

U. S. DISTRICT COURT, TACOMA

No. 9213

PLAINTIFF

EXHIBIT USA 72 E

U.S. vs Wash
ADMITTED

USA 70 A

SUPPLEMENTAL REPORT ON INDIAN HERRING AND HERRING
ROE FISHERIES

by Barbara Lane, Ph.D

HERRING AND HERRING ROE FISHERIES

The Pacific herring (*Clupea pallasii*) was one of the most important species to the Indians in western Washington in aboriginal times, at treaty times, and later. It was the prime bait fish used by the Indians in their salmon troll fishery and in the capture of ducks. Later, herring became the prime bait fish in the commercial halibut industry and Indians took herring for bait to supply both non-Indian and Indian halibut fishermen.

In addition to their importance as bait, herring and herring spawn were collected for food. They were eaten both in fresh and cured states. Information regarding harvest, curing methods, and the various uses of herring and herring roe is presented in two separate reports, "The Indian Herring Fishery from the Earliest Times to the Mid-Nineteenth Century" and "Non-Indian Involvement in Herring Fisheries in Western Washington, 1855-1880."

Supplementary data, not included in the previous reports on the herring and herring roe fisheries is presented below.

Stern has described the collection of herring spawn by the Lummi in early spring in the following manner.

As the families journey from place to place during the spring, summer and autumn months, they catch other fish for immediate use and for storage. Herring eggs are gathered by the men in March and April. The top boughs of young cedar trees about five or six feet tall are twisted into ropes and are anchored when the herring spawn. When suf-

efficient eggs have settled on the leaves the boughs are taken from the water and are hung up to dry, after which the dried eggs are stored in baskets. They are later eaten with oils. Herring are caught from canoes with rakes made of sharp pointed bones set into a long flat pole. They are dried by piercing about ten or fifteen through the gills with a stick and then placing the stick over a frame six feet high arranged over a fire.

[29]

In the earlier report on Indian herring fisheries, I noted that the Indians sometimes used herring spawn as an unharvested bait in order to take other species.

Stern has described this for the Lummi.

Among the major foods of the Lummi are ducks which are plentiful throughout the region and which are caught in quantities with four types of nets. About March or April, when herring are spawning, a submerged net called tlupulyen is used. The net which is about four to five feet wide and fifty to seventy-five feet long, is spread by cedar poles which are fastened at intervals of a fathom along its length. The nets are set along the shore where the herring spawn is found on the sea weed, and are weighted down so that the sea weed hides the net from the ducks. The shorter ropes of the net are set close to the shore and the longer ropes out, so that the net inclines at an angle to catch the ducks as they dive and swim towards shore to feed on the spawn. As the ducks, feeding under the net, start to the surface of the water, they become entangled in the net and are drowned. There are times when so many are caught that the entire net floats to the surface, in spite of the anchor rocks at both ends.

[30]

In the fall, the herring leave the rich offshore feeding grounds and migrate to inshore waters. During the winter resting phase they form dense schools awaiting the ripening of their reproductive organs. In March and April the peak of the spawning activity occurs among those populations known as "spring spawners." The herring deposit their spawn on certain stretches of beach and shoreline and avoid others for no known reason. Favored locations were utilized by the Indians both for the collection of spawn and for the raking and netting of the herring as they formed dense schools.

Some of these locations are identified in the previous report referred to earlier. Others are mentioned in the course of Indian and anthropological testimony before the Indian Claims Commission. For example, in the course of discussing territories used by the Samish, it was noted that they fished for herring off Eliza Island between Samish Bay and Bellingham Bay. [31]

It is not feasible to document all the specific saltwater locations at which herring were raked or netted, nor is it possible to document all or even most of the spawning areas cultivated or utilized by Indians at treaty times.

In view of the importance to the native economy and the value placed by the Indians on the herring and herring spawn, it is safe to assume that herring fisheries were pursued wherever feasible.

There is documentary evidence that Indian fishermen tried to protect their rights to the herring fishery in face of encroachment by non-Indian fishermen and attempts by State of Washington fisheries officials to regulate Indian fisheries. At one period Austrian fishermen were attempting to take herring in Hale's Passage over Lummi protests. This concerned the harvesting of bait for the halibut fishery.

One of the outcomes of the controversy was an official report from Charles W. Buchanan, Superintendent, Tulalip Agency, to the Commissioner of Indian Affairs, dated July 1, 1917. Among other things, the report documents the extent of Lummi Indian commercial interest in the herring bait market for that year.

Sir:

I have the honor to acknowledge receipt of Office letter cited above asking for a report on whether or not the Lummi Indians had marketed 2500 barrels of herring bait to the halibut schooners. In reply I would state that the amount is about twice that stated, they have marketed about 5,000 barrels at \$2.00 per barrel, netting a considerable and important revenue for those families dependant upon same. I am enclosing herewith a report (dated June 28th, 1917) by Mr. William McCluskey, Farmer in Charge at Lummi Reservation, on this matter. Mr. McCluskey's report appears to cover all phases of the question.

The State Fish Commissioner has done a good bit of criticism and blustering in the papers (clippings of some of which have been forwarded to you) but he has not actively interfered. I take it that he was, in a fashion, "saving his face". We paid no attention to this, made no replies and did nothing to stir up any animosity or resentment and I believe that there will be no further molestation of our Indians within the low water mark adjacent to their reservations.

I do not think the Fish Commissioner will attempt anything further in the waters mentioned unless he can succeed (as he is doubtless attempting to do) in exciting a large number of white fishermen by his newspaper articles, -- to which it would be folly for us to reply since he is himself a former newspaper man and can secure more recognition on that basis than on the merits of his cause. I think your letter of May 21st, 1917, is holding him.

[32]

Herring fisheries by several of the Skagit peoples, that is, Lower Skagit, Kikiallus and Swinomish have been reported by Snyder.

Snyder reported that herring were taken by the Swinomish in a trap in Similk Bay. [32a] Snyder reported the use of the herring rake by the same Skagit-speaking peoples inside Deception Pass, off the north part of Camano Island near Utsaladdy, off Green Bank in Holmes Harbor and in Skagit Bay between Holmes Harbor and the mainland. In addition, herring were raked off both sides of Snaetlum Point. [32b]