
HOUSE BILL 2497

State of Washington

58th Legislature

2004 Regular Session

By Representatives Linville, McCoy, Cairnes, Hunt, Rockefeller, Jarrett, Pettigrew, Edwards, Ericksen, Upthegrove, Moeller, Chase, Morrell and Santos

Read first time 01/15/2004. Referred to Committee on Agriculture & Natural Resources.

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; and
8 adding a new section to chapter 89.08 RCW.

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

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

12 (1) Notification of any significant natural resource-related action
13 undertaken by any state entity listed in subsection (2) of this section
14 must be provided to the legislative authority of any federally
15 recognized Indian tribe that is, or could be, affected by the action.

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

17 (a) The board of natural resources and the department of natural
18 resources;

19 (b) The forest practices board;

1 (c) The department of fish and wildlife and the fish and wildlife
2 commission;

3 (d) The department of agriculture;

4 (e) The department of ecology;

5 (f) The state conservation commission;

6 (g) The department of transportation; and

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

8 (3) As used in this section, the term "natural resource-related
9 action" includes any agency rule, policy statement, order,
10 administrative decision, or execution of statutory functions that
11 significantly affects, or is related to, the state's water, mineral,
12 forest, fisheries, or wildlife resources.

13 (4)(a) The state entities listed in subsection (2) of this section
14 must individually, or collectively, adopt an administrative rule under
15 chapter 34.05 RCW that details how this section is administered. The
16 rule, or rules, must include at a minimum:

17 (i) A mechanism for determining which federally recognized Indian
18 tribes are affected by a particular agency action;

19 (ii) A mechanism for determining which agency actions significantly
20 affect, or relate to, a resource detailed in subsection (3) of this
21 section; and

22 (iii) The manner in which the affected tribes will be notified.

23 (b) In adopting rules under this section, the affected agencies are
24 expected to invite the involvement of the appropriate tribal interests
25 in order to determine, at a minimum, how notification may be provided
26 in the most economical and time efficient manner, how the agencies
27 determine which actions are important enough to the tribes to justify
28 notification, and which actions will be viewed as unimportant or
29 administrative by the tribes.

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

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30 RCW
33 to read as follows:

34 Any rule, policy statement, order, administrative decision, or
35 execution of statutory functions performed by the department or board
36 must comply with the tribal notification requirements of section 1 of
37 this act.

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

3 Any rule, policy statement, order, administrative decision, or
4 execution of statutory functions performed by the department or
5 commission must comply with the tribal notification requirements of
6 section 1 of this act.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.23 RCW
8 to read as follows:

9 Any rule, policy statement, order, administrative decision, or
10 execution of statutory functions performed by the department must
11 comply with the tribal notification requirements of section 1 of this
12 act.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A RCW
14 to read as follows:

15 Any rule, policy statement, order, administrative decision, or
16 execution of statutory functions performed by the department must
17 comply with the tribal notification requirements of section 1 of this
18 act.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.01 RCW
20 to read as follows:

21 Any rule, policy statement, order, administrative decision, or
22 execution of statutory functions performed by the department must
23 comply with the tribal notification requirements of section 1 of this
24 act.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.20 RCW
26 to read as follows:

27 Any rule, policy statement, order, administrative decision, or
28 execution of statutory functions performed by the state board must
29 comply with the tribal notification requirements of section 1 of this
30 act.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.70 RCW
32 to read as follows:

33 Any rule, policy statement, order, administrative decision, or

1 execution of statutory functions performed by the department must
2 comply with the tribal notification requirements of section 1 of this
3 act.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 76.09 RCW
5 to read as follows:

6 Any rule, policy statement, order, administrative decision, or
7 execution of statutory functions performed by the board must comply
8 with the tribal notification requirements of section 1 of this act.

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 89.08 RCW
10 to read as follows:

11 Any rule, policy statement, order, administrative decision, or
12 execution of statutory functions performed by the commission must
13 comply with the tribal notification requirements of section 1 of this
14 act.

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