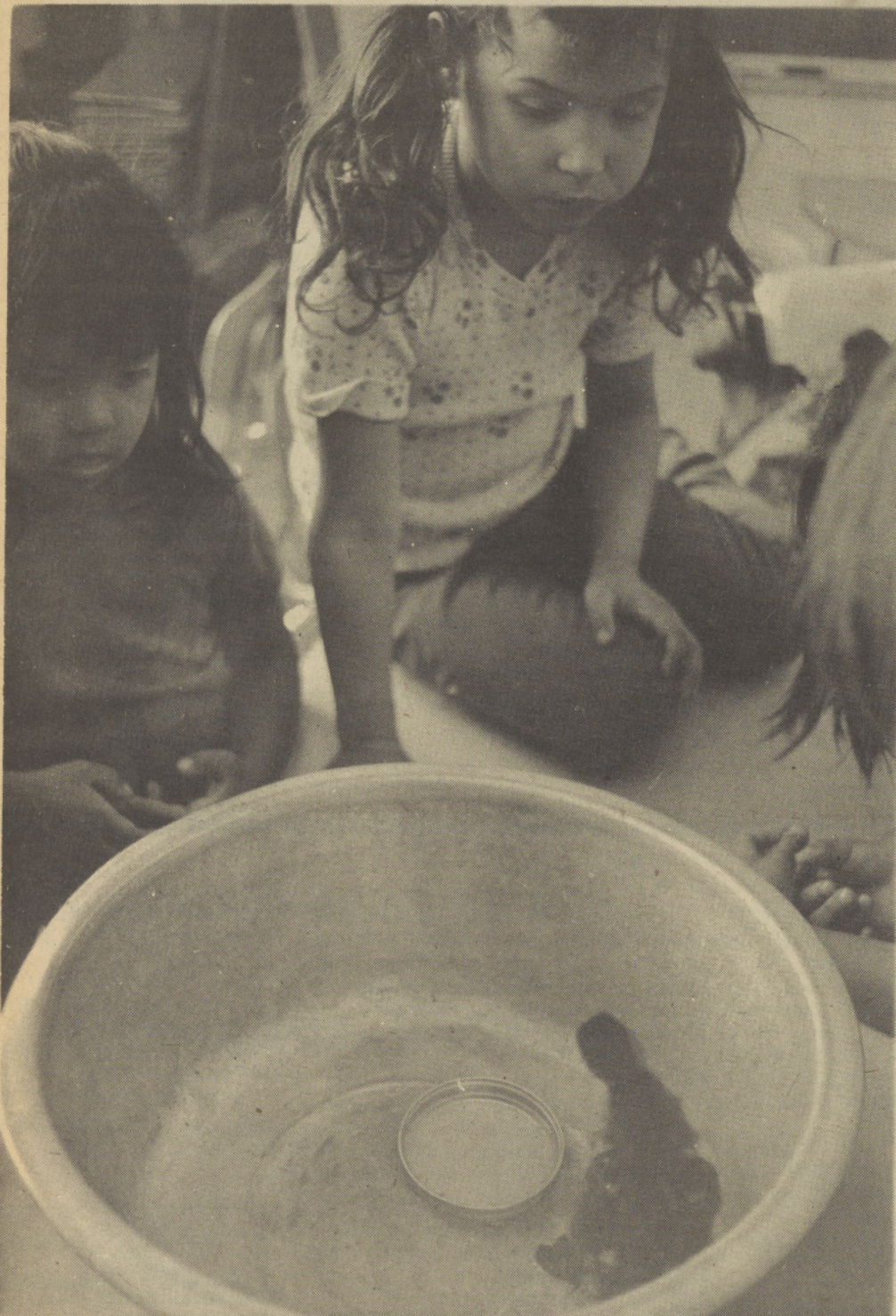




ONE OF THE NEWLY-HATCHED ducklings in Mrs. Short's kindergarten room receives a hand — or rather several hands — as it makes a maiden voyage across the table.

Photo by Cynthia Stowell



MRS. SHORT'S kindergarten students learned a valuable lesson in bird beginnings by asking loads of questions and observing closely.

Photo by Cynthia Stowell

Boldt decision said undercut

In order to implement the Boldt Decision, Tribes from five treaty areas organized the Northwest Indian Fisheries Commission (NWIFC) to coordinate fishing activities and to develop the capacities of the different tribes to assume their status as co-managers with Washington State of shared Fish resources. The wholesale value of the salmon, steelhead, and herring harvests in recent years has provided some \$75,000,000 annually to State fishers, mostly non-Indians.

The Boldt Decision brought into play a predictable White Backlash. White commercial and sportsfisher organizations promptly made their hostile reactions known to Congressional delegations and to a not altogether unreceptive Interior Department. Indeed, when an Interior official delivered the news of Boldt's ruling to then-Secretary Rogers C.B. Morton, the following exchange was reliably reported to have taken place between the two-

Morton: "Well, appeal it. Appeal it!" Official: "We can't, Mr. Secretary. We won."

Former Secretary Morton pledged full support to Washington State officials' efforts to prevent tribes from gaining the benefits allowed them under the Decision. Then-Solicitor Kent Frizzell obediently furnished the Department with opinions outlining methods by which it could effectively circumvent the Court rulings.

The primary target of the Interior Department, as well as the State, became the Northwest Fisheries Program under the U.S. Fish and Wildlife Service. Funded primarily by the Bureau of Indian Affairs for the purposes of providing biological expertise and data for use in tribal management programs and continuing court cases, the Northwest Fisheries Program had provided key witnesses and evidence in securing the Boldt Decision.

On an interim basis, the Northwest Fisheries Program provided the Tribes with their only immediate source of qualified personnel for meeting the self-regulation qualifications imposed by the Court. Also, it provided the Indian people with independent expertise for answering the multitude of State challenges against Indian fish management actions that continued to be made in motions to the federal court.

The U.S. Fish and Wildlife Service committed itself to a dismantling of the Program as quickly as possible, and otherwise withheld funds from its operations which were appropriated specifically to help implement the Boldt Decision.

Through two complete salmon return cycles in 1974 and 1975, the Fish and Wildlife Service withheld \$690,000 from use for scientific studies and resource surveys needed for present and future management decisions. The Interior agency had unsuccessfully acted to grant the same funds to Washington State, while refusing their use for the Tribes.

This fiscal year, the NWIFC joined with the State in making a combined request to Congress for the needed funds. However, in the last fishing seasons, the State used its funds for police actions to prevent Indian fishing activities, while ignoring the massive

harvest activities of White fishermen's in open violation of State laws and regulation, as well as the federal court decrees. When State agencies were forced to cite more than 150 of their citizen fishermen for violations, State courts dismissed charges routinely on the grounds that "the law ignores trifling matters."

Convinced of the unreliability of the Fish and Wildlife Service in serving their interests, the NWIFC began action early this year to secure the services of the Northwest Fisheries Program under the provisions of the 1972 Intergovernmental Personnel Act and the 1974 Indian Self-Determination Act. When the Tribes' plans to seek assignment or contracts

of the biologists with longtime experience and established knowledge, experience and established knowledge of the Indian resources became known to the Department. The Fish and Wildlife Service moved immediately to transfer personnel and to speed up the program dismantling process.

Their major action was to order the reassignment of Program Manager James L. Heckman, a career biologist with nearly 25 years in service with USF&WS. Heckman has worked with Washington and Oregon Tribes almost continuously since 1962. While recognized for having developed the

fisheries data and the biological evidence relied upon in the Boldt Decisions, he had earlier played a key role in securing approval and construction of major salmon hatchery facilities and pointing out the effects of improper logging operations on Indian Reservations, which

detailed the devastation of forests along with the destruction of watersheds and major fishery resources. These several reports had considerable impact regarding public policy and federal responsibilities.

Several tribal leaders have suggested eliminating all influence of the Northwest Fisheries Program, and its Manager Heckman, from consid-

eration in Phase II of the United States VS. Washington lawsuit. While the Boldt Decision in Phase I had dramatic impact in the Pacific Northwest, the environmental questions to be decided will have national significance in protecting Indian resource from adverse State and Federal actions.

Some credence for this viewpoint may be found in the action of Interior to transfer Mr. Heckman from the scene of pending litigation, while the United States has recruited his former regional superiors as witnesses to repudiate the past logging impact reports in defending itself against Quinault Indian lawsuits.

Note: This was taken from an NCAI newsletter.