

# HOUSE BILL REPORT

## HB 2497

---

---

### As Reported By House Committee On:

Natural Resources

**Title:** An act relating to maintaining and rebuilding elk populations in Washington.

**Brief Description:** Providing a report to the legislature concerning the rebuilding of the state's elk population.

**Sponsors:** Representatives Alexander, Clements, DeBolt, Regala, Pennington, Anderson and Hatfield.

### Brief History:

#### Committee Activity:

Natural Resources: 1/23/98, 1/28/98 [DPS].

---

## HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Eickmeyer; Hatfield and Pennington.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Chandler.

**Staff:** Linda Byers (786-7129).

**Background:** Elk populations in Washington state are impacted by a number of different factors, including habitat changes, weather conditions, hunting pressure, and poaching. Some elk herds are experiencing population declines. Hunting pressure on elk comes from both non-tribal and tribal hunters. Non-tribal hunting is regulated by the Department of Fish and Wildlife. Individual tribes establish hunting regulations for members of their tribes. The degree to which a state agency such as the department may regulate tribal hunters has been debated in courtrooms for decades. A recent state court of appeals decision addressed the subject of tribal hunting on open and unclaimed lands,— a term used in many of the treaties signed with tribes in Washington. The court found that, although fishing is reserved only on usual and accustomed grounds and stations,— tribal hunting rights extend anywhere in the territory that is open and unclaimed.

**Summary of Substitute Bill:** The Legislature finds that certain elk populations in the state are at risk and that various factors have contributed to tensions between tribal and non-tribal elk hunters and between elk hunters and residents of areas where elk are hunted. The Legislature also finds that tribal and non-tribal hunters share a common interest in working to maintain and rebuild elk populations so that there will continue to be elk hunting opportunities and that a combination of policies and discussions to cultivate this common interest could yield ways to reduce the tensions and maintain and rebuild the elk populations.

The Department of Fish and Wildlife is assigned a number of tasks, including establishing more accurate elk population estimates, determining elk mortality from all sources, delineating changes in historic elk ranges, designing hunting rules and enforcement strategies that honor tribal hunting rights and recognize mutual benefits for tribal and non-tribal hunters of preserving and enhancing elk populations, identifying avenues for citizens who live near hunting areas to express their concerns and report incidents, and identifying all elk research and enhancement efforts underway in the state. The department is also to estimate the resources needed to implement these various measures and to identify possible funding sources. In accomplishing these various tasks, the department is to place primary emphasis on the Packwood, Olympic Peninsula, Nooksack, and North Rainier elk herds.

The department is directed to invite federally-recognized tribes with hunting rights to participate in a series of discussions on the state's elk populations and elk management issues. The department is also directed to provide opportunities for non-tribal elk hunters, residents who live near areas where hunting takes place, and other interested parties to express their concerns and contribute their suggestions.

The department must provide a status report to the Legislature on its efforts by December 1, 1998.

**Substitute Bill Compared to Original Bill:** The substitute bill recognizes federally-recognized tribes created by executive order and directs the department in accomplishing its tasks to place primary emphasis on the Packwood, Olympic Peninsula, Nooksack, and North Rainier elk herds.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 1998.

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

**Testimony For:** This bill follows up on last year's bill on poaching. The goal here is to conserve the elk populations. In order to do this, there has to be accurate information. This will allow tribal and non-tribal hunters to work together on conservation. Many elk are being taken illegally; this will help reduce illegal harvest. We need scientific information to guide elk management. We also need information that is sound enough to hold up in court. The bill sets the right tone for cooperation between the department and the tribes. The task list is right on the mark. There is a way for the department to engage the public so that the public can help solve problems. Tribal and non-tribal hunters have to come together on this. We don't want elk populations to get where things are with salmon. Some of this will cost money, but it is an investment that should be made. If regulations are developed cooperatively, both tribal and non-tribal hunters may agree to abide by them. The group could consider the idea of establishing elk refuges restricted from all hunting. The department could consider the status of existing agreements with tribes. While tribal communities have the same spectrum of views as the non-tribal community, we welcome this attitude of working together.

**Testimony Against:** There are concerns about the connections between ungulate populations and livestock operations. There should be a distinction between indigenous and non-indigenous elk populations. Landowners have concerns about elk populations exceeding the capacity of the habitat to support them. In the current version of the bill, tribes established by executive order are excluded. Management means more than tribes and the department working together; it also includes things like forest practices and creation of more impervious surfaces.

**Testified:** Representative Gary Alexander, prime sponsor; Representative Clements; Wayne Marion, Rocky Mountain Elk Foundation; Pat Miller, Washington Association of Professional Biologists; Dave Brittell, Department of Fish and Wildlife; Dick Gates, Citizens for Washington Wildlife; Ray Crisp, Washington State Archery; James Walls, citizen; Rob Kavanaugh, citizen; B.J. Thorniley, Washingtonians for Wildlife Conservation; Diane Nelson, Colville Tribes; Gerry Rowland, Modern Firearm Hunters of Washington; Randy Scott, Quinalt Indian Nation; (all in favor); and Karla Kay Fullerton, Washington Cattlemen's Association (with concerns).