Treaty Fishing Rights Vs. Climate Change

By
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Forgotten People
(Nicole, Nick, Veronica, Carolina, Kayla, and Marvin)
Haida Legend
Fishing rights of the Point No Point, neah bay, point elliot, olympia and medicine creek

Erected temporary houses for the purpose of curing. And got the rights of hunting and gathering roots and berries on open and unclaimed lands.

Given the right of taking fish at usual and accustomed custom grounds and stations is further secured. and pasturing their horses on open and unclaimed lands.

With the exceptions that they would not take shell fish from any beds staked or cultivated by citizens and that they shall alter all stallions not intended for breeding-horses, and shall keep up and confine the latter and the stallions themselves.
The FEMAT report uniquely effects a lot of virtues and the flaws of in the way we currently manage our resources.

It looks at many different ways of managing the ever changing and growing 13 national forests.

The options of scientific analysis are limited because of politics and litigation, not science and ecosystems, and as a result vital recourses such as anadromous fish could only be partially addressed.

It also failed to meet its charge to ensure its compliance with all applicable laws, particularly Indian treaty rights.

The tribes right to take fish requires fish available for harvest.
Nearly a century ago the supreme court decided to uphold the treaty right to cross private property to get to traditional fishing grounds in the Columbia river.

The outcome of the case was a surprise because at the time participating in Indian cultural ceremonies was restricted and the general policy of the government was to assimilate Native Americans.

Those who pursued the case did so mainly because they saw treaty fishing as an economic lifeline for Native Americans that failed at farming on reservation.

Justice Joseph McKenna wrote that fishing at Celilo Falls was, “not much less necessary to the Indians then the atmosphere they breathed.”
FISHING RIGHTS
Ceremonies at the fish hatchery

- All of the Yakima fisheries projects began in 1982. The Yakima fisheries also included three acclimation facilities in the upper Yakima Basin: On Jack creek in the Teanaway; and on the Yakima river on Clark flat near Thorp. The cost of this project was about $13 million, and with other project facilities $3.5 million. And because of this project, in 2003, 837,000 fish were produced at the supplementation hatchery in Cle Elum.

- BlueJack or the Sockeye salmon were supported in the healthy runs. Natives were only allowed to fish with a state license inside of their reservation. If they were caught fishing outside of their reservation, they were to be thrown in jail. This happens because all natives were very strict about how many fish were caught and where they were to fish. So the government had made them stay in their own reservation and if in another tribe they were known to be trespassers and were put in jail.

- In 1963, the state supreme court upheld the state’s right to periodically close fishing in certain area’s for conservation purposes. By 1984, 16 federally recognized tribes of western Washington operated 20 tribal hatcheries; total salmon and steelhead releases from so-called treaty hatcheries rose from less than 10 million in 1976 to nearly 33 million in 1983.
Fish will have water priority

- in the late 1970’s, the upper Skagit, Swinomish, and Sauk-Suiattle invoked the same treaty cause law in a battle against Puget sound power and light, a private company planning to build a nuclear plant near Skagit river.

- A Yakima Indian nation lawyer warned irrigators Wednesday that unless a 1981 Yakima irrigation project operating plan is submitted that includes adequate river flows for fish, a federal judge could impose standards in the middle of the irrigation season that will take water away from crops at the most critical period.

- The draft plan purposes a minimum flow be established in the Cle Elum stretch of the Yakima River, where 60 salmon nests were discovered last fall, and calls for flows for fish needs be maintained at three other river locations according to existing formal and informal agreements.

- Bob gerke, assistant to the chief of the state fisheries natural production division, said he believes flow of 200 cubic square feet per second at Sunnyside dam would be sufficient to allow salmon to pass the dam.

- The decision on the rights Blue Mud bay means traditional owners will be able to determine when and where commercial and recreational fishing is carried out along 80% of the territory’s coast line, as well as in tidal rivers.

- The boldt decision was a complete nightmare to the Indians because they made small fortunes with their fishing. A boldt decision is like a court ruling but never really comes out well for someone at the end
Nowhere in the treaties was such a percentage mentioned. Nor was the allocation of so many fish to one group or the other mentioned. It could just as readily have been interpreted on a per capita basis. That would be far closer to the situation that existed in treaty times. Nor could the signers of the treaties foresee the day when about one percent of the population would be getting 70% of the fish.

The 70% is what Indians will eventually be able to take, because what they catch on reservations plus what they catch off reservations for “religious or personal use” don’t count in the “harvestable” fish that are divided 50-50.

Indians in the year 1977 and for some years to come will be incapable of harvesting 70% of the salmon. Eventually they will be able to, with increased effort, more boats and gear. But to force the non-Indian sector of the salmon industry to leave 70% of the salmon uncaught would only force the department of fisheries to harvest and sell those extra fish at the hatcheries. This is a waste and a crime against good judgment.
George H. Boldt

- George H. Boldt was the U.S. District Judge who made the ruling that the rights stated in the treaties signed by the Native American tribes in Washington State were to be enforced.
- He ruled saying that the state laws restricting the tribes fishing rights were illegal.
- “The state does not have the power to determine for tribes what is the wisest or best use of their share of the fish”
Net fishing

- State argued their should be a ban on off-reservation net fishing.
- Boldt ruled that a ban on off-reservation fishing would violate the rights stated in their treaties.
- Judge also added the “Neither the Indians nor the non-Indians may fish in a manner so as to destroy the resource or totally preempt it.”
Tribes with fishing rights

- Lummi, Hoh, Makah, Muckleshoot, Nisqually, Puyallup, Quileute, Sauk-Suiattle, Skokomish, Squatin, Stillaguamish, Upper Skagit and Yakama
- State then argued four of the tribes were not treaty tribes.
- “Plaintiffs were entitled to injunctive relief against continuation of state practices that violate treaty rights.”
River Cleanup

- Yakama Nation asked help for different agencies for help with cleaning up their fisheries along the Yakama river as well as the river itself.
- They asked for help with the maintenance of existing fisheries and construction of future fisheries.
Letters to Gordon Sandison director of the Washington Department of Fisheries.

- “In view of the past history of the anadromous fish runs in the Yakima, and in light of the decision handed down by Jug Bellini on Tuesday, the Yakama Indian Nation is initiating the Yakama River Rehabilitation Program.”

- “The goal of this program is the restoration of the anadromous fishery resources of the Yakama River Basin, which are so important to tribal members, as well as other residents of the region.”

- “We are making this program top priority for members of the tribal fish and wildlife Management staff, who are well acquainted with the Yakima system and its problems”
HOW CLIMATE CHANGE AFFECTS FISH
How climate change is affecting fish

- Shifting of Species
  - Species Shifting North
- Reduced Numbers
  - Numbers are being reduced because of harsher conditions
- Habitat Changed from Changing Temperatures
  - Other animals and vegetation are dying causing problems within ecosystems
How climate change is affecting fish

Continued

- Cold Temperature barriers are giving way
  - Allowing viruses and bacteria to spread

- Changes in Weather
  - Drastic changes in weather like droughts and flood

- Water levels Changing
  - Coastal zones and sea levels are rising
Graph Showing Rising Sea Levels

![Graph of Rising Sea Levels](image)

- Y-axis: Sea Level (mm)
- X-axis: Year (1994 to 2006)
- The graph shows a steady increase in sea levels over time, with significant fluctuations around 2000 and 2004.
What Can I Do To Prevent Water Pollution??

• Use plants that are native to your region in your gardens

EDUCATION!!
EDUCATION!!
EDUCATION!!

• Use sand or kitty litter to deice your walkway instead of salt

Got Water?

http://media.photobucket.com/image/ed7b%20got%20water/dalatin/faucet.jpg?o=1
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