**The Native American Tribal Land Back Movement in Washington State[[1]](#footnote-1)**

**By**

**Barbara Leigh Smith**

Abstract

*The land back movement is a recent decentralized international effort on the part of Indigenous people to reestablish indigenous sovereignty and expand their land base often by regaining tribal authority over ancestral territories tribes claim by treaty. This movement emerged and continues among Indigenous people in Australia, New Zealand, Canada, Mexico and the United States. In the United States the land back effort evolved out of many years of efforts by indigenous peoples to regain lands. This case describes the land back movement in Washington State and the various goals and forms of that effort among Washington tribes.*

In recent decades Native Tribes throughout the world have been trying to reestablish tribal sovereignty by restoring their connection to land lost by treaty and other means. They are trying to expand their land base for a variety of reasons—conservation, spiritual, cultural practices, housing, economic and commercial development, health, food and more. A moniker to describe this decentralized internal effort has been called “the land back” effort. The term “Land Back” was introduced in 2018 by Arnell Tailfeathers, Blood Tribe, a nation within the Blackfoot Confederacy (Wikipedia). In August 2020 the advocacy group NDN Collective launched landback.org which contains numerous references and videos of the effort along with a brief Landback Manifesto (“Landback Manifesto.” Landback.n.d. https//landback.org/manifesto)

Many of the worldwide Indigenous efforts to get land back are somewhat different from efforts in the United States, Canada and New Zealand where the efforts are often based on treaties. The treaties the US Government signed with many Tribes forced them to leave their traditional homelands and move to reservations that often consolidated many tribes. Many of the treaties also included language guaranteeing tribes continuing access to hunt and fish in their “usual and accustomed places.” Later years led to substantial disenfranchisement of the treaty guarantees.

The 1887 United States General Allotment Act (often referred to as the “Dawes Act”) was a key factor in undermining the land base of the reservations set up in the original treaties. It authorized the federal government to break up the communal Tribal lands and partition them into individual pieces. Turning Tribally owned trust lands into private property that could be sold and had to pay state taxes was part of the effort to get Native Americans to farm and ranch like white homesteaders. This step has been called the most devastating act of the federal government. Since Tribes had extremely limited cash economies through the turn of the century many Tribal members lost their allotments. It resulted in massive fragmentation of the reservation land bases and the eventual loss of more than 90 million acres of reservation lands. Tribes also lost lands through the termination policy of the 1950’s, particularly in the Northwest where it opened the way for the government and private companies to gain control over Tribes’ rich timberlands. (See the Native Land Information System for detailed information (<https://nativeland.info>) and our Appendix Timeline)

The Indian Land Tenure Foundation (ITLF) is a recently established, important organization tracking landback efforts in the United States (<https://iltf.org>). As their website describes, they are

“a national, community-based organization serving American Indian nations and people in the recovery and control of their rightful homelands. We work to promote education, increase cultural awareness, create economic opportunity, and reform the legal and administrative systems that prevent Indian people from owning and controlling reservation lands.” (Indian Land Tenure Foundation website)

The Indian Land Tenure Foundation arose out of the need for more coordination among multiple existing organizations and land rights advocates focusing on land recovery such as the Indian Land Working Group, Intertribal Agricultural Council, Affiliated Tribes of the Northwest, Intertribal GIS, Indian Law Resource Center, the Native Community Development Corporation, and others. To support this need the Northwest Area Foundation (NAF) in 1998 provided financial support to assist the emerging building and coordination of the larger community. In 2002 the Northwest Area Foundation provided a $20 million grant to formally create the Indian Land Tenure Foundation.

The Indian Land Tenure Foundation’s website includes a detailed index with information on successful land recovery efforts in 129 tribes in 20 states with dates of the land transfer deals, tribes, acreage, name of the deal/source, and a short summary of the effort and its purpose. Most of the information is fairly recent with a focus on efforts since 2000. There are six entries about Tribes in Washington. This case describes Washington efforts in more detail.

**Washington Tribes and the land Back Movement**

Washington State is home to 29 federally recognized Tribes. They are the Chehalis, Colville, Cowlitz, Hoh, Jamestown S’Klallam, Kalispel, Lower Elwha S’Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S’Klallam, Puyallup, Quileute, Quinault, Samish, Sauk-Suiattle, Shoalwater Bay, Skokomish, Snoqualmie, Spokane, Squaxin Island, Stillaguamish, Suquamish, Swinomish, Tulalip, Upper Skagit, and Yakama tribes. Currently unrecognized Tribes which have a long history in present-day Washington include the Duwamish, Wanapum, and Chinook. See map below.

Most of the Tribes signed treaties with the federal government in 1854 and 1855. Several others were later established. Two Tribes were established under Presidential Executive orders (Shoalwater Bay and the Hoh Tribes). The population and land base of the Tribes varies widely. In eastern Washington, for example, the Colville reservation was a consolidation of 12 Tribes and the Yakama reservation a consolidation of 14 bands and Tribes. The Tribes ceded enormous acres when they signed the treaties. Yakama, for example ceded 11.5 million acres. (see Appendix for timeline)


In Washington the 1974 Boldt Decision (United States v Washington, 1974) affirmed Tribal sovereignty over tribal fishing rights. The decision was upheld by the U.S. Supreme Court in 1979. (See Wilkinson, 2024 and Hughes, 2024 for detailed information on these cases). The Boldt Decision is a realistic date for the start up of the accelerating land back effort in Washington State.

After a decade of conflict over the Boldt decision Washington Tribes and the state government came together in 1989 to sign the Centennial Accord (Wilkinson, 2024; Hughes, 2024, Smith, (2022) *The Centennial Accord: What has been its impact on government to government relations between tribes and the State of Washington*) This agreement has been critical in establishing a framework for ongoing collaboration between Washington State and the Tribes. In recent years the land back effort among Tribes in Washington has continued to expand in terms of its goals, the approach taken, and outcomes.

**The *Cobell vs* Salazar Case & Fragmentation of Land**

The *Cobell v. Salazar* litigation has been a key motivator for the land back effort. In 1996, five litigants, including Elouise Cobell, filed a class action lawsuit seeking to hold the government to account for the alleged mismanagement of billions of dollars belonging to approximately 500,000 American Indians and their heirs. The *Cobell v. Salazar* suit contended that the government failed to fulfill its trust responsibility to collect and disburse to landowners revenues generated by mining, oil and gas extraction, timber operating, grazing, or similar activities.

After numerous appeals, the case settled in 2009 for $3.4 billion, with $1.5 billion allocated for direct payments to the plaintiffs and $1.9 billion allocated to establish the Consolidation Fund. Under the Settlement, the Program could contribute up to $60 million from the Consolidation Fund to support the creation of a scholarship fund for Native American and Alaska Native students. The Settlement put in place the building blocks for what became an accelerating Land Buy-Back Program for Tribal Nations in the United States.

In December 2012, President Obama’s Secretary of the Interior Ken Salazar established the Land Buy-Back Program for Tribal Nations Program to carry out the land consolidation aspects of the *Cobell v. Salazar* Settlement Agreement. It provided a $1.9 billion Trust Land Consolidation Fund to purchase fractional interests in trust or restricted land from willing sellers at fair market value. Consolidated interests were immediately restored to Tribal trust ownership for uses benefiting the reservation community and Tribal members.

Salazar said the endeavor would increase Tribal sovereignty and self determination. The Secretary said

“Assimilation policies not only attempted to break apart Indigenous families, devastate ecosystems and eliminate Native languages, they also worked to weaken land claims and tribal land ownership. The checkerboard system of land ownership on many reservations historically left communities and landowners unable to make basic decisions about their homelands. The Land Buy-Back Program’s progress puts back in the hands of Tribal communities to determine how their lands are used—from conservation to economic development projects.” ((U.S.Department of the Interior. Press Release, 12/04/2024)

The 10-year period for it's implementation of land consolidation efforts came to an end November 24, 2022. [A final report](https://www.doi.gov/sites/default/files/doi-lbb.pdf) was released on December 4, 2023.

The federal government continued to engage with the land back idea after Deb Haland (Laguna Pueblo) became Secretary of Interior and Chuck Sams (Umatilla) became Director of the National Park Service in Joe Biden’s Administration ([www.hcn.org/issues/54-9/indigenous-affairs-social-justice-questions-about-the-landback-movement-answered](http://www.hcn.org/issues/54-9/indigenous-affairs-social-justice-questions-about-the-landback-movement-answered))

Through Program implementation, $1.69 billion in fair market value has been paid to more than 123,000 individuals to consolidate approximately 3 million equivalent acres held in trust or restricted fee in 15 states. Now, ten years later, the funding authority for the Program has ended. Land transfer consolidation took place at 53 locations across the United States. Nine Washington tribes benefited -- Colville, Lummi, Makah, Quinault, Skokomish, Swinomish, Squaxin, Yakima, and Umatilla. (U.S. Department of the Interior, Dec.2023, Barringer, 2022)Some of the reported program results among several Washington Tribes were as follows: Squaxin Island—oyster bed protection, Makah-recreation area development, Yakama-extending tribal land purchases.

**Dam Removal**

Removal of the Elwha River Dam in 2012 was one of the first largescale land back efforts in Washington State (Footen & Brown, 2011). While the Elwha Dam removal was once the largest in history, the more recent Klamath River four dam removals in 2023 and 2024 is even larger. The six tribes with ancestral connections to the Klamath—the Hoopa, Karuk, Yurok, Shasta, Klamath, and Modoc tribes-- led the collective effort to take down the dams (Schlosser). The long-term goals of the Elwha River Restoration focused on achieving self-sustaining salmon populations, restoring the River’s natural processes, and supporting the cultural and economic well-being of the Lower Elwha Klallam Tribe.

The ability to recolonize rivers after large catastrophic disturbances is uncertain but the Lower Elwha Tribe and its federal partners have worked out a carefully research science based plan for recovery and hatchery supplementation (Footen, 2011, p.7) . Progress is being made. There are many U-tubes and films about the Elwha dam removal including the award winning film “Return of the River,” utube’s “Nature’s Return,” and the film “DamNation.”

**Land Back - Fish Back**

Law suits led by a large number of Washington Tribes have been a successful approach to securing their land back and demanding protection of the environment. In January 2001 twenty-one Washington Tribes, joined by the United States, asked the U.S. District Court to find that Washington state has a treaty-based duty to preserve fish runs and habitat and must repair or replace culverts that impede salmon migration (Brown and Footen, 2010) The Tribes are in a unique position to advance habitat restoration on a landscape scale. The final decision has been called the most significant victory for Tribal treaty fishing rights since the Boldt decision. The State challenged the decision but eventually the US Supreme Court ruled in favor of the Tribes. The scale of the culvert replacement required is estimated at $1.8 billion and must be accomplished in 15 years with 90 percent of salmon blocking culverts re-opened. The website to view the sites is <https://wsdit.maps.arcgis.com/apps/webappviewer/index.html?id=c2850f301118480fbb576f1ccfda7f47>. Now in 2025 there are numerous largescale culvert replacement projects underway.

**The Quileute Tribe -Climate Change and Rising Seas**

 In 1889 President Grover Cleveland signed an executive order establishing the Quileute reservation on a small one-square mile reservation in Washington on the coast of the Pacific Ocean on the Olympic Peninsula. There have been many land disputes over the years often involving the federal government and Olympia National Park which is a neighbor of the Tribe. Climate change and rising seas is now a major concern of all of the Tribes on Washington’s coast. At Quileute tsunamis are a special concern because half of the reservation is in the floodplain as well as the school and various Tribal offices.

By 2005 the Tribe had come to see that securing more uphill land was an absolute necessity. They recognized that there were many supporters of the national park who opposed a land transfer but the Tribe argued that a land swap was necessary. In 2007 they closed the popular park entrance on the reservation saying that if the Park would agree to a land swap they would reopen the beach (for a case study on this see Ralston, *Is Your Tribal Land Secure?* ( www.evergreen.edu/nativecases ) . Congressional approval would be required. Congressman Dicks became involved and eventually an agreement was reached.

In February 2012 President Obama signed a bill transferring 785 acres of Park land to the Quileute, but it did not include money to move the buildings, including the school, to higher ground. In 2018 the Federal Bureau of Indian Affairs provided $44.1 million to fund a new school with a completion date of 2022.

**Hoh Indian Tribe-climate change & rising seas**

One hundred percent of the small Hoh Tribe’s reservation is within a tsunami zone and the Hoh Rain Forest gets more rain than any other part of the United States, up to 14 feet a year. In February 2009 the *Los Angeles Times* reported on the decision to deal with the ongoing threat:

“Alexis Barry, the (Hoh) Tribes executive director, keeps a pair of wader books next to her computer. ‘Where before, maybe a large flood used to be a 10-year event, the last few years it’s been almost an annual event…’So fed up are this tribe’s 133 resident members that, after 106 years here at the Hoh River’s edge, they have launched a bid to move—not just a few houses, but their entire village—to higher ground.” (Murphy, *Los Angeles Times*, Feb 1, 2009)

The Hoh Indian Tribe Safe Homelands Act (House bill 1061/ Senate Bill 443) would create a safe area for the Tribe to live and rebuild their community. This would be accomplished by transferring 37 acres from the National Park Service property and placed in trust approximately 460 acres purchased from other landowners including Rayonier Timber and the Union Pacific Railroad. The bill eventually passed in the 112th Congress (2010) and was enacted into law with specific provisions prohibiting hunting and logging as well as using the land for gaming.

**Colville Tribe-Work with private landowners**

Tribes in Eastern Washington mostly have a larger land base but they too have been part of the landback movement**.** Private landowners have also been a source of land sometimes sold to Tribes, often with the assistance of conservation organizations.In 2021 the adjacent 9,243 acre Figlenski ranch in Okanogon County was returned to its original stewards-the Confederated Tribes of the Colville Reservation. The beloved ranch had been in the Figlenski family for four generations. They wanted the ranch land conserved and not broken into small pieces.

The family, the Tribe, and conservation groups had congruent interests in conservation. After raising over $4.5 million the Nature Conservancy initially bought a portion of the property and Conservation Northwest later purchased and transferred the entire property to the Colville Tribe. The Tribe maintains the land that was originally taken from them and the relationship between the Tribe and conservation groups continues to deepen. (<https://www.nature.org/en-us/about-us/where-we-work/united-states/washington/stories-in-washington/land-back-figlenski-ranch-colville-tribe/>)

**Jamestown S’Klallam Tribe-Co-management**

Co-stewardship is another recent form of the land back effort through collaboration between tribes and government agencies that have common interests. Under the leadership of Secretary of the Interior Deb Haaland in the Biden Administration the federal government has established an increasing number of Tribal co-management programs in recent years (Alvarez, 2024, Dashell, 2024)

Acquiring land has been an ongoing goal of the Jamestown S’Klallam Tribe even before they became a federally recognized tribe in 1981. This has been a long process spanning decades. Their first land purchase after being federally recognized was 2.1 acres on the waterfront of Sequim Bay in Blyn Washington where a headquarters, social service buildings, a library, and a community center were located. This is now the center of the Tribe with numerous businesses and a large casino and hotel nearly. Soon thereafter an additional 7 acres was purchased across the highway. In 1985 the Tribe regained ownership of the Jamestown Cemetery. One of the long term goals has been to also build housing and protect the original Jamestown Community which was outside the emerging land base. In1985 the Tribe developed and filed a Land Consolidation Plan (LCP) which helped provide them with financial assistance through the Indian Finance Act to purchase land for economic development.

Jamestown has benefited from longtime leadership of Chairman Ron Allen. Allen has served the community for more than 26 years as a chair and council member. He says his “leadership style is about developing relationships. If you’re going to be an effective leader you have to develop confidence and trust with the top policy people at all levels of government.” He cites economic development, protecting and sustaining treaty resources like salmon and geoduck, natural resource protection, re-establishment of their land base, providing adequate housing, health care and education for tribal members as primary goals (Strauss, pp 178-180) ).

In 2024 the Jamestown S’Klallam Tribe signed a co-stewardship agreement with the U. S. Fush and Wildlife Service for the Dungeness and Protection Island National Wildlife Refuge. The Tribe will take over the day-to-day management of the refuges following the goals and objectives of the Conservation Plans for the refuges.

Jamestown S’Klallam Tribal Chair Ron Allen recently said “Our Tribe has a strong historical and cultural relationship with the Dungeness and Protection Island National Refuges since our original village was sitting at the mouth of the Dungeness River. The agreement recognizes our unique tribal sovereignty and the government-to-government relationships and symbolizes how these relationships have evolved into a very sophisticated level in the 21st Century.” (Michael Dashiell)

**Port Gamble S’Klallam Tribe - Conservation & Economic Development**

In 1855 the Port Gamble and other S’Klallam Tribes (Lower Elwha and Jamestown) signed the Treaty of Point No Point ceding land in exchange for reserved fishing and hunting rights that would later be largely rescinded. A reservation was established in 1938 at Port Gamble. About half of their 2000 members live on the reservation. The Tribe was one of 15 tribes to implement the Bureau of Indian Affairs Self Government Demonstration Project in 1992. In the following years they actively developed the reservation enterprises, support services, buildings, and land expansion. A three year project to clean up Port Gamble Bay started in 2015. In 2019 they purchased 937 adjacent acres of timberland from Pope Resources and in 2021 they announced purchase of development rights on the former Port Gamble Timber Mill site to protect a culturally significant site.

The Heronswood Garden, purchased in 2012, is both a business investment and an important conservation investment. The W. Allen Burpee Company bought the Garden in 2000 for about $4.5 million from Dan Hinkley and Robert Jones and had added adjacent land two years later. When Burpee went bankrupt in 2012 they tried to auction off the 15 acre Garden but they couldn’t sell it at anything near the hoped for value of $11 million. Eventually the 15 acre Heronswood Garden was purchased by the Tribe for an undisclosed amount but well above the $749,000 minimum. The Tribe’s 1,349 acre reservation is close to Heronswood. In 2024 they also purchased Miller Lake which was adjacent to Heronswood. Noel Higa, Director of the Tribe’s economic development department, said that the Tribe did not have a specific plan of what to do with the garden but wanted to make sure it stayed available to the Kitsap community. Over the next years the Garden became an integral part of the tribal community. (see case by Hinkley and Ross (2025).

**Snoqualmie Tribe**

The Snoqualmie have been slowly but steadily reclaiming their homelands over the past half century. Their story, one of tragic loss and a hard fought recovery, represents one of the greatest comebacks in Indian Country. The Snoqualmie, one of the many Tribes who make up the larger group of Coast Salish peoples, have historically lived in the Puget Sound region of Washington. At the time it signed the Point Elliot Treaty in 1855, which ceded their lands to the U.S. government, the Tribe was one of the largest in the Puget Sound region, numbering around 4,000 members.

The Tribe had been promised by the government that it would one day receive its own reservation but that promise, like so many others, was never kept. Many Snoqualmie stayed in the area, but some moved to other reservations in the Sound. In 1953, the Tribe suffered a major blow when it lost federal recognition due to a new federal policy that limited recognition to tribes that had reservations. Finding themselves both landless and without the resources to support their tribal members, many of whom were living in poverty, the Snoqualmie began the arduous process of rebuilding their nation and land base.

In 1999, after 46 years of petitioning, the Snoqualmie received re-recognition based on the evidence that they had maintained a continuous community from historical times to the present and in 2006 the Tribe received 55 acres for its initial reservation. They have since built a casino, the profits from which have allowed them to provide their 650 tribal members with basic services, improved housing conditions and new employment opportunities. In October 2006, ILTF made a $20,000 grant to the Snoqualmie Tribe to fund a strategic land planning training for tribal leaders and staff. The resulting document, “Where We Want to Be,” has been used by the Tribe to help it develop its larger, long-term vision and strategic plan for land recovery. In 2007, the ILTF-affiliated Indian Land Capital Company made a $1.2 million loan to the Tribe toward the purchase of 56 acres of land for healthcare, housing, tribal offices and other community purposes.

The Snoqualmie have also been strengthening their cultural and spiritual ties to their homelands. In 2008 ILTF made a grant to the Tribe to produce an educational DVD of recorded interviews with tribal elders relating the history, culture and spiritual beliefs of the Tribe which has been used to educate tribal members about the places sacred to the Tribe and their historical and cultural importance. (This description is from the Indian Land Tenure Foundation (ITLF) website which features this Tribe as well as several other as small case studies).

**Quinault Tribe – Future Moves**

In August 2024 U.S. Representative Derek Kilmer (WA) introduced the Quinault Indian Nation Land Transfer Act, legislation that would transfer 72 acres of land, known as Allotment 1157, to the Bureau of Indian Affairs to be held in trust for the benefit of the Quinault Indian Nation (QIN).

The Quinault Indian Reservation was set aside for the Quinault Indian National (QIN) for their exclusive use following the Treaty of Olympia of 1856, whereby the QIN ceded millions of acres it had freely roamed in exchange for a homeland and other benefits. Allotment 1157 was a part of the original Quinault Indian Reservation when it was formed but was taken away from the QIN in 1928 during the so-called Allotment Era when the Federal Government gave allotments, or parcels, of Native lands to private owners. This legislation would restore ownership of the land to the Quinault Indian Nation and hold the Federal Government responsible to its trust and treaty obligations to the QIN.

The 72 acres of Allotment 1157 are considered a sacred place and hold significant historical value to the Tribe. Allotment 1157 is one of the last remnants of the old growth forest, particularly old growth cedar that once dominated the Reservation landscape.

“The forced breakup of our reservation erased one of the foundations of our way of life, our view that the land and waters of our homeland were for communal use by all. This legislation will help right a historic wrong,”**said Quinault Indian Nation President Guy Capoeman.**“The Quinault Indian Nation Land Transfer Act helps fulfill the promise the United States government made to the Quinault Nation when signing the treaty of Olympia in 1856, the promise that the lands set aside for the Quinault Indian Reservation will always belong to the Quinault Nation.”

In an effort to restore the original reservation lands that were taken from the QIN or ceded in the late 19th and throughout the 20th century, the Quinault Indian Nation has purchased thousands of acres from timber companies, Grays Harbor County, and fee and trust landowners. The QIN now owns approximately 48% of the original acreage of the reservation. (Kilmer.house.gov/press-releases/kilmer-introduces-legisaltion-to-return-land-to-Quinault-Indian-Nation. Aug 26, 2024)

The proposed bill has been referred to the Natural resources committee in the House. The passage rate for bills out of committee is very low.

**Conclusion**

Washington Tribes have been highly active in the American landback movement. Expanding the reservation land base serves a variety of tribal goals including conservation, economic development, expanding housing and local services as well as addressing spiritual and culture goals and practices. They have used a variety of approaches including law suits, partnerships with conservation groups, and direct contact with private landowners to achieve their goals. This effort continues today.

**References**

Alvarez, Gustavo Sagrero. *Jamestown S’Klallam Tribe poised to help manage key Salish Sea wildlife refuges*. (Aug 9, 2024) KUOW.

Barringer, Felicity (November 22, 2022). *Native American land return movement makes gains, faces obstacles.* https:andthewest.stanford.edu/2022/native-amercian-land-return-movement-makes-gains-faces-obstacles/

Dashiell, Michael (Aug, 21, 2024) *Jamestown S’Klallam Tribe, USFW sign agreement for refuges*. Sequim Gazelle.

Footen, Brian and Jovana Brown (2011) *Back to the Future: Dam Removal and Native Salmon Restoration on the Elwha River*. www.evergreen.edu/native-cases

Hinkley and Ross (2025*) First in the Nation: The Tribe that owns a Botanical Garden.* www.evergreen.edu/native-cases

Hughes, John (2024*) Lightning Boldt: Judge H. Boldt and a defining moment in tribal sovereignty*. Office of the Washington Secretary of State.

Indian Land Tenure Foundation. https://iltf.org

kilmer.house.gov/press-releases/kilmer-introduces-legisaltion-to-return-land-to-quinault-indian-nation (Aug 26,2024)

Murphy, Kim (Feb 1, 2009) “Indian Tribe seeks higher ground”, *Los Angeles Times*

Native Land Information System *at https://nativeland.info*

NDN. *Manifesto* Landbaack.org

Oaster, B. (Aug 22, 2022) *Questions about the LandBack movement answered*. <https://hcn,org/issues/54-9/indigenous-affairs-social-justice-questions-about-the-landback-movement-answered>

Oliver, Owen (May 3, 2022) *Significant Washington Land Returned to the Colville Tribe, Its Original Stewards.* https://nature.org/en-us/about-us/where-we-work/united-states/washington/stories-in-washington/land-back-figienski-ranch-colville-tribe

Port Gamble S’Klallam Tribe. (2012) *The Strong People: A History of the Port Gamble S’Klallam Tribe*

Saul, K. and Van Maxwell-Miller (2024) Dams Down, Water Back. [www.evergreen.edu/native-cases](http://www.evergreen.edu/native-cases)

Schlosser, Thomas (2024) *Irrigation Interests Threaten Precious Hoopa Tribal Fisheries: A Legal Perspective.* [www.evergreen.edu/native-cases](http://www.evergreen.edu/native-cases)

Smith, Barbara Leigh (2022) The Centennial Accord: What has been its impact on government-to-government relations between tribes and the State of Washington? www.evergreen.edu/native-cases

Strauss, Joseph (2002) *The Jamestown S’Klallam Story: Rebuilding a Northwest Coast Indian Tribe.* S’Klallam Tribe.

United States Department of the Interior. December 2023. *Ten Years of Restoring Land and Building Trust 2012-2022. Land Buy Back Program for Tribal Nations.*

United States Department of the Interior. Press Release 12/04/2023. “*Three Million acres of Land Returned to Tribes Through Interior Department’s Land Buy-Back Program for Native Nations*.” <https://www.doi.gov/pressreleases/three-million-acres-land-returned-tribes-through-interior-departments-land-buy-back>

Wilkinson, Charles (2024) Treaty Justice: The Northwest Tribes, the Boldt Decision, and the Recognition of Fishing Rights. University of Washington Press.

**APPENDIX**

**Pacific Northwest History: Timeline of discovery and conquest**

**By Brian Footen and Jovana Brown**

**1570 -1800** Ships of European powers explore and map the Pacific Northwest coastline.

**1790-1795** Captain George Vancouver sails up PNW coast and compiles first extensive map of area.

**1792** Captain Robert Gary discovers mouth of Columbia River

**1805** Lewis & Clark expedition reach the Columbia River enroute to Pacific Ocean

**1811** John Jacob Astor builds Fort Astoria at the mouth of the Columbia River.

**1825** Hudson’s Bay Company established Fort Vancouver on Columbia River.

 **1833** Hudson’s Bay Co. established Fort Nisqually, first Euro-American settlement in Puget Sound.

**1830’s-1840’s** Euro-American settlers head west over the Oregon Trail

**1846**  Oregon Territory divided between the U.S. and Great Britain. Boundary set at 49th parallel where it remains.

**1853** Washington Territory created by Congress which included present state of Washington, western Montana, and northern Idaho.

**Dec. 1853** President Fillmore appoints Isaac Stevens as first Governor of Washington Territory. Stevens serves as governor until 1857

**1853-1857** Franklin Pierce administration. Commissioner of Indian Affairs George W. Manypenny establishes federal government policy of assigning tribes to reservations: Indians would be “colonized in suitable locations.” (Richards)

**1854** Washington Territorial Governor Isaac Stevens meets with Commissioner Manypenny in Washington, D.C. and receives written instructions to conclude “Articles of Agreement & Convention with the Indian Tribes in Washington Territory.” (Richards)

**Dec 26, 1854** Treaty of Medicine Creek. Treaty council attended by delegates from Nisqually, Puyallup, & Squaxin tribes.

**Jan 22, 1855** Treaty of Point Elliot. Treaty council attended by delegates from the Duwamish, Suquamish, Swinomish, Skagit, Nooksack, Lummi, the various small tribes later to be named the Muckleshoot, and the Snohomish, Snoqualmie, Skykomish predecessors of the Tulip Tribes and the Stoluck-wa-mish River Tribe (now Stillaguamish).

**Jan 26, 1855** Treaty of Point No Point. Treaty council attended by delegates from the S’Klallam, Skokomish, Elwha and other tribes.

**Jan 31, 1855** Treaty of Neah Bay. Treaty council attended by delegates from the several villages of Makah Indians.

**Feb 24-27, 1855** Chehalis River Treaty Council. Attended by delegates from the Chehalis, Quinault, Queets, Chinook, and Cowlitz tribes. The delegates found the treaty terms unacceptable and did not sign a treaty. Only the Quinault Indians later signed a treaty with Stevens.

**June 9, 1855** Treaty with the Walla Wallas, Cayuse, etc. Treaty council attended by delegates from the Walla Wallas (later Warm Springs), Cayuses, and Umatilla Tribes. Established Warm Springs Reservation and the Umatilla Reservation in northern Oregon.

**June 9, 1855**. Treaty with the Yakamas. Treaty council attended by delegates from the Yakama, Palouse, Klickitat and other Indian tribes. Today: Confederated Tribes and Bands of the Yakama Indian Nation.

**June 11, 1855** Treaty with the Nez Perces.

**July 1, 1855** Treaty of Olympia with the Quinault, Quileute, & Hoh Indians.

**July 16, 1855** Treaty of Hell Gate. Attended by delegates of the confederated tribes of Flathead, Kootenay, and Upper Pend d’Oreilles. Created the Confederated Salish Kootenai Tribes of the Flathead Reservation in western Montana.

**1859** Oregon becomes a state

**1862** Homestead Act is passed.

**1866** Chehalis Confederated Tribes established by Executive Order.

**1871** Congress passed a law that ended treaty making with Indian tribes. After this date Indian reservations established by Presidential Executive Order.

**1872** The Colville Confederated Tribes established by Executive Order.

**1881** The Spokane Tribe established by Executive Order

**1883** The Northern Pacific Railroad is completed and reaches Tacoma

**1887** The Dawes Act (Allotment Act) is passed

**1889** Washington becomes a state

**1914** Kalispel Tribe established by Executive Order

**1981** Jamestown S’Klallam became a federally recognized tribe.\*

**2002** Cowlitz Tribe became a federally recognized tribe.\*

\* For the current federal recognition process see: National Congress of American Indians: Federal Recognition http://www.ncai.org/Federal-Recognition.70.0.html

**Court Decisions Upholding Treaty Rights**

U.S. v. Winans, 1905 The U.S. Supreme Court upheld Yakama Indian treaty fishing rights for access to traditional off-reservation fishing sites.

Tulee v Washington, 1942 Court found that state could not charge tribal fishers license fees.

Puyallup trilogy, 1968-1977 Court began to “confront and strike down discriminatory ‘conservation’ regulation of tribal harvests promulgated by the Pacific Northwest states.” (Blumm & Steadman)

U.S. v. Oregon, 1969 Case involved Yakama tribal fishers on the Columbia River. Judge Belloni ruled that treaty fishing rights ensured a right to a “fair share” of the fish harvest for tribal fishers (Blumm & Steadman)

U.S. v. Washington, 1974 (Boldt)

Northwest Indian Fisheries Commission (NWIFC) was established in 1975 by the treaty tribes in U.S. v. Washington case. Agency is as a “support service organization for the member tribes.” Now consists of 20 treaty Indian tribes in Western Washington.

Columbia River Inter Tribal Fish Commission (CRITFC) The Warm Springs, Yakama, Umatilla, and Nez Perce tribes joined together in 1977 to renew their authority in fisheries management. To do so they created a coordinating and technical organization to support their joint and individual exercise of sovereign authority.

Washington v. Washington State Commercial Passenger Fishing Vessel Assn, 1979. U.S. Supreme Court upholds U.S. v. Washington, 1974

U.S. v. Washington, Phase II 1980 Orrick decision. The tribes have a right to have salmon habitat protected from man-made destruction. Treaties imply an “environmental right.”

U.S. v. Washington, 1985 Ninth circuit court of appeals remanded the Orrick decision to a district court for a ruling based on specific factual situations.

U.S. v Washington, 1998 The treaty right to fish includes the right to harvest shellfish embedded in the state’s tidelands and bed lands.

U.S. v Washington, Washington state continued to challenge the Martinez decision. U.S. Supreme Court upholds the decision in 2018 in a 4-4 decision after Justice Kennedy recuses himself since he has participated in the previous appeal decision .

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