Northwest Treaty Tribes
Protecting Natural Resources for Everyone
Spring 2024
nwtreatytribes.org

Inside:
- Tribes reflect on decades since Boldt decision
- Partners tag, track Hood Canal salmon
- Ponds help hatchery salmon acclimate
- Tribal restaurant serves up geoduck
- Overpass will help elk reach habitat
A reminder to tell our stories

by Ed Johnstone
NWIFC Chairman

Family, friends, and tribal and state leaders recently witnessed the unveiling of a model of a Billy Frank Jr. statue in a ceremony at the state Capitol.

The 4-foot-tall model—depicting Billy sitting on the bank of the Nisqually River beside salmon and a fishing net—is on display outside the Lt. Governor’s office. It was an emotional moment for those of us who knew Billy, to see his likeness and spirit so beautifully captured in this sculpture of our longtime NWIFC chairman who taught us, “Tell your story.”

Sculptor Haiying Wu—well known for the Fallen Firefighters Memorial in Seattle’s Pioneer Square neighborhood—has been working closely with the Nisqually Tribe and the Frank family. Once the model is approved by the Architect of the U.S. Capitol, Wu will complete the 9-foot-tall bronze statue destined for the National Statuary Hall in Washington, D.C., in 2025.

Our state Legislature passed a bill in 2021 selecting this statue as one of two representing our state in the nation’s capitol, recognizing Billy’s lifelong dedication to fighting for the rights of Indigenous people.

Billy was on all of our minds as we commemorated the 50th anniversary in February of Judge George Boldt’s U.S. v. Washington decision, which reaffirmed tribal fishing rights and recognized the tribes as co-managers of the salmon resource. Billy was well-known as the “getting arrested guy” during the Fish Wars leading up to the case, so it is hard to think of one without the other.

The treaty tribes marked this 50-year milestone by telling our stories during a two-day event at the Muckleshoot Tribe. From treaty times through the Fish Wars and Boldt decision, to the past few decades of combating habitat loss and the effects of climate change, our goals have been the same—exercise our treaty rights while taking care of the fish, shellfish and wildlife that have sustained our people for generations.

The Boldt decision led to the frame-work for treaty tribes to build our natural resources departments and tribal governments to partner with the state as environmental stewards. The decision has been upheld in the U.S. Supreme Court and affirmed in subproceedings and additional court cases. The Rafeedie decision solidified tribal shellfish rights. The culvert case confirmed that it is a violation of treaty rights for state roads to block fish passage. And Hoh v. Baldridge determined that fisheries should be managed river by river to protect tribal fisheries in terminal areas.

Another of Billy’s lessons is that it’s going to take all of us to recover salmon. Every year fisheries co-management gets more difficult because salmon runs continue to decline.

The tribes have been saying for decades that reducing harvest alone will not restore salmon. We need to stop the ongoing destruction of habitat, contamination of water, predation by seals and sea lions, and impacts of climate change. Natural resources managers must continue to follow the latest science to address these environmental threats.

As we reflect on the past 50 years, we are worried about the next 50. We are stewards of natural resources for the next seven generations, but we’re on the trajectory to having a treaty right to a fish that has gone extinct. As we move forward, we must follow Billy’s example to set aside our differences and work together.

In marking the anniversary of the Boldt decision, tribes carry on the work to inform everyone about the role treaty rights play in fisheries management and environmental protection.

The statue of my mentor Billy Frank Jr. represents this commitment. It is an opportunity to educate people about where we came from while inspiring future generations of tribal leaders and reminding the entire country that we’re still here.
Honoring treaty rights advocate Billy Frank Jr.

Schools celebrate Billy Frank Jr. Day

Young visitors, right, “fish” for salmon at the Billy Frank Jr. celebration at North Thurston High School in March. It was one of many games and activities teaching about the treaty rights advocate. Judging by the crowd at the event, the reach of Frank’s message continues to grow.

Students from kindergarten to 12th grade participated in the collaboration between North Thurston Public Schools and the Nisqually Tribe of Indians. Student projects showed artistic talent and an impressive depth of knowledge about the Fish Wars and resulting court cases.

“It’s been an honor to work with you and tell this story,” said Nisqually Chairman Willie Frank III, who is Billy’s son and a graduate of North Thurston High School, during a speech at the event.

This fourth annual Billy Frank Jr. celebration also featured song and dance by the Nisqually Canoe Family. Trevor Pyle

Frank’s likeness to be cast in bronze

Cast in detail down to the ring on his finger, a 9-foot bronze statue of Billy Frank Jr. will be displayed at the U.S. Capitol next year. A 4-foot maquette of the statue was unveiled in January to a crowded room of tribal leaders, elected officials and others at the state Capitol.

Billy’s son Willie Frank III and daughter-in-law Peggen Frank helped unveil the maquette. “My dad is looking down on us and smiling,” said Willie Frank.

Gov. Jay Inslee reflected on Billy’s legacy. “Treaty rights are not self-executing. They take people of courage,” Inslee said. “You can call it rebellion, or you can call it standing up for your rights. It’s both.”

Willie Frank said the statue will be a reminder of his father’s legacy and a call to continue his work. “My father would say we still have more to do,” he said.

Left: Nisqually Chairman Willie Frank III, center, and his wife Peggen, left, pose with a statue of Billy Frank Jr. and Washington State Sen. Claudia Kausman, a member of the Nez Perce Tribe. Jack George
Marking the 50th anniversary of Judge George Boldt’s Feb. 12, 1974, ruling in U.S. v. Washington, hundreds of members of treaty tribes gathered at the Muckleshoot Events Center to reflect on the times that preceded that pivotal moment in court and the decades since.

Over two days, speakers including Fish Wars veterans from multiple tribes, attorneys who worked on the case, and some of Boldt’s descendants discussed the turmoil that led to the treaty rights lawsuit and how it has changed fisheries management.

Several speakers recalled tribal fisherman attempting to harvest salmon from Northwest rivers under the cover of darkness prior to the Boldt decision to avoid the arrests, beatings, and destruction of gear they often endured in the daylight.

Tribal leaders also shared how they are continuing to fight for their treaty fishing rights to be honored in an era when sustaining the resource—and therefore access to it—is challenged by human population growth, development, pollution and the impacts of climate change.

“You guys have got a lot of work to do,” said Doreen Maloney, an elder and general manager of the Upper Skagit Indian Tribe. Maloney shared memories from the Fish Wars, challenges she faced implementing fishing rules in tribal courts following the Boldt decision, and concerns about the state of the environment.

In reaffirming tribes’ treaty rights to harvest fish on and off reservations, the Boldt decision helped end the volatile civil rights battle of the 1960s-70s. But 50 years on, treaty fishing rights are increasingly threatened by environmental degradation.

“What we have is fragile,” said Makah Chairman Timothy “TJ” Greene Sr. “Boldt is a true success story in the court system. But it’s fragile.”

Tribes have worked for decades to protect salmon runs from extinction by limiting their own harvest, producing supplemental populations at hatcheries and restoring habitat. Despite year after year of releasing millions of fish and investing millions of dollars in habitat projects, however, many salmon runs remain at unsustainably low numbers.

The consensus of several speakers at the US v. WA 50 event was that more needs to be done by state co-managers and federal trustees to move the region’s salmon populations from barely surviving to thriving.

“Even though we’ve had billions of dollars—not millions but billions—invested in salmon recovery, we’re still losing ground,” said NWIFC executive director Justin Parker.

More than 500 people attended the event. For some, it revisited painful times in the region’s history. For others, it offered first-time insight into that past. Overall, the event provided a call to action to stay the course in the fight to sustain salmon for the next seven generations.

“In another 50 years we are still going to be here, and we will be even stronger,” said Fawn Sharp, vice chair of the Quinault Indian Nation. “Our ways are ancient and timeless.” —Kimberly Cauvel
The court proceedings

Judge George Boldt’s Feb. 12, 1974, ruling in *U.S. v. Washington* reaffirmed that in treaties signed with the United States in the 1850s, tribes secured the right to fish where their communities were accustomed to doing so, whether those areas were on or off Indian reservations. The ruling also found that treaty tribes were entitled to half of the catch and recognized the tribes as co-managers of fisheries with the state.

In a subproceeding, federal Judge Edward Rafeedie ruled in 1994 that the treaties also covered shellfish because tribes had considered salmon, clams and other aquatic species to be “fish” at the time of the treaty signings.

Subsequent decisions found that because hatcheries and sufficient habitat are necessary to meet the promises of the treaties—that the tribes would always have an adequate supply of fish—hatchery fish and habitat health also are protected under the treaties.

Tribes leveraged their treaty-protected right to a healthy environment in a later subproceeding referred to as the culvert case. In 2007, federal Judge Ricardo Martinez ruled that state-owned culverts under roads violate treaty rights because they impede fish migration, which has led to a decline in salmon populations.

"To say the Boldt decision has had profound effects on the entire citizenry of Washington state would be an understatement," said Phil Anderson, Pacific Salmon Commissioner, former director of WDFW, and former charter fishing boat operator. "In my view, the Boldt decision revolutionized salmon management by creating a holistic regime … addressing every source of mortality from the time the fish leave the gravel to the time they return to spawn." —Kimberly Cauvel
Above: Stillaguamish fisheries director Kadi Bizayeva, left, and Upper Skagit elder and general manager Doreen Maloney pause for a photo following a panel on which they shared their multigenerational views on the Boldt decision and ongoing challenges for treaty fisheries. Kimberly Cauvel

The Muckleshoot Canoe Family including John Halliday, below, and some of the tribe’s young Powwow Royalty including Karmen Paul, right, who holds the title of Muckleshoot Jr. Miss Skopabsh, offer cultural songs and dance during US v. WA 50. Trevor Pyle (2)
Words from the US v. WA 50 witnesses

“It was unimaginable to my grandparents that anything like this would have happened. They had no idea the success we would have.”

Ron Charles
Port Gamble S’Klallam Tribe

“Our work is not done. Our fight is not over. Warrior up; it’s time to educate our next generation.”

Jaimie Cruz
Squaxin Island Tribe

“Our very existence is rooted in this place, these lands and these waters. Our effort to restore these resources is imperative.”

Cecilia Gobin
Tulalip Tribes

“Boldt is a true success story in the court system. But it’s fragile.”

Timothy “TJ” Greene Sr.
Makah Tribe

Above: A US v. WA 50 attendee snaps a photo of the 4-foot maquette of Billy Frank Jr. on display at the Muckleshoot Events Center during the two-day event in February.

Below: Billy’s son, Willie Frank III listens to other speakers at the event. Tiffany Royal (2)
Above: Virginia Boldt Riedinger, Judge George Boldt’s daughter, and Jeff Riedinger, Boldt’s grandson, are honored with a song from the Muckleshoot Canoe Family. Kimberly Cauvel

Right: Virginia speaks about her father’s legacy.

Far right: Event goers contribute to the Honor Card table, where attendees commemorated loved ones by sharing their names on honor cards. Tiffany Royal (2)

Find more online
To see a legal timeline dating back to treaty times, links to media coverage and a photo essay, visit nwtreatytribes.org/usvwa
Top: Students from North Thurston Public Schools show off their Boldt 50 presentation on the importance of treaty rights and healthy habitat for salmon.

Above: North Thurston students participate in a panel on what they learned from US v. WA 50 and the state’s Since Time Immemorial curriculum. Tiffany Royal (2)

Left: Last fall, Quil Ceda Tulalip Elementary School fifth graders learned about tribal fishing and created posters showing their interpretations of the Fish Wars, the evolution of fisheries management, and their ideas of what the future may hold. Kimberly Cauvel
Jamestown S’Klallam geoduck divers Jeremy and Jason Holden didn’t realize how significant their new seafood business would be to their tribe and the North Olympic Peninsula until it opened in late 2023.

The owners of Moby Duck Chowder and Seafood initially wanted to open a food truck to sell geoduck chowder made from the clams they harvested with their dive boat, The Moby Duck. The native clam isn’t often sold locally, as it is regularly shipped overseas to Asia where it is in high demand.

“We’d get a lot of questions, like ‘Where do we get geoduck?’” Jason said. “So finally, it just clicked. ‘Why don’t we just open our own restaurant?’”

The idea of a food truck quickly escalated into a restaurant after securing a waterfront location in downtown Port Angeles. It took three months for the brothers to fill the space with a mural worthy of selfies; procure local art, wine and produce vendors; and hire a chef and staff. They soon were serving geoduck clam chowder and other inspired dishes such as geoduck fritters and Dungeness crab rolls.

“Our vision was that we want people to come in and be like ‘Wow,’” Jason said. “We want the food to match the environment. We want people to taste the food, and be like, ‘Oh man, this is the best, freshest seafood I’ve had.’”

While business has been booming, the bigger takeaway for the Holden brothers has been a better understanding of their tribal heritage. As descendants of tribal fishermen, it felt natural to them to make a living from fishing. But their perspective changed when someone acknowledged how important it was for tribal members to run a restaurant serving fresh seafood harvested by the tribe, Jason said.

“It’s a lot bigger than us,” Jason said. “We’re representing a whole heritage, our tribe, and all the Natives around here.”

Now, they’re embracing that connection by promoting the business as Native-owned and creating a wall dedicated to photos and memorabilia of tribal fishermen from all Klallam tribes. Buoys from tribal fishing boats adorn the walls, and a TV above the bar plays videos of the brothers and other fishermen at sea. The drinks on the menu are named after boats in the Klallam fishing fleet, such as Matty B Float and Rebecca Ann.

The seafood served is primarily harvested by the Holden brothers or their friends and family who are tribal fishermen or shellfish farmers. They hope to get halibut and cod from near Neah Bay when the season opens. The duo is continually building their network of tribal suppliers for crab, shrimp and salmon as they’re seasonally available, in addition to harvesting geoduck themselves, which they’ve been doing for 15 years.

The twins are third-generation fishermen—their grandfather Marlin Holden operated a small shellfish farm in Sequim Bay for decades, now run by their cousin Jesse Holden. Their father, Dave Holden, was one of the first tribal commercial harvest divers for geoduck in the late 1990s, and started sharing his skills with the boys at a young age.

“It just feels right,” Jeremy said. “I couldn’t do anything else.”

—Tiffany Royal
What’s killing Hood Canal salmon? Tags offer clues

While the Port Gamble S’Klallam Tribe knows from recent studies that only half of out-migrating juvenile fish are getting past the Hood Canal Bridge, the next question is—what about returning adults?

That led staff from the tribe, National Oceanic and Atmospheric Administration (NOAA) and Long Live the Kings to beach seine and tag adult chinook salmon near the bridge last summer.

The goal was to get acoustic tags on 30 chinook in 2023 as they made their way back to their natal streams, but the team ended up tagging only 15.

“We’re tagging them before they reach the bridge and hope to track their migration past the bridge to see if they’re delayed, if there are predation events that we can record, and whether the Hood Canal Bridge is a factor in disrupting migration and causing mortality,” said Megan Moore, NOAA research fisheries biologist.

For returning chum salmon, the tribe and NOAA partnered with the Washington Department of Fish and Wildlife to seine and tag 50 of the fish through October, plus take genetic samples to look at the makeup of the North Hood Canal population, said Hans Daubenberger, the tribe’s senior research scientist.

“Fish coming back to Hood Canal are mixed with fish going back to Puget Sound,” he said. “The fall chum population is healthy and is a pretty important fishery, but some of the fall chum fisheries in Puget Sound aren’t performing as well. Understanding the makeup of that stock of fish is pretty important.”

There are 40 acoustic receivers at the bridge that pick up signals from tagged fish. After the runs end, the data is retrieved and analyzed.

This multi-partner project looking at causes of high mortality rates at the bridge is part of the larger Salish Sea Marine Survival Project for salmon.

More is known about the behavior of juvenile fish at the bridge because acoustic tagging studies on smolts have been happening since 2006, while adult fish were first tagged in 2022.

“With adult fish, we don’t have a very good handle on whether the bridge affects their migration or if that leads to greater mortality,” Daubenberger said.

As for predation, sea lions feed on adult salmon in the fall, and seals and harbor porpoises prey on juvenile fish in the spring, he said. Scientists can tell when tagged fish have been eaten because the tags have temperature sensors.

“When they’re in the stomachs of marine mammals, you get a temperature that goes up, and you can tell where they get eaten, as long as it’s within the vicinity of the receiver,” Moore said. “Last year, we actually didn’t see a high number of predation events for adult salmon, especially relative to the number of smolts that get eaten.” —Tiffany Royal

Above: An acoustic tag is attached to an adult chinook salmon so scientists can track its migration pattern under the Hood Canal Bridge and back to its natal stream.

Top: Port Gamble S’Klallam Tribe fisherman Matt Ives pulls in a beach seine to collect adult chinook for a study on how the fish are navigating the Hood Canal Bridge. Tiffany Royal (2)
Dredging benefits tribe, rescue vessels

The Makah Tribe is making it easier for a Neah Bay-based response vessel to help distressed or disabled boats in the Strait of Juan de Fuca.

In partnership with the U.S. Army Corps of Engineers, the entrance to Neah Bay was dredged this winter to deepen and widen the bay’s channel, allowing for the state Department of Ecology’s emergency response towing vessel (ERTV) to more easily respond, said Carol Reamer, director of the Port of Neah Bay.

Prior to dredging, the ERTV, which is moored in the Makah Marina, had to anchor outside the bay during extreme low tides, as the channel was too shallow for the vessel to exit the marina when there was a call for help.

The draft of the rescue vessel—the vertical distance between the waterline and the hull—is 16 feet. Prior to dredging, the shallowest part of the channel was about 17 feet below the mean lower low water level (MLLW), which is the average level of the lowest tide. After dredging, the channel is now at -21 feet MLLW or deeper throughout, allowing for ocean-going tugs, barges and larger ships to enter the bay.

There are financial and environmental benefits to this work, as the ERTV will not need to spend money on fuel just to motor outside of the bay at every minus or low tide, saving an estimated $81,000 annually in fuel, Reamer said.

“I think it can have a positive economic impact for the Makah Tribe for deeper-drafted vessels to be able to come in,” Reamer said.

There could be small cruise ships that make a port call at Neah Bay, or sailors who want to anchor in the bay and taxi to shore and recreate in the area. It also can allow for commercial fishing vessels that pass by Neah Bay to come into port before heading out to open waters or wait out storms on the strait.

“This project has been a long collaborative partnership with the Corps of Engineers, and we’re thrilled to see these improvements enhance the protection of the valuable Neah Bay ecosystem and improve safety for larger commercial and fishing vessels that enter the port,” said Timothy “TJ” Greene Sr., Makah tribal chairman.

The ERTV responds to a variety of vessels entering the Strait of Juan de Fuca that wind up disabled or distressed, including container ships, passenger cruises, oil tankers and fishing vessels. Its primary purpose is to help prevent vessels from running aground and spilling oil, protecting the region’s shorelines.

Between 1972 and 1991, there were three oil spills in Neah Bay. The tugboat has been called out more than 90 times for disabled or distressed vessels since the program was implemented in 1999.

The $3.3 million project, including $546,000 from the tribe, started in October 2023 and finished in February. The sediment from the channel was removed with a hydraulic pipeline and used to fortify a nearby beach that needed shoreline restoration, Reamer said. —Tiffany Royal

Left: Carol Reamer, Port of Neah Bay director, explains the geography of Neah Bay with the dredging barge in the distance. Tiffany Royal

Above: The dredging barge works in Neah Bay. Provided by Port of Neah Bay
New acclimation ponds keep salmon healthy

As 100,000 silvery coho yearlings were delivered this winter to a newly rebuilt acclimation pond in a blast of water from a hose, the Puyallup River was so close that you could hear its burble. The fish were transferred from the state’s Voight Creek Hatchery with the Puyallup Tribe of Indians’ new fisheries truck equipped with tanks designed to keep the salmon healthy during the transfer. This spring, the salmon will be released into the river for their journey to the ocean.

The new pond is the result of a co-management partnership with the state that the tribe hopes will continue to revitalize the salmon population in the Upper Puyallup watershed. The tribe’s two acclimation ponds were originally built in 1997 as part of a resource enhancement agreement with Puget Sound Energy and had been degraded by weather and environmental damage.

The new ponds have feeding systems and fencing that protect the young fish from predators such as otters. Ponds are being broken in this winter with 100,000 coho yearlings and 400,000 fall chinook and are monitored at least once a week by tribal staff. After their release, the fish are expected to imprint on the watershed and return there to spawn.

“Life is good here for a fish,” said Blake Smith, the tribe’s fisheries enhancement chief. “We started a run and we keep it going.”

The ponds were rebuilt concurrently with the recent upgrades at the tribe’s Diru Creek Hatchery that included eight new raceways and incubation facilities. The new raceways—structures proven to ensure a healthy rearing environment—can each hold 100,000 fish.

“These projects would not have happened without the collaboration from WDFW,” Smith said. “We all need to work together to boost salmon populations and provide fish for the region. This is co-management working now and into the future.”

—Trevor Pyle
Tribes who want to see the North Cascades elk population coexist safely with humans in the Skagit Valley are developing a wildlife overpass project to help the animals cross Highway 20 near Red Cabin Creek.

The overpass could reduce wildlife-vehicle collisions on the busy two-lane highway while improving habitat connectivity for elk and other species.

“As land stewards, this is a continuation of what we’ve always done,” said Scott Schuyler of the Upper Skagit Indian Tribe, which historically had a village near the project site.

The Stillaguamish Tribe of Indians recently secured $8.5 million in funding to design and build the wildlife overpass. Other tribal co-managers of the regional elk herd will be involved in the planning and implementation process.

“The Stillaguamish Tribe got the grant, but we want it to be a collaborative effort for all of the co-manager tribes,” said Jennifer Sevigny, the Stillaguamish Tribe’s wildlife program manager. “It’s a good opportunity for the tribes to take initiative to protect treaty rights and public safety.”

The Washington State Department of Transportation (WSDOT), Washington Department of Fish and Wildlife, Conservation Northwest, Skagit Land Trust and the landowner are project partners or are providing support for the effort.

Elk frequently visit hay fields near Red Cabin Creek, eating their fill of the grasses before retreating into nearby woods. Sometimes the animals cross the highway, becoming dangerous obstacles for drivers.

This particular section of highway near Red Cabin Creek has seen one of the highest collision rates with the 400- to 800-pound animals, said Shane Spahr, a project engineer at WSDOT.

The overpass could reduce collisions up to 90%, according to project documents.

U.S. Rep. Rick Larsen, who helped get federal funding earmarked for the project, visited the future wildlife crossing site in January and discussed the success of crossings built elsewhere, such as on Interstate 90 through the Cascades.

Wildlife cameras have documented a variety of critters using that land bridge over the six-lane freeway. They’ve ranged from cougars and coyotes to skunks and squirrels, showing that where habitat is connected, animals will cross.

Similar to how salmon need adequate stream crossings beneath roads, there’s a growing awareness that other wildlife need crossings over or under these transportation networks.

At the Red Cabin Creek Wildlife Overpass site, project partners will monitor wildlife presence and compare collision data before and after construction.

“This project is something we hope to see more of in the future. It’s going to build resiliency for all wildlife,” said Mike Sevigny, Tulalip Tribes’ wildlife manager.

The Stillaguamish Tribe plans to design, permit and build the overpass by the end of 2027. Grant funding is from a pilot program developed by the Federal Highway Administration for wildlife crossings as part of the Infrastructure Investment and Jobs Act of 2021. —Kimberly Cauvel

Top: Eric White, chairman of the Stillaguamish Tribe of Indians, discusses a wildlife crossing to be built over Highway 20 in the Skagit Valley. Project partners including the Upper Skagit Indian Tribe met with U.S. Rep. Rick Larsen, fourth from right, on site in January. Larsen helped secure federal funding for the project.

Above: Though rural, Highway 20 is busy with passenger vehicles and delivery trucks at any given time, as shown on a Monday afternoon in January. Grassy fields adjacent to the highway are a draw for foraging elk. Kimberly Cauvel (2)
Native plants enhance habitat for salmon

Washington Conservation Corps crews planted native vegetation in the floodplain of a new side channel of the Dungeness River in January, providing building blocks to improve riparian habitat. The work is the final step in a salmon habitat restoration project overseen by the Jamestown S’Klallam Tribe and North Olympic Salmon Coalition.

In 2022, at river mile 9.5, the tribe installed four logjams in the main channel to slow the river’s velocity, and constructed a 750-foot-long side channel that provides salmon habitat. During 2023 and 2024, nearly 12,000 shrubs and trees were planted within 6 acres of the floodplain, including snowberry, cottonwood and vine maple. Trees included Western red cedar, maples and coastal redwoods.

The tribe now will let Mother Nature take over as the river and side channel naturally shift while the river runs its course. 

Tiffany Royal (3)
Lower Elwha Klallam tribal member Joe Sampson uses a gaff hook in the Elwha River in the mid-1920s.

Provided by Lower Elwha Klallam Tribe