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SENATE BILL 5141

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Owen

Read first time 01/15/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to specialized forest products; and amending RCW  
2 76.48.020, 76.48.060, and 76.48.070.

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

4 **Sec. 1.** RCW 76.48.020 and 1992 c 184 s 1 are each amended to read  
5 as follows:

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

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

11 (2) "Native ornamental trees and shrubs" (~~shall~~) means any trees  
12 or shrubs which are not nursery grown and which have been removed from  
13 the ground with the roots intact.

14 (3) "Cut or picked evergreen foliage," commonly known as brush,  
15 (~~shall~~) means evergreen boughs, huckleberry, salal, fern, Oregon  
16 grape, rhododendron, and other cut or picked evergreen products.

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

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

8 (6) "Processed cedar products" (~~shall~~) means cedar shakes,  
9 shingles, fence posts, hop poles, pickets, stakes, (~~or~~) rails(~~+~~),  
10 or rounds less than one foot in length.

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

15 (8) "Cascara bark" (~~shall~~) means the bark of a Cascara tree.

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

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

22 (11) "Person" (~~shall~~) includes the plural and all corporations,  
23 foreign or domestic, copartnerships, firms, and associations of  
24 persons.

25 (12) "Harvest" (~~shall~~) means to separate, by cutting, prying,  
26 picking, peeling, breaking, pulling, splitting, or otherwise removing,  
27 a specialized forest product (a) from its physical connection (~~with~~)  
28 or contact with the land or vegetation upon which it (~~was or has~~  
29 ~~been~~) is or was growing(~~+~~) or (b) from the position in which it  
30 (~~has been~~) is lying upon (~~such~~) the land.

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

37 (14) "Landowner" means, with regard to (~~any~~) real property, the  
38 private owner (~~thereof~~), the state of Washington or any political  
39 subdivision (~~thereof~~), the federal government, or (~~any~~) a person

1 who by deed, contract, or lease has authority to harvest and sell  
2 forest products of the property. "Landowner" does not include the  
3 purchaser or successful high bidder at ~~((any))~~ a public or private  
4 timber sale.

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

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

14 (17) "Specialized forest products permit" ~~((shall))~~ means a printed  
15 document in a form specified by the department of natural  
16 resources~~(( ))~~ or true copy ~~((thereof ))~~ which is signed by a landowner  
17 or his ~~((duly))~~ or her authorized agent or representative ~~((herein))~~  
18 referred to in this chapter as "permitters"~~(( ))~~ and validated by the  
19 county sheriff~~(( authorizing))~~ and authorizes a designated person  
20 ~~((herein))~~ referred to in this chapter as "permittee"), who ~~((shall))~~  
21 has also ~~((have))~~ signed the permit, to harvest and~~(( or))~~ transport a  
22 designated specialized forest product from land owned or controlled and  
23 specified by the permitter~~(( ))~~ and which is located in the county  
24 where ~~((such))~~ the permit is issued.

25 (18) "Sheriff" means, for the purpose of validating specialized  
26 forest products permits, the county sheriff, deputy sheriff, or an  
27 authorized employee of the sheriff's office.

28 (19) "True copy" means a replica of a validated specialized forest  
29 products permit as reproduced by a copy machine capable of effectively  
30 reproducing the information contained on the permittee's copy of the  
31 specialized forest products permit. A copy is made true by the  
32 permittee or the permittee and permittor signing in the space provided  
33 on the face of the copy. A true copy ~~((will be))~~ is effective until  
34 the expiration date of the specialized forest products permit unless  
35 the permittee or the permittee and permittor specify an earlier date.  
36 A permittor may require the actual signatures of both the permittee and  
37 permittor for execution of a true copy by so indicating in the space  
38 provided on the original copy of the specialized forest products  
39 permit. A permittee~~(( ))~~ or, if so indicated, the permittee and

1 permittor, may condition the use of the true copy to harvesting only,  
2 transportation only, possession only, or any combination (~~thereof~~).

3 (20) "Pacific yew parts" means all parts of the tree known by the  
4 scientific name of taxus brevifolia, including needles, bark, twigs,  
5 roots, and wood.

6 **Sec. 2.** RCW 76.48.060 and 1992 c 184 s 2 are each amended to read  
7 as follows:

8 A specialized forest products permit validated by the county  
9 sheriff shall be obtained by any person prior to harvesting from any  
10 lands, including his or her own, the following:

11 (1) More than five Christmas trees(~~(~~τ~~)~~);

12 (2) More than five native ornamental trees or shrubs(~~(~~τ~~)~~);

13 (3) More than five pounds of cut or picked evergreen foliage(~~(~~τ~~~~  
14 any));

15 (4) Cedar products, cedar salvage, or processed cedar products(~~(~~τ~~~~  
16 or));

17 (5) More than five pounds of Cascara bark(~~(~~τ~~~~or~~)~~);

18 (6) More than three United States gallons of a single species of  
19 wild edible mushroom and (~~(~~not~~)~~) more than an aggregate total of nine  
20 United States gallons of wild edible mushrooms, plus one wild edible  
21 mushroom; or

22 (7) Pacific yew parts.

23 Specialized forest products permit forms shall be provided by the  
24 department of natural resources, and shall be made available through  
25 the office of the county sheriff to permittees or permittors in  
26 reasonable quantities. A permit form shall be completed in triplicate  
27 for each permittor's property on which a permittee harvests specialized  
28 forest products. A properly completed permit form shall be mailed or  
29 presented for validation to the sheriff of the county in which the  
30 specialized forest products are to be harvested. Before a permit form  
31 is validated by the sheriff, sufficient personal identification may be  
32 required to reasonably identify the person mailing or presenting the  
33 permit form and the sheriff may conduct such other investigations as  
34 (~~(~~deemed~~)~~) are necessary to determine the validity of the information  
35 alleged on the form. When the sheriff is reasonably satisfied as to  
36 the truth of (~~(~~such~~)~~) the information, the form shall be validated with  
37 the sheriff's validation stamp provided by the department of natural  
38 resources.

1 Upon validation, the form shall become the specialized forest  
2 products permit authorizing the harvesting, possession, and ~~((/or))~~  
3 transportation of specialized forest products, subject to any other  
4 conditions or limitations which the permittor may specify. Two copies  
5 of the permit shall be given or mailed to the permittor, or one copy  
6 shall be given or mailed to the permittor and the other copy given or  
7 mailed to the permittee. The original permit shall be retained in the  
8 office of the county sheriff validating the permit.

9 In the event a single land ownership is situated in two or more  
10 counties, a specialized forest products permit shall be completed as to  
11 the land situated in each county. While engaged in harvesting of  
12 specialized forest products, permittees, or their agents or employees,  
13 must have readily available at each harvest site a valid permit or true  
14 copy of the permit.

15 **Sec. 3.** RCW 76.48.070 and 1992 c 184 s 3 are each amended to read  
16 as follows:

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

36 ~~((2))~~ It shall be unlawful for any person (a) to possess and/or (b)  
37 to transport within the state of Washington any cedar products or cedar  
38 salvage without having in his or her possession a specialized forest

1 ~~products permit or a true copy thereof evidencing his or her title to~~  
2 ~~or authority to have possession of the materials being so possessed or~~  
3 ~~transported)), any of the materials for which a specialized forest~~  
4 ~~products permit is required under RCW 76.48.060.~~

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