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HOUSE JOINT MEMORIAL 4005

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Hargrove, Cairnes, Pelesky, Goldsmith, Buck, Johnson, Clements, Carrell, McMahan, Campbell, Koster, Padden, Huff, Backlund, Reams, Pennington, Stevens, Fuhrman, Silver, Crouse, Casada, Thompson and Sherstad

Read first time 01/13/95. Referred to Committee on Natural Resources.

1 TO THE HONORABLE BILL CLINTON, PRESIDENT OF THE UNITED STATES, AND  
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of  
6 the State of Washington, in legislative session assembled, respectfully  
7 represent and petition as follows:

8 WHEREAS, The United States government negotiated a number of  
9 treaties, known as "the Stevens Treaties," with several different  
10 Indian tribes in Washington in the mid-1850's; and

11 WHEREAS, Interpretations of these treaties in federal court  
12 decisions, most notably a 1974 decision by federal district judge  
13 Boldt, have resulted in exceptional fishing privileges for tribal  
14 members in areas well beyond the boundaries of tribally owned lands;  
15 and

16 WHEREAS, The most recent decision from a federal district court  
17 extends these exceptional privileges to the harvesting of shellfish,  
18 even going so far as to allow trespass onto private lands to collect  
19 shellfish; and

20 WHEREAS, These court interpretations have resulted in a significant  
21 impact on Washington's economy and threaten to erode private property

1 rights to tidelands, water rights, and other privately held natural  
2 resources; and

3 WHEREAS, In 1984, the citizens of the state of Washington declared  
4 that, while fully respecting private property rights, all resources in  
5 the state's domain shall be managed by the state alone such that  
6 conservation, enhancement, and proper utilization are the primary  
7 considerations, and that no citizen shall be denied constitutionally  
8 protected private property rights;

9 NOW, THEREFORE, Your Memorialists respectfully beseech that the  
10 United States government renegotiate the terms of the Stevens Treaties  
11 to provide citizens opportunities in common to all residents of the  
12 state of Washington without special privileges to select groups, to  
13 provide protection for private property rights, to allow for tribal  
14 management of only those lands owned by the tribes and the natural  
15 resources found thereon, and to provide for management of the state's  
16 fish, wildlife, and natural resources by the state as called for by the  
17 people of the state.

18 BE IT RESOLVED, That copies of this Memorial be immediately  
19 transmitted to the Honorable Bill Clinton, President of the United  
20 States, the President of the United States Senate, the Speaker of the  
21 House of Representatives, and each member of Congress from the State of  
22 Washington.

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