
**Agriculture & Natural Resources
Committee**

HB 2497

Brief Description: Notifying tribes of significant natural resource-related action by certain state entities.

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

Brief Summary of Bill

- Certain state agencies are required to provide notification to any affected federally-recognized Indian tribe of a significant natural resources-related agency action.

Hearing Date: 1/28/04

Staff: Jason Callahan (786-7117).

Background:

Numerous state agencies have regulatory, management, or proprietary jurisdiction over portions of the state's natural resources. Documentation of many decisions made by these agencies are generally available to the public through the open records laws, and notification of rulemaking is required in the Administrative Procedures Act. Special notification is not generally required to be given to Indian tribes under state statutory law; however, judicial decisions have required the state, through its agencies, to cooperate with identified Indian tribes in the management of certain natural resources.

According to the Governor's Office of Indian Affairs, there are 29 federally-recognized Indian tribes located within the borders of Washington.

Summary of Bill:

The Department of Natural Resources, the Board of Natural Resources, the Forest Practices Board, The Department of Fish and Wildlife, the Fish and Wildlife Commission, the Department of Agriculture, the Department of Ecology, the State Conservation Commission, the Department of Transportation, the State Board of Health, and the Department of Health are all required to provide notification to any affected federally-recognized Indian tribes of any significant agency action that relates to natural resources.

The agencies are required to provide notification of any rule, policy statement, order, administrative decision, or execution of statutory function that significantly affects the state's water, mineral, forest, fisheries, or wildlife resources. The processes for determining which agency actions are significant, which Indian tribes will be notified for which agency actions, and how the notification will be delivered must be developed by the agencies either individually or collectively through rule.

The Legislature expects that the agencies will invite tribal participation in the rulemaking process to determine the most economic and timely notification methods, which actions the tribes feel are significant enough to justify notification, and which actions would be viewed as unimportant by the tribes.

Appropriation: None.

Fiscal Note: Requested on 1/20/04.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.