

# Press Release: Sauk-Suiattle Indian Tribe Brings First "Rights of Salmon" Case



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**January 11, 2022**

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Darrington, WA: On January 6, the Sauk-Suiattle Indian Tribe filed a lawsuit against the City of Seattle. The case, filed by the Tribe on its own behalf and on behalf of Tsuladxw (salmon in the Tribe’s language), was filed in Sauk-Suiattle Tribal Court.

The Tribe seeks recognition that salmon have inherent rights to “exist, flourish, regenerate... and restoration,” and that the Tribe possesses the duty to “protect and save” salmon in the face of continued harm and decline, including from the City of Seattle’s dams on the Skagit River.

This case comes as several tribal nations, as well as communities within the U.S., Canada, and Brazil, and countries including Ecuador and Bangladesh, have recognized the legal rights of nature through lawmaking and court rulings. In August 2021, the White Earth Band of Ojibwe, in Minnesota, became the first tribe to bring a case to enforce the legal rights of nature in a tribal court.

### **Protecting the Rights of Salmon: Tribal Court Case**

The Sauk-Suiattle Tribe, known as the Sahkuméhu, ceded their aboriginal territory to the federal government through the 1855 Treaty of Point Elliott. As explained in the court filing, despite the Tribe’s treaty-protected right and obligation to protect fish migrating to and from the Tribe’s traditional fishing grounds, the City of Seattle constructed dams on the Skagit River

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The Tribe brought the lawsuit seeking declaratory relief, including:

- Recognition that Tsuladxw (salmon) possess the "inherent right to exist, flourish, regenerate, evolve, as well as an inherent right to restoration, recovery, and preservation."
- A ruling from the Court that the City of Seattle has threatened and imperiled the Tribe and the salmon, within their aboriginal territory, and on the Sauk-Suiattle Reservation.
- A ruling that the Tribe possesses the obligation to protect the salmon.
- A ruling on other steps that are necessary to protect the salmon and tribal members.

Jack Fiander, Attorney for the Tribe - and the salmon as represented by the Tribe - explained, "The Sahkuméhu have witnessed the decline of Tsuladxw for a century. The salmon are their relatives, a gift of the Creator. The Creator's gift is being taken from them. It is time that the salmon's voices are not only heard, but that their rights are protected against human actions which prevent their survival. As my auntie and legendary fishing rights advocate Ramona Bennet once told me, 'salmon do not have cellphones, we must speak for them when they are in trouble.'"

Frank Bibeau, Plaintiff's Attorney for manoomin (wild rice), in the case *Manoomin v. Minnesota Department of Natural Resources* – the first rights of nature enforcement case to be filed in a tribal court – stated, "As the decline of nature accelerates, we must recognize and protect the rights of nature, as well as the treaty rights of tribes to protect nature. These cases are the first of many which seek to stop harmful projects and permits on the basis of those rights."

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enforcement case to be brought in the U.S. (*Wilde Cypress Branch v. Beachline* in Florida), added, "Increasingly, tribal nations, legislatures, and courts around the world are recognizing that nature possesses legal rights, including even the most basic right of nature to exist. This case brought by the Sauk-Suiattle Tribe to protect the rights of salmon is an acknowledgement that existing environmental laws and practices are insufficient to protect the species and nature."

The City has not yet responded to the lawsuit.

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