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# Boldt Decision cleared path for more landmark tribal rights changes

BY ROB CARSON

Staff writer February 9, 2014



The Boldt Decision reaffirmed the supremacy of Indian treaties over state law. It bolstered the tribes' status as sovereign nations and demonstrated the lengths the federal government was willing to go in its capacity as "trustee" for the tribes.

When U.S. District Judge George Hugo Boldt ruled that the state and tribes must "co-manage" fishing resources, it set a precedent for government-to-government cooperation in other areas, a balance of power that previously had not been taken seriously by the state.

As a result, the decision led to changes in Indian Country that lifted some tribes out of



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### AMONG MAJOR CHANGES:

#### 1988 Puyallup Land Claims Settlement

Buoyed by Boldt, the Puyallup Tribe of Indians negotiated a \$162 million package of land, cash and social programs to relinquish claims that it owned the land under much of downtown Tacoma, the Port of Tacoma, Fife and Puyallup.

#### 1988 National Indian Gaming Regulatory Act

Cleared the way for tribal casinos.

#### 1989 Centennial Accord

An agreement between 26 federally recognized tribes and the state of Washington set a framework for government-to-government relationship as outlined in Boldt.

#### 1994 Shellfish Decision

The Emerald Queen Casino's parking lot is often packed with cars, a sign of a strong gaming economy that has helped lift Puyallup Tribal members out of poverty. DEAN J. KOEPLER — Staff photographer file, 2008



U.S. District Judge Edward Rafeedie followed Boldt's lead, ruling that the "in common" language in treaties also applied to shellfish. That meant tribes had harvest rights to half of all shellfish from all of the usual and accustomed places, except those places "staked or cultivated" by citizens.

"A treaty is not a grant of rights to the Indians, but a grant of rights from them," Rafeedie wrote in his decision.

### 2011 Removal of Elwha Dams

Legal mandates to protect and restore salmon habitat, which originated in the Boldt decision, led to removal of two dams on the Elwha River, the largest dam removal project in U.S. history. Dam removal began in 2011.

Rob Carson, staff writer



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