



— US V. WA 50 —

February 6-7, 2024

George Hugo Boldt 1903-1984

George Hugo Boldt was born in 1903 in Chicago and grew up in Montana. He studied law at the University of Montana and enlisted in the Army during World War II.

President Eisenhower appointed Boldt to the U.S. District Court in 1953.

In his 25 years as a judge of the federal District Court for western Washington, Boldt presided over a number of cases that brought him to national attention. Most prominent among them was his Feb. 12, 1974, ruling in *U.S. v. Washington*, which reaffirmed tribal treaty fishing rights and recognized the tribes as fisheries co-managers.

Boldt died in 1984 at the age of 80.



“Because the right of each treaty tribe to take anadromous fish arises from a treaty with the United States, that right is reserved and protected under the supreme law of the land, does not depend on state law, is distinct from rights or privileges held by others, and may not be qualified by any action of the state.”

George Boldt
U.S. District Court Judge

About the Logo

The US v. WA 50 logo is a collaboration by Muckleshoot artists Keith Stevenson and Sam Obrovac.

The artists' statement:

The design features a traditional Salish salmon in the center being caught by a throw net. We also included two spear poles as this was one of the traditional means of harvesting the Salmon People. At the top is a depiction of the Spirit of our Warriors who fought to protect our treaty rights, and the bottom represents the hands of the people who work tirelessly today to uphold those same rights. The outside designs and color palette are a portrayal of the waters of the Salish Sea and our river systems that the Salmon People call home.



US v. WA 50



Northwest Indian Fisheries Commission

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Olympia, WA 98516
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nwifc.org
nwtreatytribes.org

NWIFC Member Tribes: Hoh, Jamestown S'Klallam, Lower Elwha Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S'Klallam, Puyallup, Quileute, Quinault Indian Nation, Sauk-Suiattle, Skokomish, Squaxin Island, Stillaguamish, Suquamish, Swinomish, Tulalip and Upper Skagit



US v. WA 50 commemorates the 50th anniversary of Judge George Boldt's ruling in *U.S. v. Washington*. The Boldt decision reaffirmed tribal treaty fishing rights and recognized tribes as fisheries co-managers.



Lifelong treaty rights activist and longtime NWIFC Chairman Billy Frank Jr., Nisqually Tribe, speaks during the Boldt40 anniversary event in 2014. A photo of Judge Boldt is displayed behind him. Photo: Debbie Preston

TUESDAY, FEBRUARY 6

8 AM Breakfast

9 AM **Welcome** – Opening prayer by Phil Hamilton and words of welcome from Muckleshoot Chairman Jaison Elkins.

Introduction – Emcee Bob Whitener

Calling of witnesses

9:30 **The history** – Looking back, from treaty times to the 1970s, with Warren King George.

10 AM **Honoring Fish Warriors** – A 6-minute film about Billy Frank Jr. followed by Willie Frank III on the legacy of his father and Hank Adams, with additional insights from Phil Hamilton and Wilbur Slockish Jr.

11 AM **The decision** – Attorney Stuart Pierson on the significance and key elements of Judge Boldt's ruling.

11:30 **Treaty Justice** – Presentation of Charles Wilkinson's book about the Boldt decision by Seth Wilkinson.

11:45 **Remembering Judge Boldt** – Recognition of the Boldt family.

Noon Lunch

1 PM **Other legal decisions** – Discussion of the Orrick decision, *Hoh v. Baldrige*, Rafeedie decision and culvert case with attorneys Phil Katzen, Alan Stay and Fronda Woods, moderated by Mason Morisset.

2 PM **Conflict to cooperation** – Ed Johnstone and Bill Wilkerson discuss the decade of transformation between 1974 and 1984.

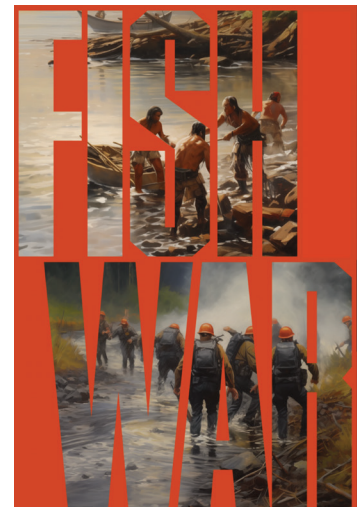
3 PM **Co-management, then and now** – A 4-minute film featuring Lorraine Loomis, followed by discussion on the status of tribal-state management of salmon and other fisheries with Kadi Bizayeva, Doreen Maloney and Kelly Susewind.

4 PM **Social hour**

5 PM **Cultural presentation**

5:30 Dinner

7 PM **FISH WAR film screening** – A feature documentary produced by NWIFC and North Forty Productions.



8 AM Breakfast

9 AM **Welcome back** - Opening prayer

Treaty Rights (still) at Risk - A discussion with Justin Parker and Lisa Wilson.

10 AM **Tribal governance** - W. Ron Allen on the impacts of *U.S. v. Washington*.

10:30 **Bold actions for salmon recovery** - Case studies on the Elwha River with Russ Hepfer, Hood Canal with Dave Herrera, and Skagit River with Scott Schuyler.

11:30 **Addressing fish passage** - Looking ahead to culvert case implementation with attorney John Sledd.

Noon Lunch

1 PM **Engaging youth** - Educator Jerad Koepp interviews North Thurston students about their experiences with the Since Time Immemorial curriculum and Billy Frank Jr. Day celebrations.

1:30 **Broad impacts** - How *U.S. v. Washington* benefits everyone who lives here, with Phil Anderson.

2 PM **Tribal fisheries management** - How *U.S. v. Washington* shaped policies in the Columbia River basin and state of Alaska, with Kat Brigham and Michael Williams.

3 PM **The next 50 years** - Looking to the future with Willie Frank III, Leonard Forsman and Fawn Sharp.

4 PM **Calling of witnesses**
Closing prayer



MEET THE SPEAKERS



W. Ron Allen

As the Jamestown S'Klallam tribal chairman since 1977 and the tribe's CEO since 1982, W. Ron Allen has spent decades protecting and advancing tribal sovereignty, governmental authority and self-reliance through political engagement at the international, national, state and local levels.

Allen is a key advisor on federal policy decisions and congressional legislation with respect to tribal authority and treaty rights.

He also is responsible for the administration of all Jamestown S'Klallam programs and services, including natural resources management, cultural preservation and traditional affairs, and has overseen the establishment of several tribal business enterprises.



Phil Anderson

Phil Anderson serves on the Pacific Salmon Commission, which is responsible for implementing the U.S./Canada Pacific Salmon Treaty. He also is serving his third term as at-large representative to the Pacific Fishery Management Council.

Anderson retired in 2015 from a 20-year career at the Washington Department of Fish and Wildlife, where he held several positions including special assistant to the director, overseeing intergovernmental issues associated with fish and wildlife. He was deputy director of the agency from 2007-2008 and director from 2009-2015.

Prior to his career with the state of Washington, Anderson owned and operated a charter fishing boat business from 1970-1994, fishing out of Westport and Neah Bay. He now operates a charter business on a part-time basis and continues to pursue his passion for hunting and fishing.



Kadi Bizyayeva

Kadi Bizyayeva of the Stillaguamish Tribe of Indians serves her tribe as a tribal council member, fisheries director, and NWIFC commissioner.

Bizyayeva is passionate about her role protecting and conserving tribal treaty rights and resources, and has been a strong advocate for salmon and habitat recovery throughout the Salish Sea.

While she was being mentored by her predecessor, former tribal Chairman Shawn Yanity, Bizyayeva learned the importance of honest co-management and finding common ground even when tribes and other governments might disagree. She is dedicated to carrying on the legacy of tribal leaders who came before her and she hopes to advance salmon management for future generations.



Kat Brigham

Kat Brigham, former chair of the Confederated Tribes of the Umatilla Indian Reservation, was a founding commissioner of the Columbia River Inter-Tribal Fish Commission.

She was instrumental in the implementation of the 1976 Memorandum of Agreement with the Bonneville Power Administration and the tribes; the U.S.

v. Oregon Columbia River Fish Management Plans; the Pacific Salmon Treaty; and the Northwest Power Act. Brigham also provided testimony at a number of state and federal hearings to advocate for natural resources and treaty rights on behalf of tribal nations within the Pacific Northwest.

She continues to be instrumental in salmon restoration in the Umatilla River and its tributaries.



Jaison Elkins

Chairman Jaison Elkins grew up on the Muckleshoot Reservation. He was raised to value the responsibilities of being a hunter and fisherman, and to respect tribal sovereignty and protect tribal interests. These are traditions and responsibilities he continues to cultivate through his work on the Muckleshoot Tribal Council.

Elkins values the natural environment, social responsibility, and the promotion and education of youth. He's eager to maintain and cultivate government-to-government relationships and community partnerships that address those values and the challenges facing our communities.



Leonard Forsman

Leonard Forsman grew up on the Port Madison Indian Reservation and lives there today with his family. He has been chairman of the Suquamish Tribe since 2005, and has served on tribal council for more than 30 years.

Forsman also is president of the Affiliated Tribes of Northwest Indians; Northwest regional vice president of

the National Congress of American Indians; and serves on multiple tribal, intertribal and intergovernmental boards and commissions.

President Obama appointed Forsman to the Advisory Council on Historic Preservation as the Native American member in 2013 and as vice chair in 2016.



Willie Frank III

Willie Frank III was elected chairman of the Nisqually Tribe in 2020.

Frank has been on tribal council since 2009. He is one of the youngest ever elected, at the age of 27. He graduated from The Evergreen State College in 2007 with his bachelor's in Native studies.

Frank is the son of the late treaty rights activist Billy Frank Jr. He grew up watching his father work to protect tribal treaty fishing rights, salmon and the natural world they depend on. His father died in 2014.

Frank loves working for his people and carrying on his father's work while carving his own path. He believes in partnerships to protect and enhance salmon habitat and the environment. He continues to fish at family spots on the Nisqually River.



Phil Hamilton

Phil Hamilton is a member of the Muckleshoot Indian Tribe and has served on their tribal fish commission for 42 years, including 18 years as vice chair. He served as the Muckleshoot representative on the NWIFC for 18 years.

A business owner and artist, Hamilton began fishing shortly after the Boldt decision and continues to this day.

Along with others on the tribe's fish commission and tribal council, he helped shape and implement the tribe's fisheries programs. As co-managers of three watersheds in a metropolitan and highly urbanized region, the tribe developed management strategies for sustainable fisheries that will continue for generations.



Russell Hepfer

Russell Hepfer is vice chairman of the Lower Elwha Klallam Tribe. His work on tribal council has primarily focused on natural resources issues for more than 25 years, including his proudest accomplishment: the removal of two fish-blocking dams on the Elwha River, opening 70 miles of salmon habitat. He is proud of his tribe's work to help re-

store the river, leading to the first coho salmon fishery for the tribe in more than a decade in October 2023.

Hepfer has been exercising his treaty rights to harvest fish and shellfish his entire life, and has passed those skills on to younger generations.

His career in natural resources started as a water quality technician in 1995. He currently represents his tribe as a commissioner for the NWIFC.

Hepfer also serves on several Environmental Protection Agency tribal partnership groups, including the National Tribal Toxics Council, Regional Tribal Operations Committee, and National Tribal Caucus.



Dave Herrera

Dave Herrera is a member of the Skokomish Indian Tribe and serves as the tribe's fisheries and wildlife policy representative.

Herrera has worked in tribal fisheries and natural resources management for more than 30 years.

Over the last 10 years, Herrera has taken on habitat issues through forums such as the Puget Sound Partnership's Ecosystem Coordination Board and Salmon Recovery Council. He also was appointed to the Puget Sound Partnership's Leadership Council and was a member of the state Forest Practices Board for 12 years.

He chairs the NWIFC's Environmental Policy Committee and the Tribal Management Conference of the Puget Sound National Estuary Program.



Ed Johnstone

Ed Johnstone has been NWIFC Chairman since 2021.

He served as treasurer from 2009-2021, and as the Quinault Indian Nation's commissioner to the NWIFC from 2000-2022.

Johnstone also served on the Quinault Tribal Council from 1996-2002.

Johnstone has extensive experience in the management of salmon, steelhead, crab, clams, black cod and halibut, and was previously Quinault's fisheries policy spokesperson. He serves on the Southern Panel of the Pacific Salmon Commission and the Intergovernmental Policy Council, a forum of tribal and state co-managers of the ocean region that includes the Olympic Coast National Marine Sanctuary.



Phil Katzen

Attorney Phil Katzen was a staff attorney with the Native American Project of Evergreen Legal Services (which became Columbia Legal Services) from 1978-1999. His primary responsibility was representing 13 Indian tribes in *U.S. v. Washington*. He frequently served as lead or coordinating counsel for the plaintiff tribes.

Katzen continued to represent many of the tribes after opening his own office and founding Kanji & Katzen in 2000.

Since retiring in 2022, Katzen continues to assist Kanji & Katzen as a consultant. He also serves as a justice on the Lower Elwha Klallam Tribe's Court of Appeals, as well as on the boards of the Western Environmental Law Center and the Center for Environmental Law and Policy.

MEET THE SPEAKERS



Warren King George

Warren King George is an enrolled member of the Muckleshoot Indian Tribe through his father Gilbert's bloodline and is a descendant of the Upper Skagit Indian Tribe through his mother, Georgina. He has worked for Muckleshoot for 31 years, currently as tribal historian.

King George works with a variety of government agencies to ensure treaty rights access and to create management plans that maintain and enhance cultural resources. Additionally, he works with museums, colleges and public schools to teach about the rich history, traditions and culture of what is known today as the Muckleshoot people.

King George has been a member of the Burke Native American Advisory Board since 2007. He also is on the board of trustees for the Museum of History and Industry and for *Historylink.org*.



Jerad Koepp

Jerad Koepp, Wukchumni, has been the Native student program specialist for North Thurston Public Schools in Lacey since 2013 and became the first Native American Teacher of the Year in Washington state in 2022.

Across the 22 schools in North Thurston, Koepp provides cultural and academic support for 230 Native American students from more than 50 tribes, nations, bands and villages. He teaches Native studies, is leading the development of a growing Native studies program, provides training and support for staff, and serves as the district's tribal liaison.



Doreen Maloney

Doreen Maloney is an elder of the Upper Skagit Indian Tribe and serves as both the tribe's general manager and fisheries manager.

Maloney previously served on the tribal council for 44 years and has been employed with the tribe in various legal, administrative and natural resources management capacities.

She recalls her father and her brothers defending their treaty rights in the Fish Wars, and she traveled to Washington, D.C., early in her career to lobby for the treaty tribes and observe court proceedings.



Mason Morisset

Mason Morisset is one of the few trial attorneys from the original Boldt case in the 1970s still actively participating in the litigation. He has been involved with more than 250 subproceedings, including those involving shellfish and culverts.

Morisset was lead attorney in the appeal to the U.S. Supreme Court.

He is the author of numerous publications on treaty rights and currently represents the Tulalip Tribes.



Justin Parker

Justin Parker, Makah, is executive director of the NWIFC. He joined the organization in 2000 and also has served as intergovernmental affairs policy advisor and director of administration.

He previously worked as director of administrative services at the Makah Tribe and as a fisherman.

Parker serves as president of the Salmon Homecoming Alliance and treasurer of the Affiliated Tribes of Northwest Indians Economic Development Corp.



Stuart Pierson

Stuart Pierson was special assistant United States attorney during *U.S. v Washington*.

Raised in Washington, D.C., Pierson's decades of legal experience include specialties in Justice Department, congressional and other government investigations, and federal and state litigation.

Pierson worked for the United States Department of Justice Civil Rights Division from 1968-1971; as assistant U.S. attorney for the Western District of Washington from 1971-1973; as special assistant U.S. attorney for the Western District of Washington from 1973-1974; and in private practice from 1973-2021.



Scott Schuyler

Scott Schuyler is member, elder and fisherman of the Upper Skagit Indian Tribe. He is a descendant of the tribe's Pateaus sub chief who signed the Treaty of Point Elliott in 1855.

Schuyler is employed with the tribe's natural resources department and is the tribe's policy representative on natural and cultural resources. He has

spent much of his career in negotiations with the Washington Department of Fish and Wildlife on co-management and with Seattle City Light on hydropower licensing.

Schuyler is proud to have fished, hunted and gathered food sources from his homelands for the last 40 years just as his ancestors did. His mission is to ensure future generations have even more opportunities to exercise their treaty rights to continue those cultural practices.



Fawn Sharp

Fawn R. Sharp is vice president of the Quinault Indian Nation and former president of the National Congress of American Indians. She has dedicated her life to fighting to protect the sovereignty, human rights and cultural inheritances of all tribal nations.

Sharp was born on the Quinault Reservation and today lives on Lake Quinault

with her family. She trained as a human rights attorney at Gonzaga University, University of Washington, University of Nevada and Oxford University.

She has served as an attorney and judge for her tribe and held numerous leadership positions including governor of the Washington State Bar Association and trustee of the Washington State Bar Association's Indian Law Section.

In 2018, Sharp was recognized by the United Nations as one of the foremost experts on the human rights of Indigenous people.



John Sledd

John Sledd is an attorney in the Seattle office of Kanji & Katzen. He has represented tribes in *U.S. v. Washington* and other treaty fishing matters for more than 30 years, including as one of the lead counsel for the tribes in the culvert case.

Sledd previously directed Indian legal services programs in Washington and the Southwest and was general counsel for the Suquamish Tribe. He is former chair of the Indian Law Section of the Washington State Bar and currently serves as an associate justice of the Suquamish, Tulalip and Southern Ute tribes' courts of appeal.



Wilbur Slockish Jr.

Wilbur Slockish Jr. is a traditional river chief of the Klickitat Band of the Yakama Nation.

He was born in 1944 on the Yakama Reservation in Wapato. As a boy, he fished at Celilo Falls on the Columbia River. He was arrested with David Sohappy for "illegally" fishing and selling fish in a case known as Salmon Scam.

After being released from prison, Slockish concentrated on water quality and health issues related to the Hanford Nuclear Reservation. Slockish was part of a water quality commission for the Lower Columbia River for three years and was appointed as a member of the Hanford Health Effects Subcommittee in 1997.

In 2010, Slockish was appointed by the Yakama Nation Tribal Council to the Columbia River Inter-Tribal Fish Commission. He still serves in that role, working to protect salmon, water and tribal fishing rights in the region.



Alan Stay

Alan Stay spent almost a half-century representing tribes in the courtroom.

Along with other lawyers of Everett-based Northwest Legal Services, he represented Muckleshoot, Squaxin Island, Sauk-Suiattle, Skokomish, Stillaguamish, Nooksack and Suquamish, along with several unrecognized tribes, during *U.S. v. Washington*.

Later, Stay worked for the Confederated Tribes of the Colville Reservation and the Muckleshoot Indian Tribe. He also assisted with culvert-related litigation.



Kelly Susewind

Kelly Susewind joined the Washington Department of Fish and Wildlife (WDFW) as director in August 2018, after spending 28 years at the state's Department of Ecology.

After several years working in the private sector in Alaska and Seattle, Susewind joined the Department of Ecology in 1990. He served in numerous roles there, including as manager of the water quality program and as director of administrative services and environmental policy.

A lifelong outdoorsman and longtime resident of Washington, Susewind oversees 1,800 employees throughout the state, tasked with fulfilling WDFW's mission of conserving fish and wildlife and providing sustainable recreational and commercial opportunities.

MEET THE SPEAKERS



Bob Whitener

As co-owner and CEO of The Whitener Group, Bob Whitener has more than 40 years of experience providing governmental and enterprise development services for tribes.

For more than eight years he served as the CEO/Board President for Island Enterprises, and he spent six years as the executive director for the tribe.

Whitener has expertise in the areas of finance, administration, human resources systems, tribal-state compact negotiations, policy development, natural resources management and federal negotiations.



Lisa Wilson

Lisa Wilson (Qwo'shi'lo'sia) is a member of the Lummi Indian Business Council and vice chair of the NWIFC.

She also serves as co-chair of the Natural Resources Committee of the Affiliated Tribes of Northwest Indians and is the former Endangered Species Act manager of Lummi Natural Resources.

Wilson earned her bachelor's degree in Native environmental science from Northwest Indian College and created the documentary "Time Immemorial: A Fishing History of the Lummi People" as her capstone project. Her expertise lies in treaty protection and fisheries policy management.



Bill Wilkerson

Lawyer Bill Wilkerson has been at the forefront of settling some of the most critical policy questions related to tribal treaty fishing rights and the protection of salmon. He spent 40 years working on public policies impacting natural resources in the Pacific Northwest.

After beginning his career in Washington, D.C., as counsel at two federal agencies, the Seattle native became director of the Washington State Department of Fisheries. After playing a pivotal role in negotiating an international salmon treaty between the U.S. and Canada, Wilkerson was a presidential appointee to a joint commission charged with overseeing the treaty.

Wilkerson finished his professional life as the executive director of the Washington Forest Protection Association, an industry group dedicated to timberland management and forest practices.



Fronda Woods

Fronda Woods retired in 2018 after 30 years as an assistant attorney general in the Washington Attorney General's office. For most of that time, her practice focused on Indian law.

Woods represented the state of Washington in *U.S. v. Washington*, *Hoh v. Baldrige* and *U.S. v. Oregon*, as well as in many other cases.

She is currently a senior editor of the Conference of Western Attorneys General American Indian Law Deskbook, published by Thomson Reuters. Her other published work includes "Who's in Charge of Fishing?" in the Fall 2005 issue of the *Oregon Historical Quarterly*, and "Environmental Change, Culverts, and the 'Right of Taking Fish' Under the Stevens Treaties" in Volume 51 of the *Connecticut Law Review*.



Michael Williams Sr.

Michael P. Williams Sr. is a tribal judge for the Akiak Native Community in Alaska and served on the council of the federally recognized tribe for more than 40 years.

Williams is vice chair of the Kuskokwim River Inter-Tribal Fish Commission. He has served in various other leadership roles including with the National Congress of American Indians, Native American Rights Fund, Akiak Environmental Advisory Council, and First Stewards.

Williams was born to the late Timothy and Helena Williams and raised in a small village where hunting, gathering and fishing was a way of life. He went to the Akiak BIA School, Wrangell Institute BIA School, Chemawa Indian School, University of Alaska Kuskokwim Campus, and received his honorary doctorate of law from the University of Alaska Fairbanks in May 2022.

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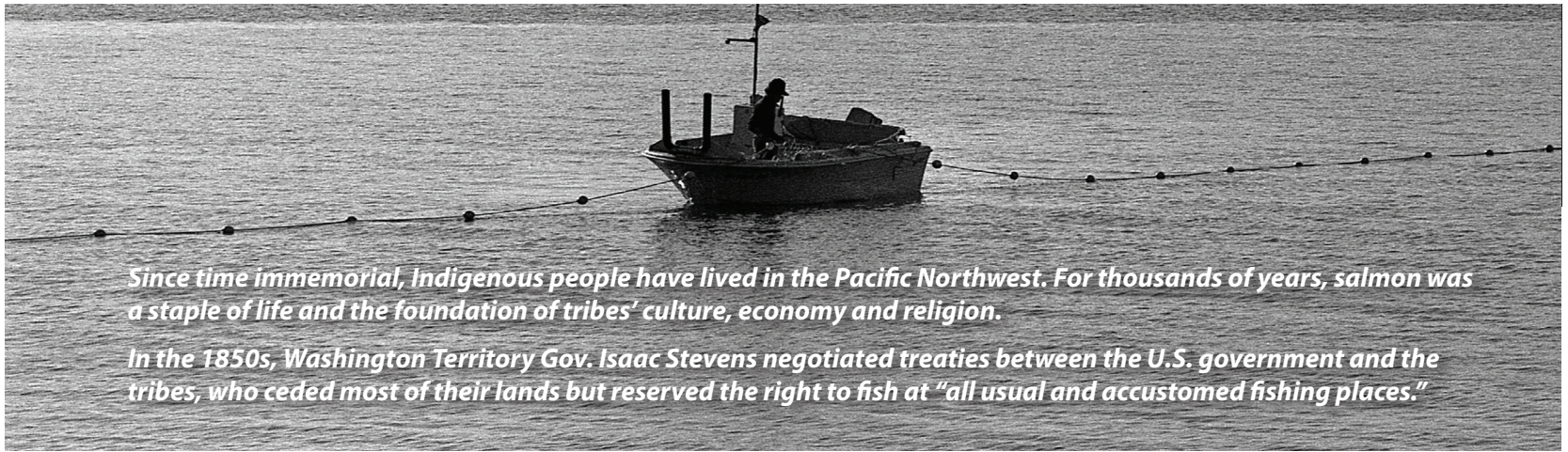
Jamestown S'Klallam

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Since time immemorial, Indigenous people have lived in the Pacific Northwest. For thousands of years, salmon was a staple of life and the foundation of tribes' culture, economy and religion.

In the 1850s, Washington Territory Gov. Isaac Stevens negotiated treaties between the U.S. government and the tribes, who ceded most of their lands but reserved the right to fish at "all usual and accustomed fishing places."

The legal history of the Stevens Treaties and *U.S. v. Washington*

TREATY SIGNINGS

December 26, 1854

Treaty of Medicine Creek

January 22, 1855

Treaty of Point Elliott

January 26, 1855

Treaty of Point No Point

January 31, 1855

Treaty of Neah Bay

June 9, 1855

Treaty with the Yakama

July 1, 1855 & January 25, 1856

Treaty of Olympia

STATE OVERSTEPS

1889

The first Washington State Legislature creates the office of Fish Commissioner to manage the fisheries of the state. For the next quarter of a century, state lawmakers and local authorities attempt to regulate tribal fisheries in violation of tribes' treaty-reserved rights.

May 16, 1905

In the first major fishing rights case to reach the United States Supreme Court, *U.S. v. Winans*, the justices hold that treaty Indians had reserved the right to cross non-Indian lands to fish at "usual and accustomed" places and that treaties are to be interpreted the way Indians had understood them.

January 11, 1946

Milo Moore, Washington state director of fisheries, meets with representatives of the Northwest Federation of American Indians to discuss cooperation in fishing matters and to ask Indians to obey state fishing laws. He does not get the cooperation he hoped for, and instead, "Prominent Indians from many tribes spoke on fisheries matters, and it was the general opinion that pollution, dams and water diversion were mainly responsible for the decline in salmon population."

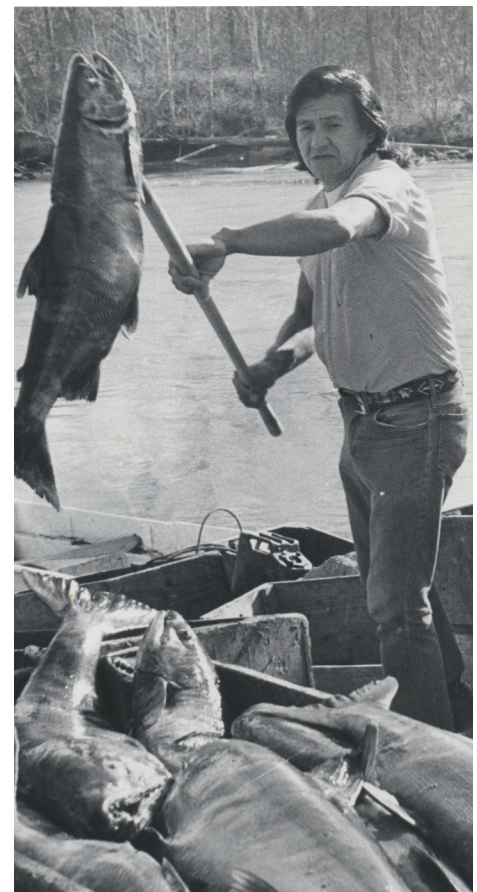
November 4, 1963

Washington departments of Fisheries and Game file suit in state court to establish state authority to prohibit net fishing by Indians off-reservation. The state wins. However, by the 1960s, Northwest Indians are more militant and organized than in the past. With the support of the Bureau of Indian Affairs, the Department of Justice and tribal lawyers, tribes commence a series of legal actions to counter the state's efforts to eradicate treaty fishing rights. The ensuing physical confrontations and legal battles lead to *U.S. v. Washington*.

GOING TO COURT

May 27, 1968

The Supreme Court, in *Puyallup Tribe of Indians v. Department of Game* (Puyallup I), holds that the state of Washington could restrict Indian net fishing when necessary for conservation of the resource, and returns the case to state court to determine if existing regulations are "necessary."



Billy Frank Jr. harvests fish in 1973.

Photo: Tom Thompson

July 8, 1969

In *Sohappy v. Smith*, 14 Yakama tribal members file suit against Oregon's regulation of off-reservation fishing. The U.S. and the Yakama, Warm Springs, Umatilla and Nez Perce tribes also sue to enforce Indian off-reservation fishing rights in *U.S. v. Oregon*. The federal court combines the two cases.

U.S. District Judge Robert Belloni decides in *Sohappy v. Smith* that treaties must be read to reflect the intent of the tribes, with strong protection of tribal off-reservation fishing rights. He rules that tribes must have a "fair share" of the salmon resource.

September 18, 1970

The federal government files *U.S. v. Washington*, challenging the state's interference with tribal harvest through discriminatory regulation and enforcement, on behalf of seven federally recognized tribes: Hoh, Makah, Muckleshoot, Nisqually, Puyallup, Quileute and Skokomish.

October 19, 1970

Quinalt files to intervene in the case.

January 14 & 18, 1971

Yakama and Lummi file motions to intervene.

February 17, 1971

No party opposes motions to intervene that also include the Squaxin and Sauk-Suiattle tribes.

April 1, 1971

Upper Skagit files its motion to intervene.

June 4, 1971

The Stillaguamish Tribe of Indians files to intervene.

August 13, 1971

The Muckleshoot, Squaxin Island, Sauk-Suiattle, Skokomish and Stillaguamish tribes amend the complaint: If the tribes have a right to fish in common with the citizens of the United States, then the tribes have the implied right to have habitat for the fish protected.

November 19, 1973

The U.S. Supreme Court decision in *Washington Department of Game v. Puyallup Tribe* (Puyallup II) upholds the Indian right to net fish commercially for steelhead and returns the case to state courts to determine allocations.

TURNING POINT: Boldt decision

February 12, 1974

Judge George Boldt's ruling in *U.S. v. Washington*—in what is commonly referred to as the Boldt decision—reaffirms the tribes' treaty-reserved rights to harvest salmon and steelhead. The decision also recognized the tribes as co-managers of salmon and other fish.

The tribes of Washington had ceded their land to the United States, but reserved the right to fish as they had always done, including fishing at traditional locations that were off their reservations.

May-September 1974

Seven more tribes intervene in *U.S. v. Washington* during the appellate process: the Swinomish Indian Tribal Community, Tulalip Tribes, Suquamish Tribe, Port Gamble Clallam Indians (now Port Gamble S'Klallam Tribe), Lower Elwha Band of Clallam Indians (now Lower Elwha Klallam Tribe), Nooksack Indian Tribe and Jamestown S'Klallam Tribe.

Article in Northwest Indian News following Judge George Boldt's decision in February 1974.

June 24, 1974

A charter committee meets in Seattle to develop a constitution and bylaws for the Northwest Indian Fisheries Commission (NWIFC).

The charter charges the commission with giving the treaty tribes "the capability of speaking with a single voice on fisheries management and conservation matters."

January 14, 1975

Judge Boldt prohibits Washington from excluding hatchery-produced steelhead from the Indian treaty entitlement on rivers other than the Puyallup, pending final determination of that question by a federal court.

April 8, 1975

Judge Boldt expands the *U.S. v. Washington* decision to herring and approves a sac-roe herring fishery management plan for 1975 that allocates equal shares of the off-reservation commercial catch to Indians and non-Indians.

Boldt's Name 'Synonymous with Rights'

By BRUCE VAN BROCKLIN

He was born in Chicago and moved to the state of Montana as a child, but it was in a Tacoma courtroom that the name George Hugo Boldt was to become synonymous with Indian treaty fishing rights, for in February, 1974, the federal district court judge's ruling that Western Washington treaty Indians were entitled to up to 50% of the harvestable salmon catch set off a shock wave which swept the nation.

Judge Boldt's historic ruling came after three long years of study of the facts surrounding the 1850's treaties signed by the U.S. government and Western Washington tribes. Reflecting on the case, *U.S. v. Washington*, Judge Boldt said, "In the early days of our country, the judges who first spoke on Indian rights have always had such a profound sense of guilt in taking away the Indians' livelihood that they made plans for them to have other places to go and fish.

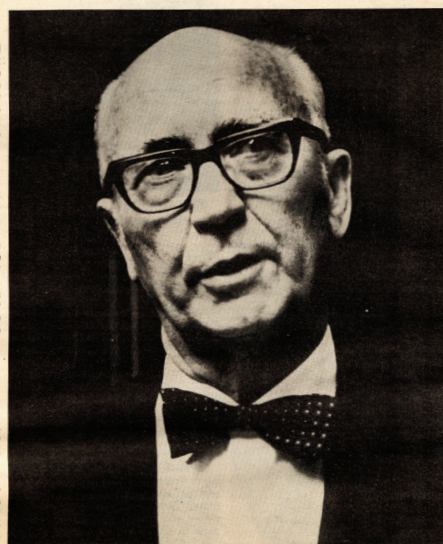
"It's always been that way, all down through the years, I know, I read those decisions."

On July 2, 1979, the U.S. Supreme Court agreed. In a convincing 5-3 ruling, it upheld virtually all of Boldt's 1974 decision, save a disagreement over counting on-reservation fish catches as part of the Indians' total share.

On hearing of the high court's ruling, the 75-year-old judge said, "It brings me, in my decision, to a conclusion. It is, for me, the end of my decision-making. I'm totally withdrawn from the court now, and no longer in a position to say anything 'yes' or 'no' about it."

Amid the non-Indian calls for impeachment and the considerable acrimony engendered by the 1974 decision, little has been said publicly of the man who bore the heat of the Indian fishing rights controversy.

After moving to Montana, Boldt graduated from the University of Montana and practiced law in that state, as



RETIRED FEDERAL DISTRICT JUDGE GEORGE BOLDT
His cases touched underworld, taxes, and tribal realities

During his more than 20 years on the bench, he developed a reputation for fairness, but firmness. In the '60's he was named by Chief Justice Earl Warren to a panel of federal judges in charge of

In 1970, he presided over the trial of the Seattle Seven Conspiracy where he declared a mistrial, ruling the actions of the defendants had prejudiced the jury.

In 1971, President Nixon called upon Boldt to head a special Pay Board—a position which exposed him to national criticism as he enforced anti-inflationary wage guidelines.

The Indian rights decision on fishing, however, was to bring the most intense public opposition. Bumper stickers calling for his impeachment and such pedestrian outcries as "Judge Boldt is an Indian Giver" sprouted all around the Sound.

Those busily organizing to impeach the judge most likely had no knowledge of the University of Puget Sound trustee's former activities in behalf of minorities. In his World War II service as an Army Colonel with the OSS in Burma, Boldt had admonished his troops for making derogatory racial statements about Japanese in the presence of Nisei (American-born Japanese) soldiers on the base.

In February, 1979, near the fifth anniversary of his historic decision and two weeks before a Supreme Court hearing to review his findings, the Tacoma justice announced he was relinquishing his jurisdiction over the fishing rights case. He asked U.S. District Court Judge Walter McGovern, in Seattle, to assign another judge to the case, citing personal health reasons.

At the time, the two major daily newspapers in Western Washington, the *Post-Intelligencer* and the *Seattle Times*, published editorials praising Boldt's "Firmness, Fairness, and Intellect." Barely five months later, the United States Supreme Court, in a ruling which read like a recitation of Boldt's scholarship, vindicated the retired justice.

The ball is now clearly in the State's court and one can reasonably assume that an aged, but alert, Tacoma resident will be watching closely with a well-



Steelhead are released from a Puyallup hatchery into Clarks Creek in April 1981.

June 4, 1975

The 9th U.S. Circuit Court of Appeals upholds Judge Boldt's ruling in *U.S. v. Washington*.

July 19, 1975

Judge Boldt orders the state to permit Indians to fish with any type of gear during the entire period open to U.S. fishermen under International Pacific Salmon Fisheries Commission regulations.

August 20, 1975

U.S. District Judge Belloni issues a supplemental order in *U.S. v. Oregon*, declaring that treaty tribes must have an opportunity to harvest up to 50% of Columbia River fall chinook that the states allow to be taken by all user groups and which are destined to return to the tribes' usual and accustomed fishing places.

October 20, 1975

The state files a petition for the U.S. Supreme Court to review decisions made by lower courts in *U.S. v. Washington*.

October 21, 1975

In subsequent rulings, Judge Boldt prohibits or limits Indian on-reservation fishing in several instances where he found such restriction necessary to ensure adequate spawning.

October 22, 1975

Judge Boldt rules that he has jurisdiction to restrict Indian on-reservation fishing on runs affected by his decree when necessary or to preserve the runs. The Puyallup and Nisqually tribes appeal this ruling to the 9th Circuit.

October 27, 1975

Judge Boldt names a Fisheries Advisory Board consisting of one state representative and one Indian representative to attempt to reach agreement on fisheries regulatory matters prior to submission to the court for judicial determination.

Judge Boldt also orders the state to allow Indians to take a greater share of the 1975 harvestable chum salmon

as an “equitable adjustment” for the “substantial and significant” denial of their opportunity to take an equal share of coho salmon after state courts hampered enforcement against unauthorized nontreaty fishing in direct violation of the federal court’s order.

January 26, 1976

The Supreme Court declines to review *U.S. v. Washington*, thereby reaffirming Judge Boldt’s decision and the ruling of the 9th Circuit.

January 28, 1976

The 9th Circuit affirms Judge Belloni’s May 8, 1974, order that Columbia River treaty tribes are entitled to 50% of the harvestable runs destined to reach the tribes’ usual and accustomed fishing grounds and stations.

February 1977

In *U.S. v. Oregon*, the federal court approves a five-year plan for an in-river harvest-sharing formula between non-Indian and Indian fisheries. The plan fails because it does not include controls on ocean harvests or specific measures to replace fish runs destroyed by development.

March 1977

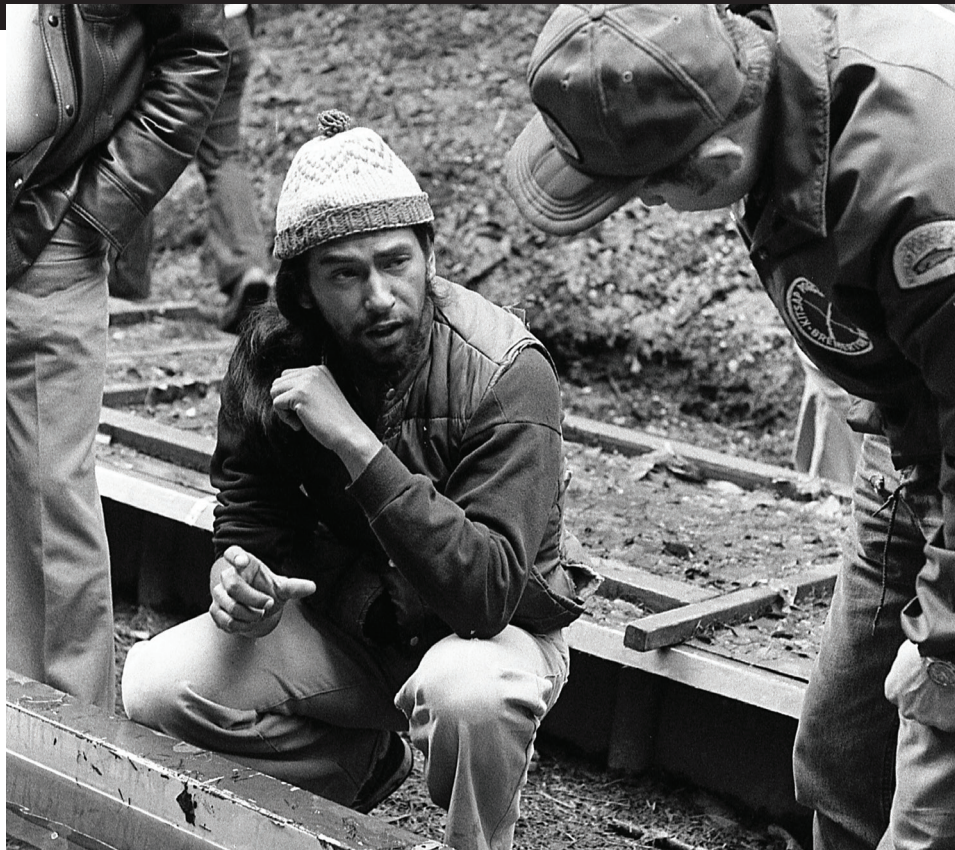
The Yakama, Warm Springs, Umatilla and Nez Perce tribes create the Columbia River Inter-Tribal Fish Commission.

March 22, 1979

Judge Boldt approves an interim plan for implementation of his decision in *U.S. v. Washington* and appoints a fisheries technical advisor and a designated master, who is assigned to hear subsequent matters in specialized cases.

July 2, 1979

In *Washington v. Washington State Commercial Passenger Fishing Vessel*, the Supreme Court upholds *U.S. v. Washington*, ruling that the treaties secured the tribes a right to harvest a share of each run of anadromous fish that passes through tribal fishing areas.



David Mills Sr., a Suquamish Tribe fisheries technician, gives a tour of the Cowling Creek Hatchery to sport fishermen from the Kitsap Poggie Club in the 1980s.

AN EVOLVING BATTLE

1980-82

Columbia River, Puget Sound and Washington Coast tribes sue the U.S. Secretary of Commerce over ocean fishing regulations because a large percentage of treaty fish were being caught in waters managed by the Department of Commerce. The federal government is ordered to regulate ocean fisheries to ensure that a reasonable number of salmon reach tribal fishing places.

September 26, 1980

In the first ruling of *U.S. v. Washington*, Phase II, Judge William Orrick holds there is a duty imposed upon the state, as well as the U.S. and third parties, to refrain from degrading fish habitat to an extent that would deprive the tribes of their moderate living needs. Orrick also prohibits the state from damaging fish habitat and includes hatchery-raised fish in the allocation to Indians.

October 12, 1984

The tribes and state receive an 18-month stay of proceeding in *U.S. v. Washington*, Phase II, to negotiate the Timber/Fish/Wildlife (TFW) Agreement.

March 1985

President Ronald Reagan and Canadian Prime Minister Brian Mulroney sign the U.S./Canada Pacific Salmon Treaty, which reduces Canadian and Alaskan harvest of Columbia River salmon and adds tribal representation to the international decision-making body.

April 29, 1985

In the state’s appeal of the Phase II decision, the 9th Circuit agrees that the state has treaty duties to protect habitat and affirms that hatchery fish are part of Indian/non-Indian fishing allocations but reverses a previous declaration on habitat, saying that the state’s duties depend on the facts of particular habitat-altering activities.

May 8, 1986

The U.S., state and tribes meet to discuss a tentative settlement for Phase II. There is no settlement, but the tribes and state secure a stay of the proceedings for 12-18 months.

1989

The tribes are willing to dismiss without prejudice *U.S. v. Washington*, Phase II, and seek cooperative resolution of environmental impacts to salmon habitat. After being denied protection of resources and fish habitat, the tribes are forced back into court to defend treaty-protected rights on a case-by-case basis.

June 23, 1993

Judge Barbara Rothstein dismisses without prejudice *U.S. v. Washington*, Phase II. All parties support this motion. Though Phase II was dismissed, the U.S. or tribes could reinstitute habitat-related litigation in the future.

December 20, 1994

In a subproceeding of *U.S. v. Washington*, Judge Edward Rafeedie declares tribal off-reservation shellfishing rights.

"The fact that some species were not taken before treaty time—either because they were inaccessible or the Indians chose not to take them—does not mean that their right to take such fish was limited. Because the 'right of taking fish' must be read as a reservation of the Indians' pre-existing rights, and because the right to take any species, without limit, pre-existed the Stevens Treaties, the court must read the 'right of taking fish' without any species limitation."

November 4, 1996

The Makah Tribe secures a win in a subproceeding regarding Pacific whiting and rockfish. The ruling reaffirms that the "right of taking fish" applies to all species found in "usual and accustomed fishing grounds and stations," whether or not those species were taken at treaty time.

March 16, 1999

The U.S. Department of the Interior adds nine salmon runs in the Pacific Northwest to the endangered species list. They join 15 others that are already listed.

Listed as endangered:

Upper Columbia River spring chinook

Listed as threatened:

Puget Sound chinook

Lower Columbia River chinook

Lake Ozette sockeye

Hood Canal summer chum

Lower Columbia River chum

Mid-Columbia River steelhead

Upper Willamette River chinook

Upper Willamette River steelhead

Between 1985 and 2000, the tribes support the development of cooperative management approaches including TFW, Sustainable Forestry Roundtable, Forests and Fish Law, Chelan Agreement and State-Tribal Environmental Memorandum of Understanding.



A chum salmon swims back to the Skokomish Tribe's Enetai Hatchery in November 2021.

FOCUS ON FISH PASSAGE

June 16, 2000

After several situations where the state refuses to work cooperatively, plaintiff tribes raise concerns about fish-blocking culverts and the failure of the state to protect the treaty-reserved rights of the tribes.

October 26, 2000

A formal mediation process is initiated for culvert concerns.

January 12, 2001

Twenty-one northwest Washington tribes, joined by the United States, ask the U.S. District Court to find that the state has a treaty-based duty to preserve fish runs and habitat, and to compel the state to repair or replace culverts that impede salmon migration.

March 5, 2002

Fishing groups challenge National Marine Fisheries Service regulations and annual allocations of Pacific whiting to the Makah Tribe. The court interprets treaty language as entitling the tribes “to take fifty percent of the salmon and other free-swimming fish in the water controlled by Washington.”

August 22, 2007

Federal District Court Judge Ricardo Martinez issues a summary judgment holding that while culverts impeding fish migration are not the only factor impacting habitat, building and maintaining culverts that impede salmon migration diminished the size of the runs and thereby violated Washington state’s obligations under the Stevens Treaties.

August 23, 2007

The court rules that state culverts that block fish and diminish salmon runs violate Indian treaty fishing rights. The ruling rests on historical facts that the state never disputed: Washington tribes refused to sell their land until they were assured a continued supply of fish in the treaties. “This paper secures your fish,” Gov. Isaac Stevens had told the tribes.



A box culvert is removed in August 2014 to improve fish passage at the mouth of Chico Creek.

In essence, non-Indians paid for 5 million acres of Indian land by promising to protect Indian fisheries.

March 29, 2013

The court orders the state to significantly increase efforts to remove and replace state-owned culverts that block salmon and steelhead by 2030.

September 2013

In consultation with the tribes, the state files lists of fish barriers to be corrected by the departments of Transportation, Natural Resources, Parks, and Fish and Wildlife.

June 27, 2016

The 9th Circuit affirms the decision requiring the state to correct its barrier culverts. This reaffirms the fundamental principle that treaty rights to take fish include protecting and restoring fish habitat, and that the state’s barrier culverts violate those rights.

October 2016

The departments of Natural Resources, Parks, and Fish and Wildlife meet the deadline to fix barrier culverts.

May 19, 2017

The 9th Circuit rejects the state’s petition to rehear its decision.

January 12, 2018

The U.S. Supreme Court accepts a petition to review the case on the state’s appeal.

April 18, 2018

Arguments are heard in Supreme Court.

June 11, 2018

The Supreme Court affirms the 9th Circuit decision, upholding the injunction ordering the state to repair its fish-blocking culverts.

February 2024

Treaty fishing rights, fisheries regulations, access to fishing places, and habitat protection—as affirmed in *U.S. v. Washington*—routinely shape legislative and regulatory decisions.

The tribes party to *U.S. v. Washington* commemorate the 50th anniversary of the Boldt decision as they continue to exercise their treaty-protected rights and steward the environment for the benefit of everyone in the Pacific Northwest.

THEN AND NOW

1



2



3



4



5



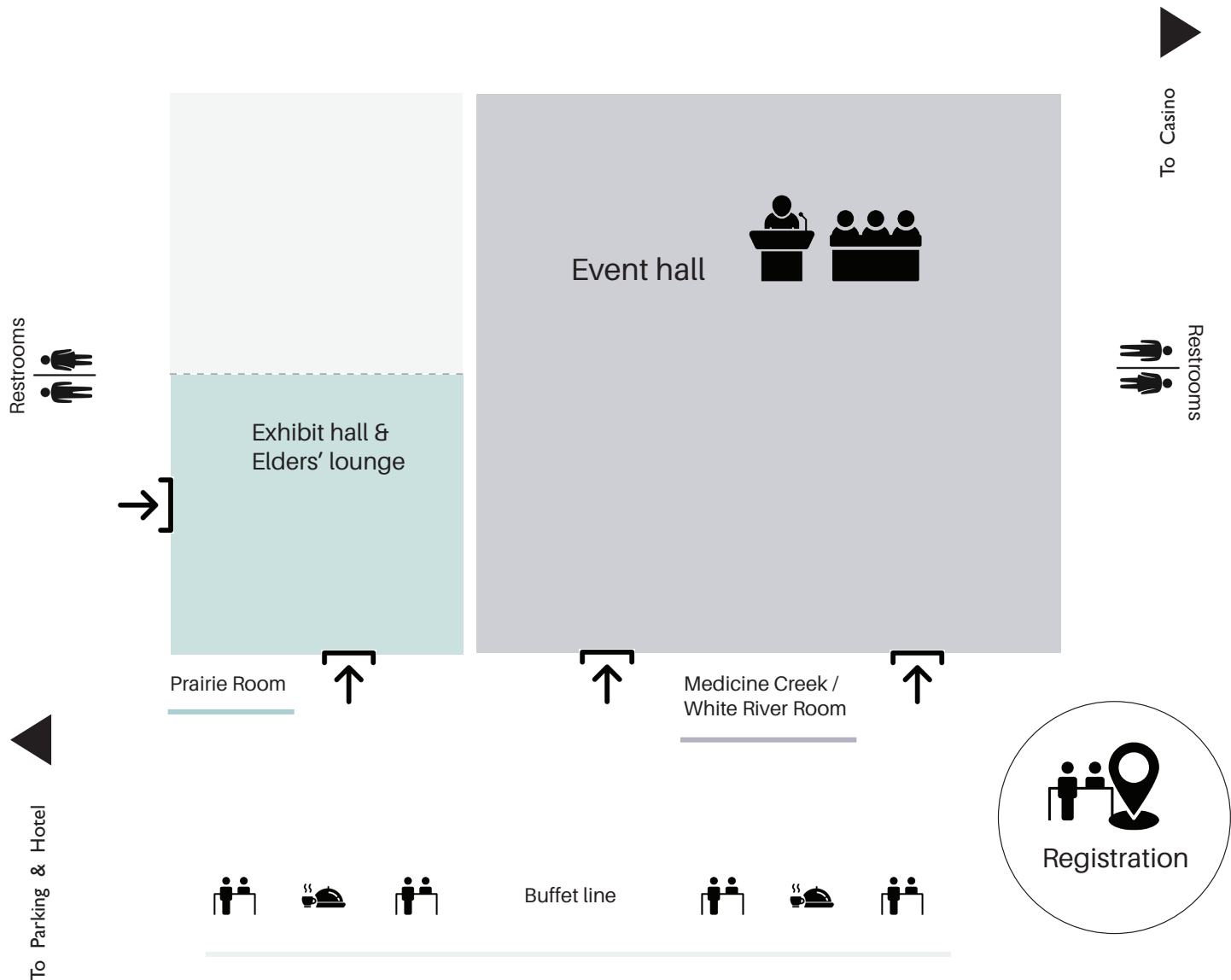
6



- 1 - The Squaxin Island Tribe beach seines in Olympia in August 1980.
- 2 - Lummi Nation staff haul chum onto their boat during a test fishery in November 1981.
- 3 - Hoh Tribe fishers beach seine for chinook at the mouth of the Hoh River in July 1980.
- 4 - Skokomish Tribe fishermen seine for chum in Hoodsport in November 2022.
- 5 - A Jamestown S'Klallam Tribe citizen pulls in a coho at Cline Spit in October 2022.
- 6 - Members of the Upper Skagit Indian Tribe harvest Baker River sockeye in July 2023.

Photos: NWIFC archives

WELCOME TO THE MUCKLESHOOT EVENTS CENTER



IN THE EXHIBIT HALL

Stop by the Exhibit Hall for further immersion into the past 50 years of treaty rights protection and salmon recovery efforts.

Displays include a series of short films on rotation, historical and contemporary photos of tribal fisheries and stewardship, and poster projects from Quil Ceda Tulalip Elementary School students.

Films playing:

"As Long as the River Runs"
 "Back to the River"
 "Recolonizing the Elwha"
 "Can The Blueback Survive?"
 "Restoration Nation"

"sčədadx" (salmon)
 "Salmon Problems"
 "Saved by Salmon"
 "The Boldt Decision Explained"
 "Tribal Fishing 101 - Conservation"

"Tribal Fishing 201 - How are Fisheries Managed?"
 "Tribal Fishing 201 - Why Nets?"
 "Tribal Fishing 201 - How Do We Preserve Traditions?"
 "Hatcheries 101"
 "Welcome to the Riparian Zone"



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