

Victory at the Supreme Court for Quileute and Quinault in Ocean Fishing Area Case

News

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Foster Garvey Newsroom

Press Release from the Quileute Tribe

The Supreme Court on Monday denied the Makah Tribe's petition for review in a case putting the Quileute Tribe's and Quinault Indian Nation's treaty ocean fishing areas at stake, *United States v. Washington*, Subproceeding 09-1. The denial effectively upholds the Ninth Circuit's and Western Washington District Court's rulings that the western boundaries of Quileute's and Quinault's treaty fishing grounds are 40 and 30 miles offshore, respectively.

The lawsuit was initially filed by the Makah Tribe in 2009, challenging the western extent of Quileute's and Quinault's ocean treaty fishing areas. Treaty fishing areas are determined based upon where tribes customarily caught aquatic species at treaty times—around 1855. Makah claimed that Quileute's and Quinault's treaty fishing areas should be limited to five to ten miles offshore.

For nearly 30 years before Makah filed suit, Quileute and Quinault had been fishing under 40-mile boundaries first set by the United States in 1986. If Makah had succeeded in its claims, Quileute and Quinault would be eliminated from most ocean fisheries altogether, and Makah would have been the only treaty tribe in Washington with commercially viable treaty ocean fisheries.

However, during a 23-day trial in 2015, Quileute and Quinault presented overwhelming evidence that they customarily caught ocean species out to 40 and 30 miles offshore. That ruling depended in part on a treaty interpretation issue finding that evidence of sea mammal harvest is valid evidence to establish treaty fishing areas. Makah and the State appealed the trial court's ruling, and in 2017 the Ninth Circuit Court of Appeals ruled in favor of Quileute and Quinault. The Supreme Court's

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denial of Makah's appeal on Monday marks the end of nine years of litigation on that treaty interpretation issue.

"The Quileute people have always known what these courts confirmed – we have been here since the time of the beginnings, and we have always been an ocean fishing people," Doug Woodruff, the Chairman of the Quileute Tribe, said. Zach Jones, a member of the Quileute Tribal Council, added: "It makes me so proud and happy to know our way of life is preserved for generations to come, as it always was, and always should be. Without these rights, we'd lose our identity as Quileute people."

Quileute was represented by attorneys from Foster Pepper PLLC (a citizen of the Muscogee (Creek) Nation) and an attorney at Byrnes Keller Cromwell LLC. "We were honored to represent the Quileute Tribe in this case," they said. "We could not have achieved these victories without the continued help and support of the Quileute Tribal Council and Quileute Natural Resources. We would also like to thank the Quileute people; we felt your support throughout this case and were humbled to be chosen to carry your history and message to the courts."