



2021 AG REQUEST LEGISLATION

FREE PRIOR & INFORMED CONSENT

SB 5298

“By adopting ‘free, prior, and informed consent’ as the basis of his Administration’s interactions with Tribal Governments, Attorney General Ferguson has become a global standard bearer for recognizing the full sovereignty and political equality of Indigenous peoples.”

- Quinault Indian Nation President and President of the National Congress of American Indians Fawn Sharp

FPIC legislation requires that the Attorney General obtain free, prior, and informed consent before initiating programs or projects, under his or her independent authority,¹ that affect tribes, tribal rights, and tribal lands.

It also ensures that broad notice² on is given on issues that will affect tribes,³ tribal rights or tribal lands.

“In furtherance of strengthening partnerships between Indian tribes and my office, I am introducing legislation requiring my office to achieve free, prior and informed consent before initiating a project or program that directly and tangibly affects Indian tribes, rights, tribal lands and sacred sites. This will ensure that it is a policy that will remain in effect, regardless of who the Attorney General is in the future.”

- Attorney General Bob Ferguson

“By fully recognizing and respecting the sovereignty of Washington’s Tribes and working to improve communication and partnership with them, Attorney General Ferguson is showing real leadership, and the Snoqualmie Indian Tribe is proud to have collaborated with him on these groundbreaking new policies.”

- Snoqualmie Indian Tribe Chairman Bob de los Angeles

“By committing to work with Washington’s Tribes on the basis of true equality and collaboration, Attorney General Ferguson is demonstrating the vision and inclusive leadership we will need to confront immense challenges like climate change, homelessness, and the opioid crisis that impact all of Washington’s communities.”

- Samish Indian Nation Chairman Tom Wooten

“Attorney General Ferguson made a meaningful and historic step towards recognizing and honoring the full sovereignty of Washington’s Tribes.”

- Lower Elwha Klallam Chairwoman Frances Charles

Prime Sponsors:
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1: It does not apply:

- Where doing so would be in conflict the Attorney General’s statutory duties as legal counsel to state officials, agencies, departments, boards, commissions and as legal representatives for the state
- Where it would conflict with the Rules of Professional conduct that govern the legal profession

2: This includes notice:

- Prior to proposing legislation
- After filing an amicus brief on an issue would affect tribes, tribal rights or tribal lands;
- After filing a ballot title, that, if approved, would affect tribes, tribal rights or tribal lands
- After a request for a formal Attorney General opinion has been accepted

3: Self-determination and sovereignty are sacred rights individually held by each of Washington’s 29 federally recognized Tribes. Therefore, the legislation does not request or require consensus from Tribes.