

INDIAN FISHING RIGHTS
WHERE ARE WE - HOW DID WE GET HERE - AND WHERE ARE WE GOING?

Bob Azevedo

Where are we today on Indian fishing rights? The answer to that question depends on one's perspective. In the State of Washington, hopefully, on the road to real settlement. There is no simple or single solution to the long-standing dispute. The magnitude of the question of off-reservation fishing rights of Treaty Indians in the Pacific Northwest and the continuing controversy has been overwhelming, to say the least. At least a century of frequent and often violent contentions between Indians and non-Indians over treaty right fishing has resulted in deep distrust and animosity on both sides. Judge George Boldt noted in the course of his 209 page decision that: "in the past, root causes of treaty dissension have been an almost total lack of meaningful communication on problems of treaty right fishing between State, commercial and sport fishing officials and non-Indian fishermen on one side and tribal representatives and members on the other side, and the failure of many of them to speak to each other and act as fellow citizens of equal standing as far as treaty right fishing is concerned". I believe that such meaningful communication is now taking place and real understanding and trust is developing.

How did we get here? The unique history of the Indian fishing rights in the Pacific Northwest became apparent when the white man began exploration of the region. It was very obvious that fish were a vital component of the Northwest coastal Indian's diet, his economy through established trade with inland tribes, and his spiritual life. Today, such fishing still provides the Northwest Indian tribes an important part of their livelihood, subsistence, and cultural identity.

In the Act creating the Oregon Territory and opening the area to non-Indian settlement, Congress declared that the Indians' property rights in the Territory were not to be impaired "so long as such rights shall remain unextinguished by treaty between the United States and such Indians . . ." (9 Stat 323).

Isaac Stevens, the first Governor and Superintendent of Indian Affairs of the Washington Territory, was instructed in 1854 by the Acting Commissioner of Indian Affairs to negotiate treaties with all tribes in the Washington Territory, and to unite the numerous bands and fragments of tribes into tribes. In the mid-1850's, Governor Stevens and his negotiating group made a series of treaties with the numerous tribes within the Washington Territory. The Treaty of Medicine Creek typifies the language of all the treaties of the Territory regarding the Indians' fishing rights:

"The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians, in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing". (10 Stat 1132)

At the time of the treaties, non-Indian commercial fishing enterprises were rudimentary and relatively unsuccessful. Large-scale development of the commercial fisheries did not commence in Puget Sound until the mid-1890's.

I'm sure we are all familiar with the development of the salmon fishery from the early 1900's. A growing industry developed. White fishermen began shipping canned salmon to the eastern markets from the Pacific Northwest. New fishing gear and equipment was employed and massive catches were made annually to supply the growing demand for salmon. The economic importance of the fishery also grew from a primarily terminal fishery. Indians and non-Indians shared in this economic enterprise. As fish

runs were reduced and economic values increased, along with better fishing gear development, a shift from a terminal to a Sound and marine fishery followed.

Today Indian commercial fishermen share the same economic motivation as non-Indian commercial fishermen, to maximize their harvest and fishing opportunities. Numerous court decisions and appeals from the federal, as well as the state courts, have been handed down on this controversy. There were a series of legal disputes leading up to U.S. District Judge Robert Belloni's decision in U.S. v. Oregon regarding Indian fishing rights on the Columbia River and Judge George Boldt's decision in U.S. v. Washington of 1974.

Judge Boldt held that the words "in common with" from Governor Stevens' treaties, meant to share equally the opportunity to take fish that would normally reach the off-reservation usual Indian fishing places. Thus, each party - the Indians on the one hand and the non-Indians on the other - is entitled to the opportunity to harvest up to 50 percent of the harvestable numbers of such fish.

This has been one of the most widely discussed provisions of the Court's decision. Several features of it should be noted. First, the Court strictly limited the fishing right to those fish not needed for maintaining the runs. "Harvestable fish" are only those above the numbers needed to assure adequate escapement for spawning. Second, the fish to be shared include the fish that would reach the Indian usual fishing grounds if they hadn't been caught previously by fishermen who are subject to State control. This includes some of the fish taken in the ocean fisheries by Washington-based fishermen as well as those taken in the State's inland marine waters located ahead of the Indian fishing areas. Third, because of the "special treaty significance" to Indians of fish for traditional Indian religious and other ceremonies and personal subsistence, the Court excluded the relatively small amounts of fish actually used for those purposes from the sharing formula. It also excluded fish taken on the reservations since the treaties reserved these areas exclusively for the Indians.

Other major aspects of the Boldt Decision involved State regulations such as the Fraser River's IPFC sockeye and pink salmon runs, the taking of steelhead by the Indian tribes as a commercial fish, and the provision to allow the tribes to be self-regulating.

In his decision, Judge Boldt said that because of the Supreme Court holdings, he could not accept the Indians' claim to total immunity from state control. He also rejected the State's claim to sole determination of how the fishery resource shall be utilized. Instead, the decision strongly encourages the State and the tribes to work together as partners in the regulation of the harvest of this resource which, under the treaty, is to be shared "in common".

U.S. v. Washington Interim Plan

On March 22, 1974, an Interim Plan that had been developed by both sides was approved by the court and placed into effect. The Interim Plan did not alter the rights declared by the court to belong to treaty Indians, but it did modify the duties of both the Indians and the State somewhat, in order that the rights of the Indians and the responsibilities of the State may eventually be fully realized. Tribes which are found to be self-regulating are not bound by the Interim Plan as long as they continue to meet the specifications and conditions established in the Court's basic decision.

A principal feature of the Interim Plan is that, effective June 1, 1974, all Indian

off-reservation fishing places are closed unless specifically opened by tribal regulations filed with the Court.

The plan also provides the following:

1. The State will recognize provisions of tribal regulations (subject to its right to challenge them in court) and any Indians caught fishing contrary to tribal regulations will be subject to State Law as applied to the general public.
2. The tribes are to give the State an opportunity to review tribal regulations before they are filed in court.
3. The State will make significant reductions in non-Indian fishing as necessary to achieve the ultimate objectives of the February 12 decision. Mathematical precision is not required, but in making reductions, the State will do so consistent with the concept of permitting a full harvest of fish.
4. The State and Tribes will monitor the fishery and exchange data.

Program to Implement Interim Plan

Subsequent to the development of the interim plan, the court adopted a "Program to Implement the Interim Plan" in September 1974. The program was accepted by all parties as a way of dealing with the problems that were bound to surface during the period needed to fully implement the decision. It provided for the following:

1. All parties were to prepare guideline principles for the regulation of the fishery;
2. Both the tribes and the state agencies are to exchange data and proposed regulations on a fixed time schedule;
3. Closure of either the Indian or non-Indian fishery when such fishery had taken its share and such closure would benefit the other fishery and not result in a waste of harvestable fish;
4. Prompt and standardized catch reporting so as to improve both the timeliness and the accuracy of the available data;
5. An interim method allowing recently intervened tribes to fish after making a prime facie showing of treaty entitlement;
6. An interim method for determining treaty entitlement to harvest non-anadromous fish pending final determination.

The providing for the sharing of data and for a schedule for the submission and discussion of proposed regulations among the affected parties were key elements to placing the Indian tribes near an equal footing with the State, as each would have an opportunity to evaluate and comment on the other's regulations.

The key feature of the Boldt decision is its recognition that (in the words of the Court of Appeals) "the State shares its rights in those fisheries with another party."

Judge Boldt, and to a lesser extent Judge Belloni, have called upon the States and the Tribes to practice cooperative management of the resource they share. The judges have backed this with provision for continuing judicial oversight and interposition wherever cooperation fails to respect the rights of either party.

For anyone who is interested, there is a partial list of recent legal developments of these cases from 1963 to 1977 in the Interior publication "Indian Fishing Rights in the Pacific Northwest", prepared by the U.S. Bureau of Indian Affairs, Revised March 1977.

Very serious physical conflicts, shootings, and general turmoil among and between fishing groups, Indian and non-Indian, and the failure of adequate enforcement measures has caused numerous State and Federal court actions. The failure of the State and Federal courts to agree and to control the situation has placed the resource management agencies in an untenable position. Local and national political leaders have entered the scene with little success in solving the problems. Not all the movements have been unsuccessful. For example, there has been a sincere effort by the two State Game and Fisheries Departments and the Indian Tribes and their organizations to cooperate and coordinate these fisheries activities. Other examples can be given that have certainly lessened the intensity of the situation.

Where are we going? Because of this continuing unrest, the Presidential Task Force was formed in April 1977 to attempt to resolve the situation. The Presidential Task Force is composed of five members; Mrs. Anne Wexler, Deputy Under-Secretary of Commerce for Regional Affairs; Mr. Richard Frank, Administrator, National Oceanic and Atmospheric Administration, Department of Commerce; Mr. Leo Krulitz, Solicitor, Department of Interior; Mr. James Moorman, Assistant Attorney General, Land and Natural Resources Division, Department of Justice; and Mr. Forrest Gerard, Assistant Secretary for Indian Affairs, Department of Interior. A local Regional Team was formed and is composed of Mr. John C. Merkel, U.S. Attorney for the District of Washington and Chairman of the Team; Dr. Lee Alverson, Center Director, Northwest Alaska Fisheries Center (NMFS); and Mr. John Hough, Director, Western Field Offices, Department of Interior.

The Regional Team was charged with the responsibility to propose a set of solutions to the Washington State fisheries' problems, which would be discussed with, and would have the broadest possible acceptance of all parties involved, and which fall within the following guidelines:

1. The optimum utilization of the fisheries resource, including federal assistance for fisheries enhancement.
2. A healthy commercial and sports fishery that will provide an opportunity for all who depend upon salmon fishing for their livelihood to earn a good living.
3. A utilization of the fishery consistent with recognized treaty fishing rights reserved under the Stevens Treaties of 1854-1855.
4. Development of management systems that will ensure that the salmon fishery is preserved and developed so as to satisfy points 1 through 3.

The Regional Task Force immediately became involved in the daily problems associated with the fisheries. Each faction presented their views on current problems and the Regional Task force was entangled, before they realized it, in the political ramifications of the controversy. The framework of the Regional Task Force and its staff was slow in developing, but by early summer the group took shape. Four major staff categories were formed, each representing a principle function of the fishery. The four categories were as follows: Management and Enforcement; Economics; Legal; and Resource Development. Mr. Carl Mundt, an attorney and fishery biologist, was asked to head the Management and Enforcement function; Mr. Richard Marasco, an Economist from the National Marine Fisheries Service, was responsible for the Economic category; Mr. Ted Evans, a solicitor for NOAA, for the Legal area; and I was asked to head up the Resource Development effort. Mr. James Waldo, U.S. Attorney's Office, was selected as the Regional Task Force negotiator, and Mr. Wally Miller, a consultant, was hired as Staff Coordinator.

It took many weeks of discussions with the numerous groups associated with the fishery to understand the problems involved, and to sort out the real issues from the daily conflicts and problems. Finally, by November, eleven major issue topics were identified, along with the current problems, principles, and options for settlement of each.

To obtain this information, additional months of meetings were held with the Regional Task Force and its staff, and the parties involved. The parties involved consisted of the Washington Game and Fisheries departments, 22 Indian tribes, Tribal Fish Commission, Charter Boat operators, Puget Sound gillnetters, ocean trollers, purse seiners, steelhead sport fishermen, salmon sport fisherman, State Governor's office, State legislators, and the Federal congressional members. Other groups also had an opportunity to express their positions, such as universities, counties, fish packers and other related organizations, such as the PSFC, PRMC, etc. As negotiations developed, numerous variations of each option emerged and the final proposed issue topics were as follows: Fisheries Management Institutions, Fish Habitat, Enhancement, Licensing System, Gear Regulation, Data, Enforcement, Resource Distribution, Steelhead, Mixed Stock, U.S.-Canadian Relationship.

To give you some idea of the magnitude of each topic under consideration for settlement, let me give you two - Enhancement and Steelhead.

Enhancement

This subject refers to man's efforts to increase the numbers of fish available for harvest through projects or policies which add fish to the habitat. The topic covers both hatchery programs and efforts to improve natural production. All attempts to enhance natural production and many efforts to develop hatchery programs will fail in the absence of quality fish habitat.

A. Current Problems

1. Lack of coordination among existing fisheries management organizations. Existing enhancement projects occasionally conflict with each other.
2. Current criteria for evaluating projects are often not as demanding as the Task Force principles (see below). Presently, the same set of criteria does not apply to all agencies.
3. Inadequate current funding.
4. Lack of ongoing evaluation, accountability, and harvest consideration in planning and operation of enhancement projects.
5. Benefits from current production are not equitably distributed among fishermen.
6. Lack of participation by and information to, fishermen regarding enhancement plans, production, and constraints.
7. Lack of understanding of success of enhancement programs and factors affecting success.
8. Lack of flexibility in planning of some enhancement projects due to lack of control over harvest by Canadian fishermen.

B. Principles

1. Enhancement programs should be planned to insure resource integrity and diversity and the ability to recover from ecological disaster or human error.
2. Enhancement programs should be planned, with due consideration for available scientific information, to be compatible with the carrying capacity of the natural environment. Enhancement of natural production should be carefully weighed as an alternative to artificial production. Enhancement programs should provide for ongoing evaluation of contribution to the fishery.
3. Enhancement programs should be compatible with harvest plans and other fishery management goals. These other goals might include maximizing income from the fishery, providing a regular and extended availability of fish to fishermen and consumer, and providing a series of target fisheries rather than increasing the problems associated with mixed-stock fisheries.
4. The ongoing operation and maintenance expense associated with enhancement projects should ultimately be borne by those who harvest the fish.

C. Options

1. Establish an institutional framework which will insure substantial compliance with a strict set of resource development principles and which will address the current problems. Conflicts between enhancement projects can be diminished by developing an institutional system which results in coordinated enhancement planning. The institutional options available are set out in the first topic, Fisheries Management Institutions.
2. Fund enhancement projects. This option recognizes that the Task Force will receive a substantial number of proposals for enhancement projects varying from large "mother" hatcheries to smaller "trickle production" projects. These proposals will be analyzed for compliance with the Task Force principles and appropriate recommendations will be made in conjunction with an overall settlement or report.
3. Fund research efforts to develop additional projects other than those proposed to the Task Force.
4. Fund research and development activities which will identify additional production available through improved technical or natural capacity.
5. Fund enhancement projects which return fish to specific fisheries in order to achieve an equitable distribution of the harvest.
6. Establish enhancement research efforts to better evaluate projects and to examine culture techniques, stocking policies, etc.
7. Provide opportunity for fishermen to be involved in enhancement projects either through employment or fishermen's cooperatives. Enhancement projects include hatchery facilities as well as stream rehabilitation efforts directed at increasing natural production.

Steelhead

Steelhead are highlighted in a separate topic because of the many special problems associated with the species by virtue of its historical management as a game fish and its strong symbolic importance to the tribes. All of the earlier topics, of course, refer to steelhead as well as salmon.

A. Current Problems

1. Hostility of sportsmen to impact on Sport fishery of decision in U.S. v. Washington.
2. A healthy sports fishery requires a high success rate. This, in turn, requires a high level of steelhead abundance.
3. Dependence of a number of Indian tribes on winter steelhead runs for income.
4. Many interested parties, both tribal and non-tribal, assert that WDG management of steelhead has been generally inadequate.
5. Steelhead are often mixed with harvestable numbers of salmon.
6. Poor data on sports catch and non-treaty incidental commercial catch.
7. Insufficient monitoring and enforcement of tribal commercial fishery for steelhead.
8. WDG and tribes have fought each other for years. There is still a great deal of bitterness.
9. On-reservation, ceremonial and subsistence catches are a greater problem with steelhead than with salmon. The tribes are able to take substantial portions of certain steelhead runs because run size is low and because tribal fisheries occur prior to sports fisheries.
10. Overall harvest rates on certain steelhead runs are excessive under the combined high harvest rates of tribal and sports fisheries.

B. Principles

1. Steelhead, as an anadromous species of the same family with salmon, should be carefully managed with due regard to its own particular biological characteristics, many of which are similar to those of salmon. This principle should apply whether steelhead are managed as game or commercial fish, or some combination of both.

C. Options

1. Maintain status quo. The federal court will probably take increasing control of day-to-day steelhead management, will set allocation goals for tribes and sportsmen and will arrange for the enforcement of its orders by federal agencies.
2. Condemn treaty rights to harvest steelhead and reinstitute exclusive game fish management for steelhead. This option contemplates that Congress would condemn steelhead rights and pay compensation therefor. Thereafter, steelhead would be managed purely for sports fishermen.
3. Reclassify steelhead as a food fish under state law so that non-treaty commercial fishermen may harvest steelhead commercially equally with treaty commercial fishermen.
4. Develop treaty steelhead fishery programs which have as their purpose the reduction of tribal steelhead interceptions and incidental commercial harvest. This option suggests that, within the scope of an overall settlement, and to the extent possible, the tribes might target on salmon species as an alternate to targeting on steelhead. There will necessarily be a need for the availability of substituted salmon resources.

5. Suggest development or legalization of salmon - specific gear to be utilized by the tribes on stocks of salmon while mixed with steelhead.
6. In cases of tribal income dependence on steelhead, coupled with practical inability to provide substitute opportunities, develop federal enhancement programs which attempt to raise steelhead stock size. This option recognizes that in certain coastal and Puget Sound areas it may not be practical to redirect tribal fishing activities away from steelhead toward salmon. In those cases, the federal government would attempt to increase steelhead abundance so that sports and tribal fishermen can both fish successfully on the same resource.
7. Reposition tribal steelhead fisheries in cases covered by Option 6 so that tribal net fishing occurs after sports fishing. This option recognizes that in some cases tribal net fisheries can be moved upstream so that downstream sportsmen have the chance to fish on the resource when stock density is highest.
8. Encourage the development of tribal guide programs.
9. In cases in which both tribal and sports steelhead fisheries will co-exist, restrict the catch of both fisheries so that decimated runs can be rebuilt.

After many hours of negotiations the Regional Task Force presented a Proposed Settlement to all the participants based upon most of the eleven issues. The remaining issues will be forthcoming in the very near future and revisions are being made in the original settlement document to accommodate all parties. Such changes thus far have only been minor and the basic concepts will not be altered.

The Preface to the settlement report will give you the philosophical overview of the Regional Task Force's disposition and recommendations to the Presidential Task Force in Washington, D.C.

Preface

This proposed settlement, if adopted, would facilitate the optimum utilization of the fishery resource within a cohesive and effective management system, consistent with the rights and interests of each of the parties.

Four goals were established to assist and guide the parties in the negotiation of this settlement. These goals will remain as a measure of its ultimate success. They are: (1) to establish a healthy commercial fishery for non-Indians and Indians; (2) to establish a healthy sport fishery; (3) to fulfill treaty Indian fishing rights; (4) to establish an effective management system. In order to formulate a settlement capable of achieving these goals, each of the parties will of necessity agree that the existing system is incapable of succeeding, and each of the parties will necessarily modify its position respecting principles and practical application of a fisheries management regime.

Some of the parties, the treaty Indian tribes and their members, possess fishing rights secured by Federal law through treaties of 1854 and 1855, declared and explained in a long series of Federal Court decisions, beginning with United States v. Winans, 188 U.S. 371 (1905), and culminating in United States v. Washington, 384 F. Supp. 312 (W.D.Wash. 1974), aff'd. 520 F.2d 676 (9th Cir. 1975), cert den., 423 U.S. 1086 (1976).

Other parties, such as the trollers, charter boat operators, gillnetters, purse seiners, reer-netters, and sportsmen, have a priority in the fishery, based upon historic fishing patterns established through years, if not generations, of participation in the fishery. The tribal and State governments each have important roles to play in the management of the fishery resource by virtue of their rights and interests in regulating their fishermen and providing for the perpetuation of the resource. The Federal Government also has an important role to play in the management of the fishery through national policy direction, negotiation of international fisheries agreements, and assuring the fulfillment of domestic and international obligations in the fisheries and conservation arenas.

Most of the parties have a substantial interest in the distribution of the harvestable portion of the fishery. In the past, the historic fishing patterns of each of the parties and the decline in the abundance of the resource have led to conflict between the interests of the various groups. This proposed settlement recognizes that each of the parties has valid interests in the resource, and that maintenance of historic fishing patterns will permit each group of fishermen to contribute to the well being of the State and treaty tribes. In order to achieve this, the non-Indian commercial fishing groups have evaluated their fleets to determine where and to what extent fleet sizes can be reduced, to assure each fisherman the opportunity to make a good living through fishing. Therefore, through this settlement, the non-Indian fleet would be significantly reduced in size, though maintaining its historic fishing patterns. In addition, the non-Indian commercial and sports fishermen will be asked to support the Federal and State legislation necessary to implement this settlement. The non-Indian fishermen will be the beneficiaries of a substantial Federal enhancement and buy-back program. By the terms of this settlement, the tribal governments would agree to change their harvest patterns to some extent to benefit other fishing groups. The treaty tribes would enhance the sport fishery by reducing their harvest of steelhead to an incidental catch in fisheries for other species on all but a few rivers. During the life of this agreement, the treaty tribes would harvest less than their full treaty share of the fishery. This would be accomplished in part by counting on-reservation, ceremonial and subsistence catches as part of the catch reserved for the Tribal Commercial Management Zone. The treaty tribes would also agree to take less than fifty percent on certain rivers or stocks of fish.

The Task Force expects this settlement will provide a lasting solution to the fisheries controversy. However, it would be stipulated that this settlement and its implementing legislation shall not be interpreted as legally impairing or abrogating the management authority, exercise of jurisdiction, historical fishing patterns, or other rights or interests of a party other than for the purposes of this settlement and for so long as this settlement remains in effect.

Critical to this settlement is the implementation of an effective management system which will coordinate the technical capabilities and talents of the management entities and fishermen, and which will provide for the distribution of the resource in a manner consistent with the historic uses of each group of fishermen. In the past, the roles of the Federal, State and tribal governments have unnecessarily overlapped in many aspects of management. This has had the positive effect of providing competition for the improvement of fisheries technology, but it has also resulted in duplications of effort and expenditures which are not necessary. To preserve the impetus for improving fisheries management technology, while at the same time reducing the duplication of effort, and to manage the resource from the local level, the proposed settlement

requires a management system which is characterized by a sharing of functions. The proposed settlement provides for joint involvement in the calculation of management data and information, and oversight of the parties' compliance. Additionally, the proposed settlement requires the tribes and Federal Government to create a tribal commission with sufficient authority to be accountable for tribal compliance with the proposed settlement.

In order to assure that all fishermen will abide by regulations set under the management system, the State, tribal and Federal governments will each continue to play an important role in fisheries enforcement. The establishment of an effective enforcement program will be essential if this settlement is to succeed.

As part of the proposal, the parties should encourage the sharing and exchange of employees and technical expertise among the fisheries management agencies, and where appropriate, from the sports and commercial fishing groups. The past history of this controversy will not be easily forgotten. The parties must pledge to work cooperatively to manage and distribute the resource based upon the best scientific information available, with the goal of enhancing the run sizes to their maximum potential. The parties must agree that any decisions which affect the resource shall be made in a more open manner, subject to review for consistency with the proposed settlement.

The proposed settlement is predicated upon the expressed desire of all parties to reverse the decline in resource abundance so that all fishermen will have the opportunity to make a good living while fishing according to their historic patterns. All parties clearly recognize that the decline of the fishery resource had diminished tribal and State economies, and minimized the contribution of a valuable food source and trade item for the State. To rehabilitate the resource, the Federal, tribal and State governments, and the fishermen themselves, will cooperate in the implementation of a substantial enhancement program. The Federal Government would fund a major program in these circumstances. The costs of maintaining these programs would eventually be paid by contributions from the fishermen themselves.

The tribal and State governments would be required to coordinate with each other's programs to assure that the enhancement programs were effectively implemented without creating any conflicts among species being enhanced or with natural runs.

Other than requiring the exhaustion of administrative remedies available under this settlement, no party is foreclosed from full access to the courts. However, in reaching this settlement, all parties would be required to modify their positions in order to achieve agreement. These modifications of positions should substantially reduce the need for any party to seek relief through the courts. Additionally, the parties must recognize that the settlement stands as a unit, with any party's consent to the settlement dependent upon the contents of the entire settlement.

This proposed settlement is intended to describe the major elements of a solution to this complex and emotional problem. It is not intended to be a legal document nor does it address many of the steps that would be necessary for its implementation. These steps can and will be taken if there is substantial support for the following proposal.

The Regional Team will be issuing additional reports on habitat protection, research and enforcement at a later date.

We wish once again to thank the leadership of the various groups, interests and governments who have devoted so much time and thought to assisting us in our efforts.

A news conference was held on January 13, 1978 in Seattle to release the Settlement Report. Many news reports were made describing the settlement proposal. The news release I feel that has best presented the report and the situation was the January 19th Editorial report from the Seattle Post-Intelligence as follows:

Time to Resolve Fishing Disputes

Regional members of President Carter's fisheries task force last week unveiled a proposal meant to resolve the state's fishing disputes.

In the next two weeks, local fishing groups will have an opportunity to comment. Then final recommendations will be sent to Washington, D.C.

The proposal contains no great surprises. The specifics, however, appear to be reasonable, comprehensive and balanced.

Lynchpin to the proposal is spending \$108.5 million in federal money over 10 years, most of it to double salmon runs. It is axiomatic that having enough fish for everyone would quell most of the controversy over treaty Indian fishing rights.

While the prospect of more fish should meet with universal approval, other task force recommendations may raise criticism. In fact, to make everyone a little bit angry may be the sign of a Solomon. Principal points of the 199 page report include:

- Doubling the size of salmon runs over the next 10 years, with an infusion of \$80.5 million for hatcheries and other enhancement projects. Better than half that amount would go to treaty tribes.

- Management authority for the resource would go to a "fisheries review board" with three tribal representatives and three non-Indians nominated by the governor, plus a seventh member agreeable to the first six.

- Reduction of the nontreaty commercial fishing fleet, through a program of bonuses and buybacks. The nontreaty fleet would be reduced from 5,847 boats to 1,940 - about a third the fleet's present size.

- Enlargement of the treaty Indian commercial fleet, from 320 to 452 boats - about a one-third increase. Total commercial boats would be less than half the number that now ply local waters.

- Treaty tribes would be asked to take less than their 50% entitlement of salmon, with off-reservation and on-reservation catches computed as a single share.

- Treaty tribes would stop commercial fishing for steelhead, except in the five river systems where Indians have "a high degree of dependence on steelhead".

The task force appointed last April by Carter because of continuing troubles here, has repeatedly pointed out that a negotiated settlement to fishing problems would be better for everyone than a continuing legal battle over enforcement and treaty rights.

Unfortunately, too many individuals persist in affixing blame for poor fish runs on U.S. District Court Judge George Boldt's decision to enforce treaties that give certain Indian tribes 50% of the catch.

The tribes bartered their lands for a piece of paper. When that piece of paper was found to have meaning, it came as a surprise to many non-Indian fishermen.

Yet, Indians are not the only ones with special privileges. When a fisherman acquires a commercial license, he is granted authority to pull many more fish from the waters than ordinary citizens.

Critics note that treaty Indians constitute only .028 percent of the population, but are entitled to an opportunity to catch 50% of the harvestable fish. That statement startles until it is realized that much of the other 50% will be caught by nontreaty commercial fishermen, who constitute less than .02% of the state's population.

When Boldt handed down his ruling, the fishery already was in decline because of poor management. University of Washington fisheries experts warned the State Legislature 15 years ago the decades of environmental degradation would take their toll on the resources.

Today the fishery is even more depleted.

It is time to recognize that the fishing resource belongs to all of us - not just the fishermen. All citizens have a concern that the fish be preserved for future generations, not sacrificed to this generation of fishermen.

It is time for the Washington State Attorney General's office to recognize that it will not benefit anyone to persist in pursuing the Indian treaty questions in the courts. That office has done little more than continue the political turmoil.

Furthermore, it is time for political leaders to take a leading role in helping the public understand the need for solutions. Now that the task force has done its work, the governor, the legislative leadership and the congressional delegation should address the question courageously.

For the welfare of the fishery, the people who depend upon it for livelihood and for the future it is essential to air grievances, resolve them and send the package to Washington, D.C. Congress appears ready to provide the money for a solution. The sooner that solution can be worked out, the better.