

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Wednesday, March 02, 2011 12:25 PM
To: Merrill, Hannah
Subject: Fw: Indian Tribes Role in Local Watershed Planning (ESHB 2514)

Hannah,
Please give Steve a copy
Thanks
Pearl

----- Original Message -----

From: [pearl hewett](#)
To: [earnest spees](#)
Sent: Monday, February 28, 2011 8:25 PM
Subject: Indian Tribes Role in Local Watershed Planning (ESHB 2514)

Karl,

Just ask and I'll get you an answer.

Why don't the Commissioners just answer our questions?
That 2% has more water power than the 60% of private property owners!
And they get to keep theirs.
What about our Constitutional rights?
Keep reading, it's really fun at the end.
FYI
Pearl

Indian Tribes

Role in Local Watershed Planning (ESHB 2514)

Indian tribes with reservation lands within the WRIA(s) must be invited to join the "initiating governments." The initiating governments choose a lead agency, establish a planning process and the "planning unit," and choose whether to consider additional components other than water quantity. Adding the instream flow component requires a majority vote of the initiating governments.

"Affected tribes" must be consulted by the initiating governments in setting up the planning process. ("Affected tribes" include tribes with federal fisheries-resource rights in the WRIA, tribes with federally reserved water-rights claims on WRIA resources, and tribes that have federally approved water-quality standards in the WRIA or are affected by the waters of the WRIA.)

The law requires that all tribal governments that may have a "fiscal impact, a redeployment of resources or a change of existing policy" due to the plan be allowed a seat on the planning unit.

Tribes with fisheries-resource rights in the WRIA must be offered a seat on planning unit in order for the watershed plan to address the required analysis and strategies regarding federally reserved rights and instream flows for fish.

Several decisions require the agreement of all tribal governments on the planning unit, along with members from local and state governments: the final watershed plan; adopting minimum instream flows; changing effective (priority) dates for new instream flows; and whether to request Ecology to modify instream flows.

If Ecology ends up setting instream flows in a WRIA, the department must consult with any tribe that would be "affected" by that decision, even if they are not members of the planning unit.

Watershed plans are prohibited from containing provisions that conflict with existing tribal treaty rights.

The Governor's partial veto message of ESHB 2514 directs Ecology to consult with all affected tribes before obligating the state on in-stream flow levels or other issues that affect tribal treaty rights and co-management responsibilities.

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