

HOUSE BILL REPORT

HB 2749

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

Title: An act relating to specialized forest products.

Brief Description: Concerning specialized forest products.

Sponsors: Representatives B. Sullivan, McCoy, Upthegrove, Chase, P. Sullivan, Appleton, Eickmeyer, Newhouse, Miloscia, Dunshee, Conway and Buck.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 1/27/06, 2/2/06 [DPS].

Brief Summary of Substitute Bill

- Requires a specialized forests products permit to harvest over three gallons of huckleberries.
- Prohibits the harvest of huckleberries using a rake or any other method which may damage the bush.
- Provides that seized huckleberries shall be offered to an Indian tribe at no cost if the berries came from the tribe's ceded land.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Blake, Chandler, Dickerson, Eickmeyer, Hunt and Kagi.

Minority Report: Do not pass. Signed by 2 members: Representatives Kretz, Assistant Ranking Minority Member and Orcutt.

Staff: Amy Van Horn (786-7168).

Background:

A specialized forest products permit is required to harvest certain materials from state forests, such as more than five native ornamental trees or Christmas trees, or over five gallons of edible mushrooms. The permit is granted by the county's sheriff's office and must be signed

by the owner of the property where the harvest will occur. The permit-holder must have the permit in possession while harvesting and transporting the authorized product.

Violations constitute a gross misdemeanor and are punishable by up to a \$1,000 fine, up to a year in jail, or both.

Summary of Substitute Bill:

Specialized Forest Products Permit

A specialized forest products permit is required in order to harvest over three gallons of huckleberries within Washington. Nursery-grown huckleberries are exempt.

Bush-Damaging Equipment Prohibited

When harvesting huckleberries in any amount, harvesters may not use rakes, mechanical devices, or any other methods which damage huckleberry bushes.

Seized Huckleberries

Seized huckleberries must be offered to an Indian tribe if the huckleberries were taken from the tribe's ceded areas, instead of offering them to the owner of the land from which they were harvested. The berries will be offered to the tribe at no charge for ceremonial, educational, or religious uses.

Substitute Bill Compared to Original Bill:

The substitute bill adds the prohibition on using rakes or other bush-damaging harvest methods on huckleberries. The original bill exempted members of Indian tribes exercising their reserved treaty rights from the specialized forest products law. The original bill provided that any specialized forest products seized from an Indian tribe's ceded land must be turned over to the tribe at no cost; the substitute bill narrows that provision to apply only to seized huckleberries. The substitute bill also removes a provision adding "other botanical products" as a new category of specialized forest products.

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) Huckleberries are sacred to the Yakama Indian tribe, and are used in a coming-of-age ceremony for women. Girls and their mothers preparing for this ceremony have a hard time finding enough berries now, and commercial

pickers intimidate the women. Huckleberries bring increasing amounts of money on the market, and commercial pickers use rakes to pick them, which strip the bushes of leaves.

The U.S. Forest Service requires a permit in Gifford Pinchot National Forest for picking three gallons of huckleberries, and the permit prohibits using rakes. It will be much easier to enforce the federal permit if the state requires a similar one. The U.S. Forest Service is trying to protect huckleberry plants, and this bill will help them do it.

Testimony Against: None.

Persons Testifying: (In support of original bill) Representative B. Sullivan, prime sponsor; Dawn Vyvyan, Hollyanna Pinkham, and David Powell, Yakama Nation; Karl Denison, United States Forest Service; and Robert Jackson.

Persons Signed In To Testify But Not Testifying: None.