

COMMISSIONER'S ORDER

Inherent tribal sovereignty and tribal rights predate the formation of the United States and the State of Washington. In treaties signed during the 1850s, tribes of the Washington Territory ceded millions of acres of land to the federal government. In exchange for the ceded land, the tribes were to receive certain payments, services, and protections from the government. The tribes also reserved rights "to fish at all usual and accustomed places, and gather roots and berries and hunt on open and unclaimed land."

Today, parts of those lands ceded by the tribes are lands that the Washington State Department of Natural Resources carefully manages for all the citizens of the state. The Department shares with the tribes the objectives of proper stewardship of public resources, and it acknowledges and respects the values, culture, and natural resources wisdom accumulated by tribal people over the millennia.

Similar to the tribal tradition of considering seven generations into the future when making important decisions, the Department's moral and legal obligation extends to current and future generations of beneficiaries of the state trust lands and submerged lands managed by the Department. The Department also bears public obligations in carrying out its regulatory, and fire control programs.

In 1989, the Governor of the State of Washington and twenty-four tribes around the state signed the Centennial Accord in order to promote better relationships through a commitment to communication and problem solving. In the spirit, recognition, and support of the goals of the Centennial Accord and its supplementary document, the 2000 Millennium Agreement, the Department of Natural Resources hereby reaffirms its commitment to collaborative tribal relationships.

Department Commitment

The Department of Natural Resources recognizes the sovereign status accorded the twenty-nine Federally Recognized Tribes in the State of Washington. The Department will actively work with tribes to encourage understanding and the cooperative pursuit of common objectives. Collaboration with tribal governments is emphasized through opportunities for cooperative management as well as through procedures for consultation on significant natural resource-related issues that affect tribes; for example, the Department's regions and divisions will consult with Tribes whenever appropriate for operational and program planning. The Department will encourage partnerships with Tribes by pursuing opportunities for information exchange and for joint grants, research and training.

1) Collaborative Problem Solving

Consistent with this government-to-government policy, the Department recognizes it is in the best interest of all parties to resolve issues and concerns outside of the courts whenever possible. Cooperation between the Department and tribal governments is emphasized. The Department in good faith will exhaust all reasonable means of discussions, negotiation, and mediation before pursuing judicial resolution. In these discussions and negotiations, the Department will seek outcomes mutually beneficial to the Tribes and the state.

2) Issue Resolution

It is the Department's policy to resolve mutual issues and concerns with the Tribes whenever possible at the organizational level that is closest to the issue and that has appropriate delegated authority. Technical personnel should strive to resolve technical issues within their delegated authority and refer policy disagreements to appropriate representatives within the governmental structure. The appropriate Region Manager will represent the first level of policy for the Department. The Commissioner of Public Lands and the respective tribal council will make ultimate policy decisions.

3) Periodic Meetings

The Department will meet periodically with all tribes. To facilitate issue awareness and improve governmental relations, the Department will provide information on its programs and organization to the tribes and invites the Tribes to submit information about tribal programs to the Department.

4) Continued Commitment

To ensure a consistent and positive relationship with each Federally Recognized Tribe of Washington, the Department will continue to support and fund its Tribal Relations Program as an important ongoing element in its commitment to respect the sovereign status of tribal governments.


Doug Sutherland
Commissioner of Public Lands