RCW 76.09.070 Reclamation—Requirements—Procedures—
Notification on sale or transfer. (1) After the completion of a
logging operation, satisfactory reclamation, as defined by the rules
and regulations promulgated by the board, shall be completed within
three years. However:
(a) A longer period may be authorized if seed or seedlings are
not available;
(b) A period of up to five years may be allowed where a natural
regeneration plan is approved by the department; and
(c) The department may identify low-productivity lands on which
it may allow for a period of up to ten years for natural regeneration.
(2)(a) Upon the completion of a reclamation operation a report
on such operation shall be filed with the department of natural
resources.
(b) Within twelve months of receipt of such a report the
department shall inspect the reclamation operation, and shall
determine either that the reclamation operation has been properly
completed or that further reclamation and inspection is necessary.
(3) Satisfactory reclamation is the obligation of the owner of
the land as defined by forest practices regulations, except the owner
of perpetual rights to cut timber owned separately from the land is
responsible for satisfactory reclamation. The reclamation
obligation shall become the obligation of a new owner if the land or
perpetual timber rights are sold or otherwise transferred.
(4)(a) Prior to the sale or transfer of land or perpetual timber
rights subject to a reclamation obligation or to a notice of
conversion to a nonforestry use issued under RCW 76.09.060, the seller
shall notify the buyer of the existence and nature of the obligation
and the buyer shall sign a notice indicating the buyer's knowledge of
all obligations.
(b) The notice shall be on a form prepared by the department and
shall be sent to the department by the seller at the time of sale or
transfer of the land or perpetual timber rights.
(c) If the seller fails to notify the buyer about the
reclamation obligation or the notice of conversion to a nonforestry
use, the seller shall pay the buyer's costs related to reclamation
or mitigation under RCW 76.09.470, including all legal costs which
include reasonable attorneys' fees, incurred by the buyer in enforcing
the reclamation obligation or mitigation requirements against the
seller.
(d) Failure by the seller to send the required notice to the
department at the time of sale shall be prima facie evidence, in an
action by the buyer against the seller for costs related to
reclamation or mitigation, that the seller did not notify the buyer
of the reclamation obligation or potential mitigation requirements
prior to sale.
(5) The forest practices regulations may provide alternatives to
or limitations on the applicability of reclamation requirements with
respect to forestlands being converted in whole or in part to another
use which is compatible with timber growing. The forest practices
regulations may identify classifications and/or areas of forestland
that have the likelihood of future conversion to urban development
within a ten year period. The reclamation requirements may be
modified or eliminated on such lands. However, such identification
and/or such conversion to urban development must be consistent with
any local or regional land use plans or ordinances. [2007 c 106 § 4;
Effective date—1982 c 173: "This act shall take effect July 1, 1982." [1982 c 173 § 2.]