



The Honorable Bob Ferguson  
Attorney General of the State of Washington  
P.O. Box 40100  
Olympia, WA 98504-0100

November 23, 2020

**Re: Request for Formal Opinion Letter**

Dear Attorney General Ferguson:

As you know, many Tribes around the State have negotiated gaming compacts that require payment of impact fees to local governments that mitigate the cost of impacts from Tribal Casinos. However, there are tribes that have no casino and all tribes have properties on reservations that are non-gaming. This set of circumstances has raised issues for Tribes and Fire Districts. I am writing to request a formal Attorney General's Opinion pursuant to RCW 43.10.110 addressing the following issues:

1. Can a Fire District refuse to provide fire and / or emergency services to the citizens of the State of Washington who either reside on or are visiting the Reservation of a federally recognized Indian tribe within Washington State?
2. Are there any financial limits or a reasonableness standard with respect to the amount of a fee for service charge that a Fire District can charge a federally recognized Indian tribe on a Reservation within Washington State for fire and emergency services?
3. What recourse, if any, does a federally recognized Indian tribe have if it believes that a charge for fee for services for fire and emergency services charged by a Fire District is unreasonable and / or punitive?
4. If the Reservation of a federally recognized Indian tribe in Washington State is served by two separate Fire Districts whose designated service boundaries do not overlap, is the Tribe and one of the Fire Districts entitled to negotiate for fee for services for fire and emergency services to allow only one of the Fire Districts to serve the entire Reservation to the exclusion of the other Fire District?

Thank you for your consideration, and I look forward to your response.

Sincerely,

Debra Lekanoff  
Representative  
40<sup>th</sup> Legislative District