

Judge Boldt's Ruling—

Decision Upheld Rights of Makahs, Other Tribes

NEAH BAY, Wash.—Indians of the Pacific Northwest admit that the flame of hope for recognized fishing rights was more than flickering when U.S. District Court Judge George Boldt (District of Tacoma, Wash.) in a decision dated Feb. 12, 1974, declared that the Treaty Indian Tribes of Washington State were not only guaranteed enjoyment of fishing rights but were further entitled to 50% of all fish caught in the "usual and accustomed" fishing areas since time immemorial.

The decision upheld the

rights of the tribes according to treaties negotiated with the federal government in the mid-eighteen hundreds.

Louder than the rejoicing of the tribes was the uproar of non-Indian commercial and sports fishermen of the state and the Pacific Northwest. Every non-Indian fishing association assigned teams of lawyers to combat the landmark decision now popularly known as the "Judge Boldt Decision."

One of the Treaty Tribes, the Makah Indians, who reside on the northernmost tip of the United States, is moving to counteract public reaction through an aggressive public relations program ranging from public appearances of the tribal members to the development of a half-hour documentary on Indian fisheries which blends the history of the Makah people and their use of the seas with the coming of the non-Indian populations and how the fish were depleted over the past decades.

The reaction of the general public has been severe and has been fired by inaccurate information printed by the press as provided by various non-Indian fishing organizations. Cries of "too much for too few" and the injustice of the Judge Boldt Decision to non-Indians has been the subject of most headlines in Washington State.

The results have been counterproductive by the non-Indians to overturn the Boldt decision, "Impeach Boldt" movements and even decrees by the associations to "ignore the law."

The latest tactic by the non-Indian associations is to prevent Indians from taking a percentage of hatchery produced fish, because of their artificial rearing which is not covered by the treaties.

The Makahs recently won approval from the U.S. Department of the Interior, Fish and Wildlife Service for the construction of a \$7 million hatchery to be located on the Sooes River which flows through the Makah Indian Reservation.

The Makah National Fish Hatchery is the result of years of effort and substantial financial investment by the tribe. The Makahs, whose livelihood since time immemorial has depended upon fishing and whaling the Pacific Ocean see the hatchery as an opportunity for all fishermen to commence unified efforts in raising the depleted production of salmon in the Pacific Northwest.

They point to the Makah National Fish Hatchery as an example of what can be done if people concentrate on resource development rather than on constant fighting among the peoples. The Makah National Fish Hatchery alone will plant over 10 million salmon and trout in Washington rivers and streams annually.

Speaking before a large audience of fishermen, businessmen, industrialists and political figures, Eugene Parker, chairman of the Makah Tribal Council, called for all fishermen to join hands in an effort to restore the fish runs of the state.

He particularly encouraged the governments of Canada and British Columbia to intensify their hatchery efforts in conjunction with those of Pacific Coast states.

"Fishermen fighting on land and in the press are not going to increase the runs of fish," Parker states. He pointed out that the ever-growing population of Pacific Coast states was making fish management difficult to the point of impossibility.

Coupling the population growth with greater recreation time of workers Parker warned, "Even if the runs were just stabilized in number, so many people are taking the fish on sport hooks and commercially that it simply will not be worth a man's time or money to fish for a living."

"Our concern is for controlled growth in the entire fishing industry," Parker said as he unveiled plans for the hatchery and the tribe's public relations program. "We've got to emphasize salmon reproduction up and down the entire coast, in Canada and in the United States or we're simply going to run out of fish and that won't be good for any-

one, Indian or otherwise," he concluded.

Because of the Judge Boldt Decision, the Makah Tribe as well as other treaty tribes (now numbering more than 20) maintain self-control in fish management and conservation and patrol their "usual and accustomed" fishing areas with sleek powered patrol boats underwritten by the Bureau of Indian Affairs.

While the Judge Boldt Decision may appear to be a windfall for the Indian tribes and individuals as to the 50% share of fish caught, there has not been a rush into the business by the groups.

The problem is investment and financing. The Makahs have a small fleet of 30 foot vessels which are not large enough to effectively compete with 55 foot multi-purpose fishing boats which can stay at sea for days before returning with their catches.

To "gear up" even a small operation for a summer season of fishing requires an investment of over \$20,000 not to mention the cost of a fishing boat which starts at \$70,000.

Regardless of the problems faced by the tribes in competing for the salmon dollar, at least now the opportunity to earn a living through fishing is established through the recognition of Indian fishing rights.

And in the interest of these opportunities, the Indians like the Makahs, are developing fish hatcheries and fish-related businesses on their reservations.

Unfortunately, as is the history for Indian tribes, from one victory grows another concern—another challenge. Now there's a lot of talk about the Congress exercising its "plenary power" over the Indians.

Because the U.S. courts are standing by the Indians in their fight to preserve and protect their rights, some Congressmen and senators in response to public pressure are talking about doing "something" about the "chaos" brought about by the Judge Boldt Decision.

And much like the days which led to the Congress "doing something" about the Indians and their eventual "termination" brainstorm, the winds are blowing that way again.

Now the tribes must cling closely together to preserve and protect those precious rights recently upheld by the courts.

The Makah Indians are doing their best to balance public

thought by untwisting misinformation in the press and in keeping an eye on Congress so that the ideas of terminating Indians or their rights don't get a chance to spark.

Gravel Asks OCS Development Impact Grant


WASHINGTON—Sen. Mike Gravel, D-Alaska, recently urged the Economic Development Administration to give early and positive consideration to the State of Alaska's request for a \$630,960 grant to help communities prepare for Outer Continental Shelf Development Impact.

Gravel, in a letter to Assistant Secretary of Commerce for Economic Development, Wilmer D. Mizell, said that the funding would help the Gulf of Alaska communities of Yakutat, Seward, Cordova, Kodiak and other unincorporated communities on the Gulf Coast, prepare for the anticipated impact of the OCS lease sale, now scheduled by the Department of Interior for next January.

Gravel has called for a delay in the Interior Department's leasing of OCS lands, tied to enactment of legislation that would provide for state involvement in the planning for OCS development, advance impact monies and set a new procedure for leasing.

Gravel told Mizell that "In my view, this grant application reflects a meaningful, although in now way, total response to the absolute need for the federal government to financially assist Alaska in meeting the need to plan for the changes which may be expected from oil development off our coast."

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