

HOUSE BILL REPORT

HB 2555

As Reported by House Committee On:
Community Development, Housing & Tribal Affairs

Title: An act relating to 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.

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 History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/16/18, 1/18/18 [DP].

Brief Summary of Bill

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

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin, Reeves and Sawyer.

Staff: Sean Flynn (786-7124).

Background:

State-Tribal Fishing Management. The state Department of Fish and Wildlife operates under a legislative mandate to preserve, protect, perpetuate, and manage the state's fish and wildlife

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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.

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 treaty rights. There are other Native American groups in the state that do not have a formally recognized relationship with the federal government.

The Wanapum Band of Indians (Wanapum) is not a federally recognized tribe and does not have recognized tribal treaty fishing rights. The Wanapum historically inhabited a fishing village along the Columbia River known as Priest Rapids, presently located in Grant County, until that location 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 noncommercial 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 noncommercial 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.

Staff Summary of Public Testimony:

(In support) The Wanapum have had a long relationship with the state and the Grant County Public Utility District. The Wanapum has had a recognized right to fish dating back to 1939. The agreement in this bill continues a long tradition.

Fishing has a deep and continued cultural significance for the Wanapum. It is important for the Wanapum to fish on their ancestral lands, which they never left or were relocated from, and where they continue to live at Priest Rapids. The connection with the land includes a relationship with its resources that is passed along to younger generations.

This agreement applies to sturgeon fishing, which is critical resource for the Wanapum. The Department of Fish and Wildlife maintain discretion to regulate time, place, manner of fishing activities, and these permits will not be taken out for tribal treaty fishing rights allocation, so there is no impact on treaty rights. A coalition of tribal and local authorities confer and use predictive modeling to determine catch rates, so the permitting will not outpace the population.

(Opposed) None.

Persons Testifying: Representative Dent, prime sponsor; Al Aldrich, Grant County Public Utilities District; Rex Buck Jr, Wanapum Band Indians; Tom Keefe, Kauffman and Associates; Tom Dresser, Grant County Public Utilities District; and Kelly Cunningham, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.