

WDFW Help

Why do Native Americans have their own separate hunting and fishing seasons?

- Most Native American tribes in the Pacific Northwest entered into treaties with the federal government in the 1800s that reserved the tribes' hunting and fishing rights.
- Treaty-reserved hunting and fishing rights can be exercised on Indian reservations and in certain areas outside the reservation. A few tribes in Washington have reservations established by Executive Order and have related on-reservation hunting and fishing rights but no such rights off the reservation. One executive order, for the Colville Confederated Tribes, specifically reserved the Tribe's hunting and fishing rights on the vacated north half of their reservation.
- Tribes are sovereign governments. In most cases, when Native Americans hunt or fish pursuant to their tribe's treaty or executive order reserved rights, whether on or off the reservation, they are not subject to state regulation and are governed instead by regulations issued by the Tribe.
- In some circumstances, tribes may have concurrent regulatory authority over nonmember hunting and fishing that occurs on the reservation on tribally owned lands and lands held in trust for the tribe by the federal government.
- When tribal members hunt or fish outside of areas covered by rights reserved by treaty or executive order, they must comply with state regulations.
- Recognizing that both the State and the Tribes have overlapping interests in the use and conservation of fish and wildlife resources, a system of cooperative resource management has developed over the years. Conservation disputes are generally worked out collaboratively, and rarely with the imposition of unilateral state conservation mandates.
- Generally, the off-reservation areas reserved for treaty hunting are those lands that are "open and unclaimed" and were either ceded by the tribe to the federal government or were traditionally used for hunting and occupied by the tribe. Lands are "open and unclaimed" if they are not privately owned and they are put to a use that is not inconsistent with hunting.
- Off reservation fishing is reserved for each treaty tribe's usual and accustomed (U&A) fishing areas in fresh water and marine areas. Unlike hunting areas, there are generally no limitations based upon the private ownership of these marine and freshwater areas with the exception of certain limitations relating to staked or cultivated shellfish beds. The boundaries of tribal U&As have been defined by the courts. Generally speaking, treaty-reserved fishing U&As exist in all marine areas and freshwater tributaries of Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Pacific coast from Cape Flattery to Grays Harbor, and the river systems of the Columbia River Basin west to approximately Bonneville dam.
- Only members of the tribe having treaty reserved hunting or fishing rights may exercise those rights. Members of one tribe cannot exercise the treaty rights of another tribe, but members of different tribes may assist each other within areas where they have overlapping fishing rights.
- Treaty tribes harvest game animals both for subsistence and ceremonial purposes. They harvest fish for subsistence, ceremonial, and commercial purposes.
- For more information see the following websites:
 - WDFW's [Tribal Hunting & Co-Management](#)
 - WDFW's [How tribes and state co-manage salmon and steelhead](#)
 - NWIFC's [Fisheries Management](#)
 - NWIFC's [Shellfish Management](#)
 - Washington State [Tribal Government](#)
 - [Columbia River Inter-Tribal Fish Commission](#)
 - [Upper Columbia United Tribes](#)
 - WDFW's [Coastal Commercial Dungeness Crab Fishery](#)
 - Fish and Wildlife Commission's Policy POL-C3605: [Principles For Negotiating State/Tribal Shellfish Management Agreements](#)

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<http://wdfw.wa.gov/help/questions/137/>