

CHAPTER 115.

[S. B. 86.]

FOREST PRACTICES.

AN ACT relating to forest practices and amending section 3, chapter 193, Laws of 1945 as last amended by section 2, chapter 218, Laws of 1947 and RCW 76.08.030; and amending section 8, chapter 193, Laws of 1945 as last amended by section 3, chapter 44, Laws of 1953 and RCW 76.08.080, and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 3, chapter 193, Laws of 1945 as last amended by section 2, chapter 218, Laws of 1947 and RCW 76.08.030 are each amended to read as follows: Amendment.

Any bona fide owner or operator of land in the state supporting a merchantable stand of timber to be cut during the current calendar year must first obtain a written permit from the supervisor. Logging permits; required.

To obtain such a permit, the owner or operator must make written application to the supervisor submitting a map showing the area to be logged, legal description, and acreage. If the application is made by the operator, the supervisor may require as a condition precedent to the issuance of a permit either that the operator secure from the owner and file with the supervisor an agreement that the owner will be jointly responsible with the operator for carrying out the requirements of this chapter, or that the operator furnish a bond or other security satisfactory to the supervisor to insure satisfactory compliance with this chapter. Application.

Each application shall be signed by the owner or operator, and shall set forth the provisions of this chapter as to the responsibility of the owner or operator, and shall further state that the owner or operator is familiar with its provisions and agrees to abide thereby. All permits shall expire at the end of each calendar year but shall be renewable for Expiration and renewal.

another year upon written application of the owner, if there has been no violation of this chapter.

Penalty.

Any person operating without a permit as provided for herein shall be guilty of a misdemeanor, and each day of operation shall constitute a separate offense.

Amendment.

SEC. 2. Section 8, chapter 193, Laws of 1945 as last amended by section 3, chapter 44, Laws of 1953 and RCW 76.08.080 are each amended to read as follows:

Enforcement of chapter; inspections.

The supervisor may employ a sufficient number of technically trained foresters as inspectors to enable him to maintain an inspection service deemed adequate to secure compliance with the provisions of this chapter. In the event that an owner or operator fails, refuses or neglects to comply with the provisions of this chapter, the supervisor may order the particular operation in which the violation occurs discontinued until the owner or operator gives satisfactory assurance that he will resume operations in compliance with the provisions of this chapter and furnishes cash deposit or bond in lieu thereof as fixed by the supervisor, on the basis of not to exceed sixteen dollars per acre for that portion of the area which through his failure to carry out the provisions of this chapter does not have sufficient source of seed to adequately restock the area. Such order may be enforced by injunction proceedings. The cash deposit or bond shall be furnished to insure that the owner or operator will artificially restock the area for which the money was collected, within five years. If at the end of the five years the owner or operator has not artificially restocked the area, or the area has not become adequately restocked, the cash deposit shall be forfeited, or if the owner or operator has posted bond in lieu of making cash deposit he shall within thirty days after notification in writing by the supervisor furnish the amount of

Suspension of operations of violators.

Deposit or bond.

Injunctions.

Forfeiture of deposit or bond.

money for which he posted bond. The supervisor shall place this money in a special deposit fund of the state treasury to be used for artificially restocking the land on which the deposit was made. The supervisor shall artificially restock the area within two years after the deposit was forfeited, using the money in the special deposit fund collected from the owner for that purpose. In the event that the full amount of money forfeited for any specified area is not required by the supervisor to restock the area, the unexpended balance shall be returned to the depositor. Until compliance is so assured, the supervisor shall also have power to prevent any new operation or operations in this state by the delinquent operator. If a violation occurs resulting from failure to provide adequate seed sources as provided in this chapter and a bond or cash deposit has not been furnished by the owner or operator and the area or any part thereof is not adequately restocked five years after cutting, then one year after written notice to the owner and operator to their last known address, and if such owner or operator has not adequately restocked the area, then it shall be restocked by the supervisor, however, the supervisor shall not expend more than sixteen dollars per acre in restocking such areas. Expenses reasonably incurred by the supervisor in restocking the area may be recovered by the supervisor from the owner and/or operator and they shall constitute a lien upon the land restocked, which lien may be enforced in the same manner and with the same effect as a mechanics' lien.

Special deposit fund.

Restocking.

Passed the Senate January 31, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.