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**SUBSTITUTE HOUSE BILL 2865**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Natural Resources & Parks (originally sponsored by Representatives Sheldon, Belcher, P. Johnson, Jacobsen, Fraser, Nelson, Scott, Winsley, Bowman and Anderson)

Read first time 02/07/92.

1 AN ACT Relating to wild mushrooms; and amending RCW 76.48.020,  
2 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 1979 ex.s. c 94 s 1 are each amended to  
5 read as follows:

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

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

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

1 (3) "Cut or picked evergreen foliage," commonly known as brush,  
2 shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape,  
3 rhododendron, and other cut or picked evergreen products.

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

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

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

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

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

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

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

27 ~~((10))~~ (11) "Person" shall include the plural and all  
28 corporations foreign or domestic, copartnerships, firms, and  
29 associations of persons.

1       (~~(11)~~) (12) "Harvest" shall mean to separate, by cutting, prying,  
2 picking, peeling, breaking, pulling, splitting, or otherwise removing,  
3 a specialized forest product (a) from its physical connection with or  
4 contact with the land or vegetation upon which it was or has been  
5 growing, or (b) from the position in which it has been lying upon such  
6 land.

7       (~~(12)~~) (13) "Transportation" means the physical conveyance of  
8 specialized forest products outside or off of a harvest site, including  
9 but not limited to conveyance by a motorized vehicle designed for use  
10 on improved roadways, or by vessel, barge, raft, or other waterborne  
11 conveyance. "Transportation" also means any conveyance of specialized  
12 forest products by helicopter.

13       (~~(13)~~) (14) "Landowner" means, with regard to any real property,  
14 the private owner thereof, the state of Washington or any political  
15 subdivision thereof, the federal government, or any person who by deed,  
16 contract, or lease has authority to harvest and sell forest products of  
17 the property. "Landowner" does not include the purchaser or successful  
18 high bidder at any public or private timber sale.

19       (~~(14)~~) (15) "Authorization" means a properly completed preprinted  
20 form authorizing the transportation or possession of Christmas trees,  
21 which form contains the information required by RCW 76.48.080, and a  
22 sample of which is filed before the harvesting occurs with the sheriff  
23 of the county in which the harvesting is to occur.

24       (~~(15)~~) (16) "Harvest site" means each location where one or more  
25 persons are engaged in harvesting specialized forest products close  
26 enough to each other that communication can be conducted with an  
27 investigating law enforcement officer in a normal conversational tone.

28       (~~(16)~~) (17) "Specialized forest products permit" shall mean a  
29 printed document in a form specified by the department of natural  
30 resources, or true copy thereof, signed by a landowner or his duly

1 authorized agent or representative (herein referred to as  
2 "permitters"), and validated by the county sheriff, authorizing a  
3 designated person (herein referred to as "permittee"), who shall also  
4 have signed the permit, to harvest and/or transport a designated  
5 specialized forest product from land owned or controlled and specified  
6 by the permittor, located in the county where such permit is issued.

7 ~~((17))~~ (18) "Sheriff" means, for the purpose of validating  
8 specialized forest products permits, the county sheriff, deputy  
9 sheriff, or an authorized employee of the sheriff's office.

10 ~~((18))~~ (19) "True copy" means a replica of a validated  
11 specialized forest products permit as reproduced by a copy machine  
12 capable of effectively reproducing the information contained on the  
13 permittee's copy of the specialized forest products permit. A copy is  
14 made true by the permittee or the permittee and permittor signing in  
15 the space provided on the face of the copy. A true copy will be  
16 effective until the expiration date of the specialized forest products  
17 permit unless the permittee or the permittee and permittor specify an  
18 earlier date. A permittor may require the actual signatures of both  
19 the permittee and permittor for execution of a true copy by so  
20 indicating in the space provided on the original copy of the  
21 specialized forest products permit. A permittee, or, if so indicated,  
22 the permittee and permittor, may condition the use of the true copy to  
23 harvesting only, transportation only, possession only, or any  
24 combination thereof.

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

27 A specialized forest products permit validated by the county  
28 sheriff shall be obtained by any person prior to harvesting from any  
29 lands, including his or her own, more than five Christmas trees, more

1 than five ornamental trees or shrubs, more than five pounds of cut or  
2 picked evergreen foliage, any cedar products, cedar salvage, processed  
3 cedar products, or more than five pounds of Cascara bark, or more than  
4 three United States gallons of a single species of wild edible mushroom  
5 and not more than an aggregate total of nine United States gallons of  
6 wild edible mushrooms, plus one wild edible mushroom. Specialized  
7 forest products permit forms shall be provided by the department of  
8 natural resources, and shall be made available through the office of  
9 the county sheriff to permittees or permittors in reasonable  
10 quantities. A permit form shall be completed in triplicate for each  
11 permittor's property on which a permittee harvests specialized forest  
12 products. A properly completed permit form shall be mailed or  
13 presented for validation to the sheriff of the county in which the  
14 specialized forest products are to be harvested. Before a permit form  
15 is validated by the sheriff, sufficient personal identification may be  
16 required to reasonably identify the person mailing or presenting the  
17 permit form and the sheriff may conduct such other investigations as  
18 deemed necessary to determine the validity of the information alleged  
19 on the form. When the sheriff is reasonably satisfied as to the truth  
20 of such information, the form shall be validated with the sheriff's  
21 validation stamp provided by the department of natural resources. Upon  
22 validation, the form shall become the specialized forest products  
23 permit authorizing the harvesting, possession and/or transportation of  
24 specialized forest products, subject to any other conditions or  
25 limitations which the permittor may specify. Two copies of the permit  
26 shall be given or mailed to the permittor, or one copy shall be given  
27 or mailed to the permittor and the other copy given or mailed to the  
28 permittee. The original permit shall be retained in the office of the  
29 county sheriff validating the permit. In the event a single land  
30 ownership is situated in two or more counties, a specialized forest

1 product permit shall be completed as to the land situated in each  
2 county. While engaged in harvesting of specialized forest products,  
3 permittees, or their agents or employees, must have readily available  
4 at each harvest site a valid permit or true copy of the permit.

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

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

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