

SENATE BILL REPORT

SB 6232

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, January 28, 2008

Title: An act relating to the sale of wild huckleberries.

Brief Description: Requiring a specialized forest products permit to sell raw or unprocessed huckleberries.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/23/08, 1/28/08 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Hargrove and Spanel.

Staff: Sherry McNamara (786-7402)

Background: Chapter 76.48 RCW sets out a series of requirements for the harvest, possession, transport, and purchase of specialized forest products. Specialized forest products are non-timber commodities harvested from the forest and include:

- Christmas trees, ornamental trees, and shrubs;
- certain wood products, including cedar;
- more than five pounds of cut or picked evergreen foliage;
- more than five pounds of Cascara bark; or
- more than five pounds of a single species of wild edible mushroom.

A person must obtain a specialized forest products permit (permit), validated by the county sheriff, prior to harvesting covered products. Subsequent to harvest, a person may not possess or transport such products without either a permit, a written authorization, a sales invoice, or a bill of lading evidencing the person's authority to possess or transport the materials.

A violation of the specialized forest product statutes is generally punishable by no more than one year in the county jail or a fine of not more than 1,000 dollars or both. Falsifying a specialized forest products permit or document is a class C felony.

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.

Last session, the Legislature prohibited the use of a rake or other mechanical device for the harvest of huckleberries.

In addition, the Legislature required the Department of Natural Resources (DNR) to review the uses of the state's huckleberry resources including an analysis of the demand, whether current use levels are sustainable, and whether the various use of the resource are compatible.

The DNR was required to report findings and recommendations to the Legislature as to whether there should be a state permitting requirement for the huckleberry harvest, whether huckleberries should be considered a specialized forest product and what conditions should be placed on huckleberry harvests.

Summary of Bill (Recommended Substitute): A person must first obtain a specialized forest products permit before they can sell, or attempt to sell, any amount of raw or unprocessed huckleberries. A person may obtain the permit from the DNR or the sheriff of any county in the state. The permit must be validated by a sheriff.

Additional required information is added to the permit relating to where the huckleberries were, or plan to be, harvested, the approximate amount of huckleberries that will be offered for sale, and a statement informing the possessor that permission from the landowner is required prior to the harvesting of huckleberries.

Buyers who purchase huckleberries are required to record specific information such as the permit number, the permit holder's name and vehicle license number. Records of buyers of huckleberries may be made available to colleges and universities for the purpose of research.

A law enforcement officer may seize and take possession of any huckleberries and, in some cases, equipment, vehicles, tools, and paperwork, upon making an arrest for violation of a specialized forest products statute. Upon disposition of a case, the court must attempt to return the huckleberries, or the proceeds of their sale, to the rightful owner.

Changes the definition for "specialized forest products permit" to include to "sell raw or unprocessed huckleberries."

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): The specialized forest permit must include a statement designed to inform the possessor that permission from "the" landowner is required, instead of "a" landowner, prior to harvesting huckleberries.

Appropriation: None.

Fiscal Note: Requested on January 8, 2008.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Commercial harvesters of huckleberries are picking the berries when they are green before they ripen. When the Yakama people go to gather the berries for the Huckleberry Feast, the berries are gone. During the past five years this situation has gotten worse. The huckleberry fields have

declined from 3,000 acres to 800 acres. There are camps of commercial pickers waiting on the federal Forest Service lands to begin harvesting before the berries are ready. The United States Forest Services begins issuing permits starting August 15. The recreational pickers are not affected by this bill. Addressing the sale of huckleberries rather than the harvesting of the berries has merit and is a good starting point for dealing with this issue. There is a need to provide multi-lingual educational materials to the pickers and the buyers of huckleberries. Huckleberries have become a very important and desirable commodity; they are used in syrups, jellies, jams, shampoos, soaps, etc.

Persons Testifying: PRO: Representative Orcutt; Ruth Jim, Dawn Vyvyan, David Powell, Yakama Nation; Miguel Perez-Gibson, Confederate Tribes of Colville; Bonnie Bunning, DNR.