

RCW 76.48.021 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Artistic cedar product" means a product made from the wood of a cedar tree, including western red cedar, that is not included in the definition of "cedar products" and has been carved, turned, or otherwise manipulated to more than an insignificant degree with the objective intent to be an artistic expression and that would be or is recognized by the applicable local market as having an economic value greater than the value of the raw materials used. Examples of artistic cedar products include, but are not limited to:

- (a) Chainsaw carvings;
- (b) Hand carvings;
- (c) Decorative bowls and boxes.

(2) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees prepared consistent with RCW 76.48.041.

(3) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product prepared consistent with RCW 76.48.041.

(4) "Cascara bark" means the bark of a Cascara tree.

(5) (a) "Cedar products" means the following if made from the wood of a cedar tree, including western red cedar:

- (i) Shake and shingle bolts;
- (ii) Fence posts and fence rails;
- (iii) Logs not covered by a valid approved forest practices application or notification under chapter 76.09 RCW; and
- (iv) Other pieces measuring fifteen inches or longer.

(b) "Cedar products" does not include those materials identified in the definition of "processed cedar products" or "artistic cedar products."

(6) "Christmas trees" means any evergreen trees including fir, pine, spruce, cedar, and other coniferous species commonly known as Christmas trees. The definition of Christmas trees includes trees with or without the roots intact and the tops of the trees. The definition of Christmas trees does not include trees without limbs or branches.

(7) "Cut or picked evergreen foliage" means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not include cones, berries, any foliage that does not remain green year-round, seeds, or any plant listed on the state noxious weed list under RCW 17.10.080.

(8) "Department" means the department of natural resources.

(9) "First specialized forest products buyer" means the first person that receives any specialized forest products after they leave the harvest site.

(10) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product. "Harvest" includes both removing a specialized forest product from its original physical connection with the land and collecting a specialized forest product that has been previously separated from the land.

(11) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(12) "Huckleberry" means the following species of edible berries, if they are not nursery grown: Big huckleberry (*Vaccinium membranaceum*), Cascade blueberry (*Vaccinium deliciosum*), evergreen huckleberry (*Vaccinium ovatum*), red huckleberry (*Vaccinium parvifolium*), globe huckleberry (*Vaccinium globulare*), oval-leaf huckleberry (*Vaccinium ovalifolium*), Alaska huckleberry (*Vaccinium alaskaense*), dwarf huckleberry (*Vaccinium caespitosum*), western huckleberry (*Vaccinium occidentale*), bog blueberry (*Vaccinium uliginosum*), dwarf bilberry (*Vaccinium myrtillus*), and grouse whortleberry (*Vaccinium scoparium*).

(13) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed, contract, or lease has authority to harvest and sell the specialized forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.

(14) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(15) "Permittee" means a person who is authorized by a permit issued consistent with this chapter to harvest, possess, and transport specialized forest products or to sell huckleberries.

(16) "Permittor" means the landowner of the land from where specialized forest products were, or are planned to be, harvested under a permit issued consistent with this chapter.

(17) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(18) "Processed cedar products" means products made from the wood of a cedar tree, including western red cedar, that have undergone more than an insignificant degree of value-added processing and are not included in the definition of "cedar products." Examples of processed cedar products include, but are not limited to:

- (a) Shakes;
- (b) Shingles;
- (c) Hop poles;
- (d) Pickets; and
- (e) Stakes.

(19) "Sales invoice" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product prepared consistent with RCW 76.48.041.

(20) "Secondary specialized forest products buyer" means any person who receives any specialized forest products after the transaction with the first specialized forest products buyer.

(21) "Specialized forest products" means the following:

- (a) Specialty wood;
- (b) More than five Christmas trees;
- (c) More than five native ornamental trees and shrubs;
- (d) More than twenty pounds of cut or picked evergreen foliage;
- (e) More than five pounds of Cascara bark; and
- (f) More than five United States gallons of wild edible mushrooms.

(22) "Specialized forest products permit" or "permit" means a printed document and all attachments completed in compliance with the requirements of this chapter and includes both validated permits and verifiable permits.

(23) "Specialty wood" means:

- (a) A cedar product; or
 - (b) Englemann spruce, Sitka spruce, big leaf maple, or western red alder that:
 - (i) Is in logs, chunks, slabs, stumps, or burls;
 - (ii) Is capable of being cut into a segment that is without knots in a portion of the surface area at least nineteen inches long and seven and a [one-] quarter inches wide when measured from the outer surface toward the center;
 - (iii) Measures:
 - (A) Nineteen inches or longer;
 - (B) Greater than one and three-quarter inches thick; and
 - (C) Seven and one-quarter inches or greater in width; and
 - (iv) Is being harvested or transported from areas not associated with the concurrent logging of timber stands:
 - (A) Under a forest practices application approval or notification received by the department under chapter 76.09 RCW; or
 - (B) Under a contract or permit issued by an agency of the United States government.
- (24) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood for later sale in the same or modified form following removal and delivery from the land where harvested.
- (25) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.
- (26) "True copy" means a replica of a specialized forest products permit reproduced as provided in RCW 76.48.051.
- (27) "Validated permit" means a permit that is validated as required under this chapter prior to the harvest, transportation, or possession of specialized forest products.
- (28) "Verifiable permit" means a permit that contains the required information allowing a law enforcement officer to verify the validity of the information contained on the permit but that does not require validation prior to the harvest, transportation, or possession of specialized forest products.
- (29) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by domestic means. [2009 c 245 § 3; 2008 c 191 § 9; 2007 c 392 § 3; 2005 c 401 § 1; 2000 c 11 § 18; 1995 c 366 § 1; 1992 c 184 § 1; 1979 ex.s. c 94 § 1; 1977 ex.s. c 147 § 1; 1967 ex.s. c 47 § 3. Formerly RCW 76.48.020.]

Finding—Intent—2009 c 245: See note following RCW 76.48.011.

Severability—1995 c 366: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 366 § 19.]