

# **HOUSE BILL ANALYSIS**

## **HB 1609**

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

**Brief Description:** Attempting to rebuild the elk population in the state.

**Sponsors:** Representatives Alexander, Regala, Clements, DeBolt, Doumit, Pennington, Eickmeyer, Grant, Mielke, Boldt, Conway and Dickerson.

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### **HOUSE COMMITTEE ON NATURAL RESOURCES**

**Meeting Date:** February 10, 1999

**Bill Analysis Prepared by:** Josh Weiss, Counsel (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 Washington 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. This decision has been appealed to the Washington Supreme Court, where a decision is pending.

**Summary of Bill:** Requires the Washington Department of Fish and Wildlife to take several actions relating to restoring elk herds. These actions include:

- Establishing accurate elk herd population estimates, especially those in areas in which conservation restrictions have been imposed in the past.
- Determining annual elk mortality rates, including those taken by all hunters and poachers.
- Delineating changes in historic elk ranges, anticipated habitat changes, and projected future impacts to herd health.
- Designing hunting rules and enforcement strategies that both honor tribal hunting privileges and recognize the benefit to tribal and non-tribal hunters in preserving and enhancing elk populations.

- Identifying avenues for interested volunteers to collect biological data, and assist in preventing poaching and apprehending poachers.
- Identifying ways for those living near hunting areas to express their concerns and report the taking of elk.
- Identifying existing federal, state, local, tribal and private elk research and enhancement efforts.
- Identifying opportunities for possible cooperative efforts to maintain and rebuild elk populations.
- Initiating other efforts necessary to gain a better understanding of elk hunting and of state elk populations.

In all of these actions, the department is required to give emphasize to the Packwood, Olympic Peninsula, Nooksack, North Rainier, and Blue Mountain elk herds. However, the Colockum, Yakima, and Willapa Hills elk herds must also receive increased attention in order to prevent foreseeable declines.

The department is required to invite federally recognized Indian tribes to participate in discussions regarding elk populations and management. The department is further required to work with tribal representatives to identify strategies which honor tribal hunting privileges while maintaining and rebuilding elk populations. The format of these discussions must provide opportunities for non-tribal hunters, residents living near hunting areas, and other interested parties to contribute.

The department is required to report to the Legislature on its progress in taking these actions by December 1, 2000.

***Appropriation:*** Requested on February 4, 1999.

***Fiscal Note:*** An appropriation is made, but the dollar amount is left blank.

***Effective Date:*** The measure takes effect ninety days after adjournment of the session in which it is passed. However, the bill is null and void if not funded in the budget.

***Rulemaking Authority:*** Washington Department of Fish and Wildlife.