

CHAPTER 44.

[H. B. 33.]

FOREST PRACTICES.

AN ACT relating to forest practices and amending sections 76-.08.010, 76.08.060, 76.08.080 and 76.08.090, RCW, as derived from chapter 193, Laws of 1945, as amended.

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

SECTION 1. Section 76.08.010, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows: Amendment.

As used in this chapter:

Definitions.

The term "supervisor" means the supervisor of forestry; "Supervisor."

The term "department" means the department of conservation and development; "Department."

The term "owner" means the owner of any forest land; "Owner."

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

The term "merchantable stand of timber" means any stand of timber consisting of not less than three thousand board feet per acre of currently merchantable live timber as measured by the Scribner Decimal C log rule, or three hundred cubic feet as measured by the Sorenson log rule, or four standard cords; "Merchantable stand of timber."

The term "operator" means any person who engages in logging of timber for commercial purposes from any land within the state. "Operator."

SEC. 2. Section 76.08.060, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows: Amendment

Compliance
requirements
west of the
Cascade
mountains.

The provisions of this chapter 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 supervisor there have been reserved and left uncut not less than five percent of each quarter section, or lesser subdivision, well stocked with commercial coniferous trees not less than sixteen inches in diameter breast high outside the bark until such time as the area is adequately stocked by natural means. On areas that support stands where the average tree is less than sixteen inches in diameter the designated seed area left uncut shall be not less than five percent of each quarter section or lesser subdivision and shall be left untouched unless the entire subdivision is being cut on the basis of thinning for stand improvement. 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 by leaving staggered settings and uncut settings.

Amendment.

SEC. 3. Section 76.08.080, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows:

Enforcement.

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

Same; dis-
continuance
of operations.

Same;
cash deposit
or bond.

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 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. Any person violating the provisions of this chapter by operating without a permit shall be guilty of a misdemeanor, and each day of operation shall constitute a separate offense.

Same;
injunction.Non-
compliance;
cash deposit
forfeited.Same; bond
payment.Special
deposit fund.

Restocking.

Delinquent
operators;
new
operations
prevented.

Penalty.

SEC. 4. Section 76.08.090, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows:

Amendment.

The provisions of this chapter shall not be applicable where, upon application to the supervisor, he has issued a permit for the removal of trees from

Operations
exempted
by permit.

Purposes
permits
issued for.

lands best suited for purposes other than the growing of forest crops. Such permits shall be issued where removal is sought for any of the following purposes:

(1) To benefit the general health and increase the annual growth of residual stands of timber or for the purpose of removing dying or diseased trees.

(2) To clear the land upon which the trees are situated for bona fide mining, business, or residential purposes.

(3) To clear rights-of-way, landings, camp sites, or fire breaks.

(4) To clear lands when classified as best suited for agricultural purposes on the basis of the best soils and land use information available.

Appeals.

(a) In the event of refusal by the supervisor of a request for an agricultural permit the owner or operator may appeal to the State Forest Board for a review of the request.

(b) If an agricultural permit is granted on forest land by the State Forest Board, the supervisor may cause an inspection to be made at the end of five years after cutting. If no attempt has been made to place the area in agricultural use and it has not restocked with commercial coniferous species it shall be replanted by the Division of Forestry or owner.

Inspection.

Replanting.

Lien.

If planted by the Division of Forestry, the costs of planting shall not exceed the amount specified in RCW 76.08.080 and shall constitute a lien in favor of the state of Washington upon the land therefor which lien shall be perfected and enforced in the same manner and with the same effect as a mechanics lien.

Passed the House February 14, 1953.

Passed the Senate February 23, 1953.

Approved by the Governor March 3, 1953.