

## CHAPTER 233

[Engrossed Senate Bill No. 42]

FOREST PROTECTION--  
BURNING RESTRICTIONS

AN ACT Relating to forest protection; amending section 8, chapter 125, Laws of 1911 as last amended by section 1, chapter 82, Laws of 1965, and RCW 76.04.150; and amending section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 142, Laws of 1955, and RCW 76.04.170.

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

Section 1. Section 8, chapter 125, Laws of 1911, as last amended by section 1, chapter 82, Laws of 1965, and RCW 76.04.150 are each amended to read as follows:

Except in certain areas designated by the ((supervisor)) department of natural resources, or as permitted under rules and regulations promulgated by the department of natural resources, no one shall burn any inflammable material within any county in this state in which there is a warden or ranger during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or ((between)) during the period beginning the fifteenth day of April and ending on the fifteenth day of October in eastern Washington, unless a different date for such beginning and ending is fixed by order of the ((supervisor)) department of natural resources, after a finding that such different dates are necessary for the protection of life and property, or air quality standards, without first obtaining permission in writing from the ((supervisor)) department of natural resources, any authorized employee thereof, or a warden, or ranger, and afterwards complying with the terms of said permit. However, if such fire is contained in a suitable device sufficient, in the opinion of the ((supervisor)) department of natural resources to prevent the fire from spreading, and such device complies with air pollution requirements as provided under chapter 70.94 RCW, said written permission will not be necessary under this 1971 amendatory act.

The ((supervisor, any of his assistants,)) department of natural resources or authorized employees thereof, or any warden or ranger, may refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property. They may also refuse, suspend, or revoke a permit authorized under this section when necessary in their judgment to prevent air pollution as provided for in chapter 70.94 RCW.

A person violating this section shall, upon conviction, be fined not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the county jail not exceeding thirty days. Permission for burning shall be given only upon compliance with such rules and regulations as the ((supervisor)) department of natural resources shall prescribe, which shall be only such as the ((supervisor)) department of natural resources deems necessary for the protection of life or property, and air quality.

Sec. 2. Section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 142, Laws of 1955, and RCW 76.04.170 are each amended to read as follows:

Anyone desiring to dispose of the refuse or waste forest material on or from forest lands, to reduce the potential danger of loss of life or property by burning during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or ((between)) during the period beginning the fifteenth day of April and ending on the fifteenth day of October in eastern Washington, unless different dates for such beginning and ending are fixed by order of the ((supervisor of forestry)) department of natural resources after a finding that such different dates are necessary for the protection of life and property, or air quality, may make application to the ((supervisor)) department of natural resources, authorized employees thereof, or to any warden or ranger, for a permit so to do. The application shall state the location and extent of the area sought to be burned over, and by whom the burning is to be done. Upon receipt of an application the ((supervisor)) department of natural resources may inspect, or cause to be inspected the area described in the application and if satisfied that all requirements relating to fire fighting equipment, the work to be done or precautions to be taken before commencing such burning, have been complied with and that no unreasonable danger will result, and that the burning will be done at a time and in a manner so as to minimize reduction in air quality, the department of natural resources shall issue a permit.

The ((supervisor)) department of natural resources, authorized employees thereof, warden, or ranger may impose reasonable conditions in such permits for the protection of life ((and)), property, or air quality, and may suspend or revoke such permits when conditions warrant. A permit shall be effective only under the conditions and for the period stated therein. Compliance with the terms of the permit shall create a presumption of due care with respect to the starting and control of such fire.

Passed the Senate May 4, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 234

[Engrossed Senate Bill No. 314]

MULTIPLE USE OF STATE-OWNED LANDS--

MANAGEMENT OF WATERSHED AREAS--

LAND USE DATA BANK

AN ACT Relating to lands; creating new sections; amending section 32, chapter 255, Laws of 1927 and RCW 79.01.128; amending section 1, chapter 20, Laws of 1963 and RCW 79.44.003; repealing section 1, chapter 175, Laws of 1933, section 1, chapter 159, Laws of 1949, section 1, chapter 301, Laws of 1955 and RCW 79.56.010; and repealing section 1, chapter 73, Laws of 1939 and RCW 79.56.020.

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

NEW SECTION. Section 1. The legislature hereby directs that a multiple use concept be utilized by the department of natural resources in the management and administration of state-owned lands under the jurisdiction of the department where such a concept is in the best interests of the state and the general welfare of the citizens thereof, and is consistent with the applicable trust provisions of the various lands involved.

NEW SECTION. Sec. 2. "Multiple Use" as used in this 1971 amendatory act shall mean the management and administration of state-owned lands under the jurisdiction of the department of natural resources to provide for several uses simultaneously on a single tract and/or planned rotation of one or more uses on and between specific portions of the total ownership consistent with the provisions of section 1 of this 1971 amendatory act.

NEW SECTION. Sec. 3. "Sustained Yield Plans" as used in this 1971 amendatory act shall mean management of the forest to provide harvesting on a continuing basis without major prolonged curtailment or cessation of harvest.

NEW SECTION. Sec. 4. The department of natural resources shall manage the state-owned lands under its jurisdiction which are primarily valuable for the purpose of growing forest crops on a sustained yield basis insofar as compatible with other statutory directives. To this end, the department shall periodically adjust the acreages designated for inclusion in the sustained yield management program.