

# HOUSE BILL REPORT

## HB 1360

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**As Reported by House Committee On:**  
Natural Resources, Ecology & Parks

**Title:** An act relating to the management of ancestral trees by the department of natural resources.

**Brief Description:** Protecting ancestral trees.

**Sponsors:** Representatives Hunt, Chase, Upthegrove, Dunshee, Dickerson, Hasegawa, McDermott, B. Sullivan, Appleton, Williams, Morrell, Murray, Simpson, Linville, Roberts, Ormsby, McCoy and Kagi.

**Brief History:**

**Committee Activity:**

Natural Resources, Ecology & Parks: 2/1/05, 2/24/05 [DPS].

**Brief Summary of Substitute Bill**

- Prohibits the Department of Natural Resources from offering for sale or harvesting most trees located on public lands in western Washington that satisfies the definition of "ancestral trees".

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### HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Blake, Dickerson, Eickmeyer, Hunt and Williams.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; DeBolt and Orcutt.

**Staff:** Jason Callahan (786-7117).

**Background:**

The state is the trustee of nearly three million acres of upland properties. Roughly two-thirds of these properties are forested, with the majority of the other parcels managed for agriculture or commercial development. The Legislature has vested specific authority for the Department of Natural Resources (Department) to sell timber and other valuable resources from these state lands. The Department sells a variety of resources from state lands, including timber, stone, gravel, and geoducks. The Department sells timber from state forest lands by putting tracts of timber up for bid. The Department establishes an appraised value for the timber, and this

value becomes the minimum bid for the timber sale. The successful bidder who is awarded the contract generally has three years to harvest the timber from the sale.

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**Summary of Substitute Bill:**

The Department is prohibited from offering for sale or harvesting most trees that satisfy the definition of "ancestral trees." Ancestral trees are defined as conifer trees that are located in a stand of trees greater than 20 acres, if that stand meets certain requirements for height and width of standing trees, snags, and downed logs. To be considered ancestral, a tree must also be 160 years old or older and not have been purposefully planted as part of a reforestation effort.

Ancestral trees located on public lands west of the crest of the Cascade Mountains may be harvested by the Department only when the Board of Natural Resources makes a formal finding that their sale or harvest is necessary to preserve the health and safety of other ancestral trees, to protect public safety, or to enhance overall forest health.

**Substitute Bill Compared to Original Bill:**

The original bill was not limited to western Washington, defined ancestral trees as trees that are 150 years old, and did not provide for harvest to protect public safety.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (In support of original bill) The Pacific Northwest was once blanketed with forests, but now up to 90 percent of the original cover is gone. The Northwest ecosystem is unique on the globe, and is important to the quality of life of the citizens of the state and as an important lure for tourists.

Old trees have many benefits that cannot be reproduced in younger stands. These benefits include resistance to disease, providing a forum for research and education, protecting watersheds, sustaining wildlife populations, offering medicinal discoveries, filtering the air and binding carbon emissions, and being resistant to fire. These values outweigh the value of the trees as harvested timber. Simply keeping old trees is the least expensive way to have a healthy forest.

Ancestral trees are just as historic as old buildings that we protect. Ancestral trees are worthy of protection in both eastern and western Washington. They provide viewers with a spiritual experience that we have a moral obligation to protect. The Department's harvest plans provides no protection for ancestral trees, and they have shown a willingness to harvest in old growth stands.

(With concerns to original bill) Depending on how the bill is interpreted, there could be a high cost to the state due to the inability to generate revenue for the trust beneficiaries, including counties that are dependant on the revenue. Final cost would depend on whether the bill's definition of ancestral trees is the same as the Department's Habitat Conservation Plan's definition of old growth trees.

**Testimony Against:** (Opposed to original bill) The Department is already taking steps to protect old growth timber through its Habitat Conservation Plan and sustainable yield harvest calculation. Old growth acres in Washington are actually increasing because of these and other measures.

The definition on ancestral trees should be consistent with the definition generated by a group of scientists funded in the 2004 Capital Budget to define old growth timber. For over 100 years nobody has agreed on a definition of old growth timber because the idea is undefinable. The bill would have the unintended consequences of discouraging land managers to let the trees on state land get old and provide a structured habitat.

The Department may need some flexibility to maneuver within the bills constraints so that it can address forest health, public access, and safety concerns.

**Persons Testifying:** (In support of original bill) Representative Hunt, prime sponsor; Becky Kelley, Washington Environmental Council; Kevin Geraghty, North Cascades Conservation Council; Bill Robinson, The Nature Conservancy; David Whipple, Department of Fish and Wildlife; Janet Strong; Jim Mulligan, Earth Ministry; Ruth Mulligan, Committee for the Environment Diocese of Olympia; Heath Packard, Audubon; and Lisa McShane, Northwest Ecosystem Alliance.

(With concerns to original bill) Bruce Mackey, Department of Natural Resources.

(Opposed to original bill) Bob Dick, American Forestry Resource Council.

**Persons Signed In To Testify But Not Testifying:** None.