

Resolution in Support of Culvert Replacement

WHEREAS the treaties of Medicine Creek, Neah Bay, Olympia, Point Elliott and Point No Point were entered into in 1854-55 and guaranteed, to a dozen or more Western Washington tribes, that their “right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians, in common with all citizens of the territory”;

WHEREAS those treaties were entered into in the context of territorial Governor Isaac Stevens’ memorable assurance that “I want that you shall not have simply food and drink now, but that you may have them forever,” an intent that was upheld and applied in U.S. v. Washington (1974), a/k/a “the Boldt decision”;

WHEREAS salmon stocks in Western Washington have declined since statehood was attained in 1889;

WHEREAS the principles of the Boldt decision were applied by another U.S. District Judge in March 2013, in a subproceeding of the same case involving tribes on both sides of the Cascades, holding that the State of Washington has a duty “to refrain from building or operating culverts under State-maintained roads that hinder fish passage and thereby diminish the number of fish that would otherwise be available for Tribal harvest”;

WHEREAS the 2013 decision found that, “[d]espite past State action, a great many barrier culverts still exist, large stretches of potential salmon habitat remain empty of fish, and harvests are still diminished”; and

WHEREAS the 2013 decision concluded that “when[ever] the State elects to block rather than bridge a salmon-bearing stream with a roadbed, [t]he roadbed crossing must be fitted with a culvert that allows not only water to flow, but which insures the free passage of salmon of all ages and life stages both upstream and down”; and ordered that those standards be met on existing barrier culverts in accordance with a time schedule ranging from October 31, 2016, through March 29, 2030;

THEREFORE, BE IT RESOLVED that the Washington State Democratic Convention supports the decisions in U.S. v. Washington and requests that the Attorney General assure timely compliance with the requirement of replacing barrier culverts across the State; and

THEREFORE BE IT FURTHER RESOLVED that a copy of this resolution be sent to Attorney General Bob Ferguson and Governor Jay Inslee, with a request for a response as to their specific intentions regarding enforcement of the 2013 decision.

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Submitted with the signatures of 25 delegates to the 2014 Washington State Democratic Convention. (Date Submitted 6/16/2014)

The Platform Committee recommended that this resolution be passed at their June 20th meeting.

The 2014 Washington State Democratic Convention passed this resolution on June 21, 2014.