

Instruction seven million dollars (\$7,000,000) for apportionment to counties as provided in this act.

Passed the Senate March 9, 1947.

Passed the House March 9, 1947.

Approved by the Governor March 19, 1947.

CHAPTER 218.

[S. B. 174.]

FORESTRY—HARVESTING OF PRODUCTS.

AN Act relating to forestry; prescribing practices to be observed in the harvesting of forest products; amending chapter 193 of the Laws of 1945 (Remington's 1945 Supplement 5823-10 to 5823-18; PPC 1945, 574h-1 to 574h-19); and prescribing a penalty.

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

SECTION 1. Section 2 of chapter 193, Laws of 1945 (Rem. 1945 Supp. 5823-11, PPC 1945, 574h-3) is hereby amended to read as follows:

Section 2. When used in this act:

Definitions.
"Forester."

1. The term "Forester" shall mean the State Supervisor of Forestry.

"Owner."

2. The term "owner" shall mean the owner of any forest land.

"Adequate restocking."

3. The term "adequate restocking" shall mean a stand of not less than three hundred (300) established live seedlings per acre of which at least one hundred (100) shall be well distributed, or not less than three hundred (300) surviving trees per acre which were established by artificial means.

"Merchantable stand of timber."

4. The term "merchantable stand of timber" shall mean any stand of timber consisting of not less than three thousand (3,000) board feet per acre of currently merchantable live timber as measured by the Scribner Decimal C log rule or three hundred (300) cubic feet as measured by the Sorensen log rule.

5. The term "operator" shall mean any person, firm or corporation which engages in logging of timber for commercial purposes from any land within the State of Washington. "Operator."

SEC. 2. Section 3 of chapter 193, Laws of 1945 (Rem. 1945 Supp. 5823-12, PPC 1945, 574h-5) is hereby amended to read as follows:

Section 3. Any bona fide owner or operator of land in the State of Washington, supporting a merchantable stand of timber, to be cut during the current calendar year must first obtain a written permit from the Forester. Permit from Forester.

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

Each application shall be signed by the owner or operator, and shall set forth the provisions of this act 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 another year upon written application of the owner: *Provided*, That there has been no violation of this act. How signed. Expiration of permit. Renewal.

SEC. 3. Section 4 of chapter 193, Laws of 1945 (Rem. 1945 Supp. 5823-13, PPC 1945, 574h-7) is hereby amended to read as follows:

Reserves and restocking to be provided.

Section 4. It shall be the duty of every permittee to provide that during the process of logging adequate precautions shall be taken to leave reserve trees of commercial species deemed adequate under normal conditions to maintain continuous forest growth, or provide adequate restocking to insure future forest production. In the conduct of logging operations and prior to and during slash disposal as required by chapter 58, Laws of 1939, proper precautions shall be taken and every reasonable effort made by the operator to protect residual stands and trees left uncut as a source of seed supply, from destruction by fire or unnecessary damage resulting from logging operations.

Protection of seed supply.

SEC. 4. Section 5 of chapter 193, Laws of 1945, (Rem. 1945 Supp. 5823-14, PPC 1945, 574h-9) is hereby amended to read as follows:

Deemed compliance for eastern Washington.

Section 5. The provisions of this act shall be deemed to have been complied with in the area east of the summit of the Cascade Mountains within the State of Washington if at time of issuance of a certificate of clearance by the Forester in accordance with chapter 140, Laws of 1941, there shall have been reserved and left uncut all immature Ponderosa pine trees sixteen (16) inches or less in diameter breast high outside the bark. Where compliance with the above provisions of this section would not leave at least four (4) Ponderosa pine seed trees per acre at least twelve (12) inches in diameter breast high outside the bark and well distributed over the area cut, there shall be left additional seed trees of commercial species predominant in the stand, including but not limited to Ponderosa pine, sixteen (16) inches in diameter or larger breast high outside the bark in a quantity sufficient to aggregate four (4) thrifty seed trees per acre well distributed over the area cut.

On areas of second growth and prior cut timber, where poles, piling, mine timbers or other special products are being harvested or where stand improvement cutting is practiced, not over one-half ($\frac{1}{2}$) the trees between twelve (12) inches and eighteen (18) inches diameter breast high outside the bark shall be cut in any ten-year period beginning on the date of initial cutting, and the remaining trees shall be evenly distributed over the area. In stands which are predominantly lodgepole pine, there shall be reserved and left uncut five per cent (5%) of each forty-acre subdivision well stocked with trees of seed bearing size.

SEC. 5. Section 6 of chapter 193 of the Laws of 1945 (Rem. 1945 Supp. 5823-15, PPC 1945, 574h-11) is hereby amended to read as follows:

Section 6. The provisions of this act shall be deemed to have been complied with in the area west of the summit of the Cascade Mountains, if at time of issuance of a certificate of clearance by the Forester in accordance with chapter 140, Laws of 1941, there shall have been reserved and left uncut not less than five per cent (5%) of each quarter section (160 acres) or lesser subdivision well stocked with commercial coniferous trees not less than sixteen (16) inches in diameter breast high outside the bark until such time as the area is adequately stocked by natural means. The foregoing may be accomplished by leaving marginal long corners of timber between logged areas, or strips of timber across valleys, or along ridges and natural fire breaks, or leaving staggered settings and uncut settings.

Deemed
compliance
for western
Washington.

SEC. 6. Section 8 of chapter 193, Laws of 1945 (Rem. 1945 Supp. 5823-17; PPC 1945, 574h-15) is hereby amended to read as follows:

Section 8. The Forester shall have the power to 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 act. In the event that an owner or operator shall fail, refuse or neglect to comply with the provisions of this act, the Forester shall be empowered to order the particular operation in which the violation occurs discontinued until the owner or operator has given satisfactory assurance that he will resume operations in compliance with the provisions of this act and furnish cash deposit or bond in lieu thereof as set by the Forester but not to exceed eight dollars (\$8) per acre for that portion of the area which through his failure to carry out the provisions of this act does not have sufficient source of seed to adequately restock the area. Such order may be enforced by injunction proceedings. Such 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 (5) years. In the event that at the end of said five (5) years the owner or operator has not artificially restocked the area, or this 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 (30) days after notification in writing by the Forester furnish the amount of money for which he has posted bond. The Forester shall place this money in a special deposit fund of the State Treasury for artificially restocking the land on which the deposit was withheld. The Forester shall artificially restock the area within two (2) years after said deposit has been 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 Forester to restock the area, the unexpended balance shall be returned to the depositor.

Inspection
by Forester.Order to
discontinue.Cash deposit
or bond.Injunction
proceedings.Restocking
area.Forfeiture
of cash
deposit.Restocking
by Forester.

Until compliance is so assured, the Forester shall also have power to prevent any new operation or operations in this state by the delinquent operator. Any person violating the provisions of this act by operating without a permit shall be guilty of a misdemeanor, and each day of operation shall constitute a separate offense. Violations.

Passed the Senate March 12, 1947.

Passed the House March 5, 1947.

Approved by the Governor March 19, 1947.

CHAPTER 219.

[S. S. B. 214.]

APPROPRIATIONS—HIGHWAYS.

AN ACT relating to public highways; making appropriations therefor from the Motor Vehicle and Highway Equipment Funds; declaring an emergency and that this act shall take effect April 1, 1947.

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

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director Highways for the biennium ending March 31, 1949, the sum of twenty-five thousand dollars (\$25,000), to be expended for non-reimbursable items on Federal Aid cooperative projects, including access road projects and Federal Aid projects on the routes of streets or highways not forming parts of the state highway system. Non-reimbursable
Federal-Aid projects.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1949, the sum of fifty-four thousand dollars (\$54,000) for the maintenance and improvement of State Historical Road State Historical Road No. 1.