

News

BCLP SECURES VICTORY FOR UPPER SKAGIT INDIAN TRIBE IN FISHING RIGHTS DISPUTE

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BCLP achieved a significant win for the Upper Skagit Indian Tribe after the U.S. District Court of Washington granted our Rule 52(c) motion following remand from the 9th Circuit. This decision came after February's arguments in the case of *Stillaguamish Tribe of Indians v. State of Washington; Upper Skagit Indian Tribe*. 2:17-sp-RSM 2:70-cv-09213-RSM).

In a recent sub-proceeding, another tribe sought to expand its fishing territory into Upper Skagit's accustomed fishing grounds, as defined by the Treaty of Point Elliott. The Upper Skagit, one of several tribes party to this treaty, regularly seeks guidance on enforcing their treaty rights to fish in their designated areas.

Partners Tyler Farmer and Ariel Martinez, along with the Tribe's general counsel, represented the Upper Skagit Indian Tribe in the successful defense of the tribe's fishing territory. Following a bench trial in the Western District of Washington, including expert witness testimony, the district court granted Upper Skagit's FRCP 52 (c) motion and dismissed all of the petitioning tribe's claims. On appeal before the Court of Appeals for the Ninth Circuit, the case was remanded for additional fact finding by the district court— reinforcing the significance of this ongoing legal defense of treaty rights.

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