

# Repeal RCW 77.110: Salmon and Steelhead Trout—Management of Resources



Washington  
Department of  
**FISH and  
WILDLIFE**



“The Legislature finds that RCW Chapter 77.110 is inconsistent with the treaty-reserved fishing rights and well-established state-tribal cooperative fishery management agreements, and the remaining portions of RCW Chapter 77.110 serve no current legal purpose. The Legislature acknowledges that, in order to ensure its commitments to all federally acknowledged and judicially affirmed treaty-reserved fishing rights held by the Pacific Northwest Treaty Tribes, and to honor current and ongoing agreements between the State and Tribes, it is necessary to repeal RCW Chapter 77.110.”

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## Problem Statement

In 1984, Initiative No. 456 declared that the management of natural resources in Washington be the responsibility of the state alone. It further stated that treaty rights not provided to all citizens were terminated by past congressional action. This initiative was codified into state law, becoming [RCW Chapter 77.110](#). Problematically, these statutory provisions are inconsistent with legally binding decisions of the federal courts. These statutes do not reflect the State’s co-manager relationship with treaty tribes, or the role of the federal government. The management of salmon and steelhead in Washington state requires intergovernmental cooperation within Washington State and on an international scale. These statutory provisions do not reflect the current fisheries management framework of the Washington Department of Fish and Wildlife and tribal co-managers, which expressly recognizes tribal treaty rights under *U.S. v. Washington* and *U.S. v. Oregon*. Changing these relationships is not an action of state legislation and could only be addressed by actions of Congress and subsequent approval of the United States Supreme Court.

## Solution

Repeal RCW Chapter 77.110. The current statutes are legally incorrect and factually wrong.

RCW	
<a href="#">77.110.030</a>	“...all resources in the state's domain shall be managed by the state alone...”
<a href="#">77.110.040</a>	“...that any special off-reservation legal rights or privileges of Indians established through treaties that are denied to other citizens were terminated...”