

SENATE BILL REPORT

ESHB 1097

As of March 28, 2017

Title: An act relating to tribal consultation regarding hunting rights and activities.

Brief Description: Concerning tribal consultation regarding hunting rights and activities.

Sponsors: House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Hansen, Fitzgibbon, Stanford, Jinkins, Frame, Gregerson, Santos, Tarleton and Pollet).

Brief History: Passed House: 3/07/17, 64-33.

Committee Activity: Natural Resources & Parks: 3/21/17.

Brief Summary of Bill

- Directs the Governor and Fish and Wildlife Commission to meet with a requesting federally recognized tribe to consult on hunting issues.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: Role of the Department of Fish and Wildlife (DFW). DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

Fish and Wildlife Commission Policy on Tribal Hunting Coordination. In 1998, the Fish and Wildlife Commission (Commission) adopted guidance to guide DFW in managing hunting in cooperation with tribes. In the policy, the Commission states that it acknowledges and respects the sovereign status of Washington's federally recognized tribes, and that existing law and overlapping jurisdiction and roles create a co-management relationship. This guidance includes directing DFW to:

- work cooperatively with tribal representatives in an effort to resolve issues through direct communication and negotiation; and
- engage tribal representatives in its decision making processes relating to wildlife management issues that affect tribal hunting.

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.

Summary of Bill: A federally recognized tribe may request a consultation with the Governor and Commission on any DFW policy, rule, or action that affects tribal hunting activities. The Governor must convene a meeting within 30 days of receiving a request.

The Commission must attend the meeting, or may delegate this duty to the DFW Director if agreed to by the requesting tribe. These meetings are not subject to the requirements of the Open Public Meetings Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill will provide for consultation with the Governor, if needed, in order to elevate the discussion of hunting issues and provide true government-to-government communication.

OTHER: While there are no concerns about the underlying bill, there are alternatives to a total exemption for exempting a meeting involving the Commission from the Public Records Act.

Persons Testifying: PRO: Dan Sandstrom, Puyallup Tribe.

OTHER: Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: No one.