

Tribes' rights to shellfish upheld

By Hal Spencer
The Associated Press

OLYMPIA, Wash. — In a huge victory for Washington tribes, the U.S. Supreme Court on Monday affirmed their right to harvest shellfish on private beaches. The decision stunned private property owners.

The court rejected without comment an appeal of a lower-court ruling that upheld the tribes' shellfish rights. State officials, shellfish growers and private property owners had challenged that decision, contending the Indians' 19th century treaties give them no legal claim to shellfish on private property.

"Once again, the Supreme Court has made it clear that the tribes' treaty-reserved rights to natural resources in western Washington are as valid today as the day the treaties were signed," said Billy Frank Jr., an elder in southwest Washington's Nisqually Tribe and chairman of the Northwest Indian Fisheries Commission.

"We're just stunned that this could happen in America, that our property rights and our privacy rights could be trampled," said Barbara Lindsay, a spokeswoman for United Property Owners of Washington, most of whom own shellfish-bearing beach lands in the Puget Sound region.

"No tribes anywhere else in America have a treaty right to enter private property as they do here," said Lindsay, one of thousands of property owners affected by the ruling.

Tribal leaders hastened to say that Monday's court action does not mean Indians will be indiscriminately tramping private beaches to dig clams, mussels and other shellfish.

"It's a long process before you can go on a beach and harvest," said Doug Williams, a spokesman for the Northwest Indian Fisheries Commission.

"There must be a biological assessment of the area, sampling and testing and a written notice. In fact, as far as I know, there has been only one harvest off of a private landowner's beach" since the 1994 ruling on tribal shellfish rights in U.S. District Court in Seattle. The case was subsequently appealed to the 9th U.S. Circuit Court of Ap-

peals.

Tribal members also will be permitted to harvest on private property only five days a year.

Still, Lindsay said, in the end "we will have people on our beaches, invading our privacy" to dig for shellfish.

"When people bought these properties, they had no idea there were treaty rights to shellfish."

Commercial shellfish growers contend the ruling could threaten their livelihoods and "will cripple or destroy the growers" by allowing tribal members to enter their property.

"Our properties are devastated," Bill Dewey, a spokesman for the Puget Sound Shellfish Growers Association, said Monday. "This is an incredible burden for the growers."

But lawyers for the 17 Indian tribes noted in their appeal that the 9th Circuit ruling allows tribes to harvest only shellfish that would exist naturally, without the growers' help.

Dewey doesn't see it that way. "The burden is on the grower to prove" which shellfish are naturally occurring and which are not "for every bed," he retorted.

"This is an incredible burden for the growers."

Attorney General Christine Gregoire, whose office sided with the private property owners, said she was disappointed by the high court action.

In the 1855 treaties, the tribes gave up most of their land in then-Washington Territory in exchange for reservations, money and the right to continue fishing in traditional fishing grounds.

A series of court rulings during the 1970s defined what areas must be considered traditional Indian fishing grounds, and affirmed the tribes' right to take up to half of the salmon and other fish from those areas.

In 1989, a coalition of 17 tribes and the federal government sued Washington state, seeking to clarify the Indians' right to gather shellfish under those treaties.

In 1994, U.S. District Edward Rafeedie said shellfish are covered by the 1970s rulings, and the Indians, therefore, can take up to half the shellfish within their traditional fishing areas — including lands now privately owned.

But because the treaties also

said the Indians could not harvest shellfish "from any beds staked or cultivated" by other citizens, the judge said the tribes can take shellfish only from natural beds and not from cultivated beds. That barred the Indians from harvesting on most property owned by commercial shellfish growers.

The 9th Circuit upheld most of Rafeedie's ruling but allowed the Indians to harvest shellfish on some private cultivated beds.

"34 years of Quality Service"

Mercedes • BMW • Volkswagen • Audi

German Auto Service

• MERCEDES • BMW • VOLKSWAGEN •



342-2912 • 2025 Franklin Blvd.
Eugene, Oregon, 97402

Virtual Office Systems Inc.

In Partnership with

The University of Oregon Bookstore

3131 West 11th Ph. 343-8633 Open Mon-Sat 10-6

**AMD K6-2®
"Power Player"
\$999.99**

- AMD K6-2 3D 350 CPU
- 8 MB Diamond AGP
- 4.3G Maxtor Hard Drive
- 64 MB 100 MHz SDRAM
- 15" .28 SVGA Monitor
- AMD K6-2 400 add \$90
- AMD K6-3 400 add \$270
- 6.4 Maxtor Drive add \$10



We've Moved!
Grand Opening Sale
in Progress
Enter to win a computer
at VOS or at U of O
Bookstore thru April 3

**The "Ultimate"
Pentium II® 350
\$1279.99**

- QDI BX Board, 100 MHz
- 8 MB Diamond AGP
- 6.4G Western Digital
- 64 MB 100 MHz SDRAM
- 17" .28 SVGA Monitor
- W/ Pentium II 400 \$1429.99
- W/ Pentium II 450 \$1649.99
- Upgrade to an 8.4 Gig Drive \$10

All Systems include ATX case, Windows 98, 36X CD, 56K v.90 modem, mouse, keyboard, floppy, Yamaha sound, speakers, 1 Yr. parts/ 2 Yrs. labor warranty

VOS Inc. Systems are also available at the U of O Bookstore. Parts available only at VOS Inc. Prices good through 4/10/99. AMD, K6, AMD logo and 3DNow! are trademarks of AMD Inc. Memory prices reflect cash discount. Go Ducks!

Four teen-agers rescued from snowy mountain

The Associated Press

GRANTS PASS — Four teen-agers were rescued Monday from the snow-covered slopes of 4,438-foot Onion Mountain after they failed to return from a 100-mile bicycle trip on Easter Sunday.

Douglas Williams and Chester Blacksmith, both 16, Josh Fost, 18, and Jake Hamlin were alive, but one of the four was unable to walk because of frostbite, the Josephine County sheriff's office said.

The Air Force Reserve's 939th Rescue Wing in Portland sent an H-60 Pavehawk rescue helicopter to the scene at 1 p.m. to airlift the teen-ager out. He was stranded about 300 yards up the side of a cliff, Air Force Reserve spokeswoman Karole Scott said.

The injured teen-ager was suffering from frostbite and hypothermia; his three friends al-

ready had been evacuated by a snowmobile, she said.

The sheriff's office had released no further information by mid-afternoon, and none of the four had shown up at local hospitals.

The teen-agers were reported missing at 11:25 p.m. Sunday, about 12 hours after they left for their trip.

Rescuers launched a search and found bicycle tracks on the road leading to Onion Mountain Lookout, an old Forest Service fire lookout, but were unable to follow the tracks because of deep snow.

It appeared the teen-agers were pushing their bicycles farther up the mountain, the sheriff's office said.

Rescuers returned with snowmobiles and a Sno-Cat Monday morning and found the four about 7 a.m., about four miles below the lookout.

SPRING RUSH

B-E-G-I-N-S

WED - APRIL 7TH - 6PM

WILLAMETTE ATRIUM

Chapters will hold fun activities throughout the week

-ALL WOMEN WELCOME-

For more information call Kristen Oldham at 346-1153
or visit Greek Life • Suite 5 • EMU Ground Floor

**ALPHA CHI OMEGA - KAPPA KAPPA GAMMA - GAMMA PHI BETA
DELTA DELTA DELTA - SIGMA KAPPA - CHI OMEGA**