
SUBSTITUTE HOUSE BILL 2497

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, McCoy, Cairnes, Hunt, Rockefeller, Jarrett, Pettigrew, Edwards, Ericksen, Upthegrove, Moeller, Chase, Morrell and Santos)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to providing notification of natural resource-
2 related actions; adding a new section to chapter 43.17 RCW; adding a
3 new section to chapter 43.30 RCW; adding a new section to chapter
4 43.300 RCW; adding a new section to chapter 43.23 RCW; adding a new
5 section to chapter 43.21A RCW; adding a new section to chapter 47.01
6 RCW; adding a new section to chapter 43.20 RCW; adding a new section to
7 chapter 43.70 RCW; adding a new section to chapter 76.09 RCW; adding a
8 new section to chapter 89.08 RCW; and creating a new section.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** The legislature finds that open and
11 transparent government-to-government communication with the federally
12 recognized Indian tribes located within the borders of Washington
13 should be encouraged. The legislature further finds that there are
14 multiple state agencies that manage, regulate, and administer the
15 state's natural resources. Therefore, those agencies that are
16 responsible for the state's natural resources should foster government-
17 to-government communications with Indian tribes when natural resources
18 are significantly affected by the actions of an agency.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.17 RCW
2 to read as follows:

3 (1) Timely notification of any significant natural resource-related
4 action undertaken by any state entity listed in subsection (2) of this
5 section must be provided to the legislative authority of any federally
6 recognized Indian tribe when the agency determines that the action
7 affects, or could affect, a particular Indian tribe or tribes.

8 (2) This section applies only to the following state entities:

9 (a) The board of natural resources and the department of natural
10 resources;

11 (b) The forest practices board;

12 (c) The department of fish and wildlife and the fish and wildlife
13 commission;

14 (d) The department of agriculture;

15 (e) The department of ecology;

16 (f) The state conservation commission;

17 (g) The department of transportation; and

18 (h) The state board of health and the department of health.

19 (3) As used in this section, the term "natural resource-related
20 action" includes any agency rule, policy statement, order,
21 administrative decision, or execution of statutory functions that is
22 determined by the agency to significantly affect, or relate to, the
23 state's water, mineral, forest, fisheries, or wildlife resources.

24 (4) An agency may satisfy the requirements of this section by
25 providing electronic notification, or another method of notification
26 found by the agency to be most cost-effective, to the legislative
27 authority of a federally recognized Indian tribe that the agency
28 determines would be affected by a natural resource-related action.

29 (5) Nothing in this section affects or replaces any other
30 notification requirement contained in state law.

31 (6) No action may be invalidated based on the failure of an agency
32 to provide notification to an Indian tribe under this section.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30 RCW
34 to read as follows:

35 Any rule, policy statement, order, administrative decision, or
36 execution of statutory functions performed by the department or board

1 must comply with the tribal notification requirements of section 2 of
2 this act.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.300 RCW
4 to read as follows:

5 Any rule, policy statement, order, administrative decision, or
6 execution of statutory functions performed by the department or
7 commission must comply with the tribal notification requirements of
8 section 2 of this act.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.23 RCW
10 to read as follows:

11 Any rule, policy statement, order, administrative decision, or
12 execution of statutory functions performed by the department must
13 comply with the tribal notification requirements of section 2 of this
14 act.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21A RCW
16 to read as follows:

17 Any rule, policy statement, order, administrative decision, or
18 execution of statutory functions performed by the department must
19 comply with the tribal notification requirements of section 2 of this
20 act.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.01 RCW
22 to read as follows:

23 Any rule, policy statement, order, administrative decision, or
24 execution of statutory functions performed by the department must
25 comply with the tribal notification requirements of section 2 of this
26 act.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.20 RCW
28 to read as follows:

29 Any rule, policy statement, order, administrative decision, or
30 execution of statutory functions performed by the state board must
31 comply with the tribal notification requirements of section 2 of this
32 act.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.70 RCW
2 to read as follows:

3 Any rule, policy statement, order, administrative decision, or
4 execution of statutory functions performed by the department must
5 comply with the tribal notification requirements of section 2 of this
6 act.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 76.09 RCW
8 to read as follows:

9 Any rule, policy statement, order, administrative decision, or
10 execution of statutory functions performed by the board must comply
11 with the tribal notification requirements of section 2 of this act.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 89.08 RCW
13 to read as follows:

14 Any rule, policy statement, order, administrative decision, or
15 execution of statutory functions performed by the commission must
16 comply with the tribal notification requirements of section 2 of this
17 act.

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