

HOUSE BILL REPORT

HB 1040

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to specialized forest products.

Brief Description: Concerning specialized forest products.

Sponsors: Representative B. Sullivan.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/13/07, 2/21/07 [DPS].

Brief Summary of Substitute Bill

- Requires a person to obtain a specialized forest product permit prior to harvesting, possessing, or transporting more than three gallons of huckleberries.
- Prohibits the use of a rake, mechanical device, or other harvesting method that damages a huckleberry bush.
- Requires any huckleberries seized by law enforcement on the ceded land of a recognized Indian tribe to be turned over to that tribe for ceremonial, educational, or religious uses.
- Exempts products possessed by individuals with a federally-recognized tribal right from the definition of "specialized forest products".

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Dickerson, Eickmeyer, Grant, Kagi, Lantz, McCoy and VanDeWege.

Minority Report: Do not pass. Signed by 6 members: Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey, Newhouse, Orcutt and Strow.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jason Callahan (786-7117).

Background:

A specialized forest product (SFP) is, generally, an item found in the forest with a value other than that found with traditional timber. The term SFP is defined to include native shrubs, cedar products, cedar salvage, processed cedar products, specialty wood, edible mushrooms, and certain barks.

A SFP permit, or a true copy of the permit, is required in order to possess or transport the following:

- cedar product or cedar salvage;
- specialty wood;
- more than five Christmas trees or native ornamental trees or shrubs;
- more than five pounds of picked foliage and Cascara bark; and
- more than five gallons of a single mushroom species.

The SFP permit must be obtained prior to harvesting or collecting the products, even from one's own land, and is available only from county sheriffs, on forms provided by the Department of Natural Resources. The permit must be validated by a sheriff.

Violations of the law on SFPs are punishable as a gross misdemeanor, and a convicted individual may face a fine up to \$1,000 and/or up to one year in a county jail. In addition, a law enforcement officer with probable cause may seize and take possession of any SFPs found.

Summary of Substitute Bill:

A SFP permit is required to harvest, possess, or transport more than three gallons of huckleberries. In addition, it is unlawful to use a rake, mechanical device, or other harvesting method that damages a huckleberry bush. A violation of these requirements is a violation of the SFP permit law.

Any huckleberries seized by law enforcement for the suspected violation of the SFP requirements on the ceded land of a recognized Indian tribe must be turned over to that tribe for ceremonial, educational, or religious uses.

Products possessed by individuals with a federally-recognized tribal right to possess the product are exempted from the definition of "specialized forest products."

Substitute Bill Compared to Original Bill:

The original bill did not contain the provision that exempts products possessed by individuals with a federally-recognized tribal right from the definition of "specialized forest products."

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Tribal elders rely on an annual harvest of huckleberries for cultural practices; however, the growing huckleberry picking industry is threatening their ability to harvest a sufficient amount of huckleberries. Huckleberries used to be a subsistence food, but now the economic value is high and they have become a commercial industry. Not only do the commercial pickers take berries in an unsustainable amount, they use mechanical rakes that permanently damage the wild growing bushes and destroy a food source that is important for keeping a healthy game population. The industry is interfering with tribal practices.

The three gallon limit will bring the state law to the same level as current requirements on federal land. The underlying law on SFPs is not being changed. The bill is only adding huckleberries to the list of SFPs that require a permit so that the state can protect its resources for future generations.

(With concerns) There are 29 tribes with overlapping usual and accustomed gathering areas. The impact of these jurisdictions needs to be made clear in the bill.

(Opposed) None.

Persons Testifying: (In support) Representative B. Sullivan, prime sponsor; Dawn Vyvyan, Yakama Nation; and Miguel Perez-Gibson, Colville Tribes.

(With concerns) Lee Adolph, Colville Tribes.

Persons Signed In To Testify But Not Testifying: None.