including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance. "Transportation" also means any conveyance of specialized forest products by helicopter.

"Landowner" means, with regard to any real property, the private owner thereof, the state of Washington or any political subdivision thereof, the federal government, or any person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at any public or private timber sale.

"Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees, which form contains the information required by RCW 76.48.080, and a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

"Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

"Specialized forest products permit" shall mean a printed document in a form specified by the department of natural resources, or true copy thereof, signed by a landowner or his duly
authorized agent or representative (herein referred to as "permittors"), and validated by the county sheriff, authorizing a designated person (herein referred to as "permittee"), who shall also have signed the permit, to harvest and/or transport a designated specialized forest product from land owned or controlled and specified by the permittor, located in the county where such permit is issued. 

"Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff’s office.

"True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee’s copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

Sec. 2. RCW 76.48.060 and 1979 ex.s. c 94 s 5 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by any person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more
than five ornamental trees or shrubs, more than five pounds of cut or
picked evergreen foliage, any cedar products, cedar salvage, processed
cedar products, or more than five pounds of Cascara bark, or more than
three United States gallons of a single species of wild edible mushroom
and not more than an aggregate total of nine United States gallons of
wild edible mushrooms, plus one wild edible mushroom. Specialized
forest products permit forms shall be provided by the department of
natural resources, and shall be made available through the office of
the county sheriff to permittees or permittors in reasonable
quantities. A permit form shall be completed in triplicate for each
permittor’s property on which a permittee harvests specialized forest
products. A properly completed permit form shall be mailed or
presented for validation to the sheriff of the county in which the
specialized forest products are to be harvested. Before a permit form
is validated by the sheriff, sufficient personal identification may be
required to reasonably identify the person mailing or presenting the
permit form and the sheriff may conduct such other investigations as
deemed necessary to determine the validity of the information alleged
on the form. When the sheriff is reasonably satisfied as to the truth
of such information, the form shall be validated with the sheriff’s
validation stamp provided by the department of natural resources. Upon
validation, the form shall become the specialized forest products
permit authorizing the harvesting, possession and/or transportation of
specialized forest products, subject to any other conditions or
limitations which the permittor may specify. Two copies of the permit
shall be given or mailed to the permittor, or one copy shall be given
or mailed to the permittor and the other copy given or mailed to the
permittee. The original permit shall be retained in the office of the
county sheriff validating the permit. In the event a single land
ownership is situated in two or more counties, a specialized forest
product permit shall be completed as to the land situated in each county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

Sec. 3. RCW 76.48.070 and 1979 ex.s. c 94 s 6 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it shall be unlawful for any person (a) to possess, and/or (b) to transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and not more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.

(2) It shall be unlawful for any person (a) to possess and/or (b) to transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

Passed the House March 7, 1992.
Approved by the Governor April 1, 1992.
Filed in Office of Secretary of State April 1, 1992.