

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5497

57th Legislature
2001 Regular Session

Passed by the Senate March 12, 2001
YEAS 38 NAYS 8

President of the Senate

Passed by the House April 5, 2001
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5497** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5497

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Swecker and Haugen)

READ FIRST TIME 02/20/01.

1 AN ACT Relating to excluding farm and agricultural land from forest
2 land under the forest practices act; 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 1999 sp.s. c 4 s 301 are each amended to
5 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) "Forests and fish report" means the forests and fish report to
6 the board dated April 29, 1999.

7 (13) "Application" means the application required pursuant to RCW
8 76.09.050.

9 (14) "Operator" means any person engaging in forest practices
10 except an employee with wages as his or her sole compensation.

11 (15) "Person" means any individual, partnership, private, public,
12 or municipal corporation, county, the department or other state or
13 local governmental entity, or association of individuals of whatever
14 nature.

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

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

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

23 (19) "Board" means the forest practices board created in RCW
24 76.09.030.

25 (20) "Unconfined avulsing channel migration zone" means the area
26 within which the active channel of an unconfined avulsing stream is
27 prone to move and where the movement would result in a potential near-
28 term loss of riparian forest adjacent to the stream. Sizeable islands
29 with productive timber may exist within the zone.

30 (21) "Unconfined avulsing stream" means generally fifth order or
31 larger waters that experience abrupt shifts in channel location,
32 creating a complex flood plain characterized by extensive gravel bars,
33 disturbance species of vegetation of variable age, numerous side
34 channels, wall-based channels, oxbow lakes, and wetland complexes.
35 Many of these streams have dikes and levees that may temporarily or
36 permanently restrict channel movement.

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