

Part 1

Tribal Hunting & Fishing Rights

HUNTING & FISHING
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lever that limited the Tribe's bargaining power for its hunting and fishing rights.

Even within the Consent Decree, the parties agreed to disagree on the point. "There is disagreement about the Tribe's hunting and fishing rights," it said. "The Tribe con-

to our head," because it was felt that without agreement that limited hunting and fishing rights to far less than the Confederated Tribes' ceded lands, the effort to secure the land base could have unraveled.

In a letter to the membership in a 1986 issue of *Smoke Signals*, then Chairman Mark Mercier wrote, "The Council sought to

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~ Cheryle Kennedy
Tribal Chairwoman

tends that it possesses Tribal hunting, fishing, trapping, and animal gathering rights. The State, on the other hand, disagrees and presently enforces state law whenever the Tribe or its members hunt, fish, trap, or gather animals, contrary to any provision of the law."

Some Tribal members look back at the bargain as one made with "a gun

leave this issue out of the Reservation Plan until a bill (for the land base) was passed. The Council felt that a land resource base was the key. Hunting and fishing was an issue that could have been taken up at a later date.

"In order to establish a strong legal case for hunting and fishing a great deal of legal research must be

done. There was too little time and money to carry out this research before the plan was to be submitted."

But the state wanted hunting and fishing included and the Tribe was under time pressure to settle the question of a land base. The Tribe essentially let go of the hunting and fishing issue to take on the question of a land base.

"The state of Oregon was adamant that there would be no hunting and fishing rights," said Tribal Chairwoman Cheryle Kennedy, who even then sat on Tribal Council.

"There was another clock ticking," said Kennedy. "In our Restoration bill, we had two years to come forward with a land bill or we wouldn't get any land.

"And we needed to get support. The state was looking at all of the affected parties, so we had to deal with the Steelheaders and the timber companies. We would go into these (community) meetings, the nine of us, into a hostile crowd of hundreds. I remember a meeting with the BLM in South Salem. Their auditorium was full and they were all there.

"No way they were even going to listen to us. A very boisterous group. It felt like we were not making any headway there.

"We had several meetings in our chambers, very emotional meetings," said Kennedy. "It was a very tearful time for the women. They basically told us that there was no way we could (fight for the hunting and fishing)."



Photo by Ron Kanten

Today— Tribal Elder Gary LaChance fishes on the Nehalem River in November of 2003.

"We looked at the land base issue and weighed it with the hunting and fishing, and we had to wonder, without any land, what would hunting and fishing rights mean? We sat in that meeting with tears streaming down our faces.

"The hardest part for me was that (the hunting and fishing consent decree) was forever. Even on our own land."

And Tribal need at the time could be seen in almost every demographic measure. Overall Tribal household income was about 83% of overall Oregon household in-

