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**Community Development, Housing &  
Tribal Affairs Committee**

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**HB 2555**

**Brief Description:** Providing the director of the department of fish and wildlife the authority to issue permits to the Wanapum Indians for other freshwater food fish for ceremonial and subsistence purposes.

**Sponsors:** Representatives Dent, Blake, Buys, Orwall and Morris.

**Brief Summary of Bill**

- Allows the Department of Fish and Wildlife to issue freshwater food fish permits to the Wanapum for non-commercial ceremonial and substantive purposes.

**Hearing Date:** 1/16/18

**Staff:** Sean Flynn (786-7124).

**Background:**

*State-Tribal Fishing Management.* The state Department of Fish and Wildlife (DFW) operates under a legislative mandate to preserve, protect, perpetuate, and manage the state's fish and wildlife populations. Such responsibilities include regulating the time, place, and manner of fishing and hunting activities, and requiring licenses for recreational and commercial purposes.

The authority to regulate fishing and shellfish activities does not apply directly to certain tribal fishing activities. Federal law recognizes that treaties created in the 1850s between the United States and Indian tribes in the Washington territory reserved certain rights for the tribes, including the right to manage and harvest fish and shellfish. Based on such treaty rights, federal courts have required the state and the treaty tribes to implement a co-management plan for tribal and state fisheries and coordinate the protection and harvest of fish and shellfish resources. The co-management plan provides for sharing information regarding state and tribal fishery activities.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

*Federal Recognition of Tribes.* Federal recognition of a tribe creates a formal relationship between the federal government and the tribe which acknowledges a tribe's right to self-government and provides a limitation on state interference with tribal authority. Federal recognition is based on a treaty, executive order, or other formal action. There are 29 federally recognized tribes in Washington. Twenty-one of those tribes have recognized rights under the Stevens treaties. There are other Native American groups in the state that do not have a formally recognized relationship with the federal government.

The Wampum Band of Indians (Wanapum) is not a federally recognized tribe and does not have recognized tribal treaty fishing rights. The Wampum historically inhabited a fishing village along the Columbia River known as Priest Rapids, presently located in Grant County, until that location as flooded with construction of the Priest Rapids hydroelectric dam in the 1950s. The Wanapum currently live near the dam, where they continue traditional practices and maintain a cultural heritage center. In 1983, the legislature authorized the Department of Fish and Wildlife to issue non-commercial Salmon fishing permits to members of the Wanapum for ceremonial and substantive purposes.

**Summary of Bill:**

The Department of Fish and Wildlife may issue permits to the Wanapum for freshwater food fish, in addition to Salmon, for non-commercial ceremonial and substantive purposes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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