

SENATE BILL REPORT

SB 5157

**AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,
MARCH 6, 1991**

Brief Description: Limiting the wildlife and fisheries agencies' power to grant Indian fishing and hunting rights outside the reservation.

SPONSORS: Senators Barr, Hansen and Rasmussen.

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Staff: Vic Moon (786-7469)

Hearing Dates: February 15, 1991; March 6, 1991

BACKGROUND:

The Department of Wildlife has negotiated off-reservation hunting rights for several Indian tribes in Eastern Washington. Those tribes are not members of the treaty tribes in Western Washington. Tribal members having off-reservation hunting or fishing rights is subject to debate.

SUMMARY:

Unless the Wildlife Commission first determines that under federal law, a nontreaty tribe or its members have reservation hunting or fishing rights off the reservation, the Department of Wildlife may not grant any special hunting or fishing privileges or rights outside the reservation.

The determination of the right shall be made in writing and shall contain a legal basis for the determination if the commission determines that right exists.

Special hunting or fishing privileges, or rights outside the reservation, are defined as privileges or rights generally limited to the tribe or its members which are not available to all other hunters and fishers.

EFFECT OF PROPOSED SUBSTITUTE:

The requirement that the Wildlife Commission make a determination concerning tribal off-reservation hunting or fishing rights for tribal members will include all tribes. No agreement between the department and a tribe will be effective

until the agreement is approved by the commission after the commission holds public hearings.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The commission needs to review the actions of the Department of Wildlife and decisions need to be made in public.

TESTIMONY AGAINST:

The bill is not necessary since the commission already looks at agreements with the tribes.

TESTIFIED: James Brummett (pro); Ray Nelson (pro); Representative Steve Furman (pro); Pam Madson, Department of Wildlife (con)