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“There’s Something in the Water”: Salmon Runs and Settler Colonialism on the Columbia River

Lindsey Schneider

A controversy has been stirred up in the murky waters of the Columbia River. Claims to indigeneity and natural belonging have been made and contested. Fights have broken out and lawsuits have been filed. The lives and welfare of many of the region’s inhabitants are at stake, and multiple groups are claiming that prior occupancy and dire need entitle them to endangered resources. In the water, the conflict is between salmon and sea lions, but the real contenders in this fracas are settler colonialism and the geography of the Columbia Basin.

Recent debates within settler-colonial studies have taken up the dialectic between Native and settler, examining and contesting the relationship between them, as well as the boundaries of the categories themselves. What these debates have failed to account for, however, is settler colonialism’s geographically specific manifestations and its effects on nonhuman entities and species. The study of settler colonialism has tended to consider land in the abstract, treating it as generic and equivalent without regard for *place*.¹ This kind of abstraction has not only limited our understanding of settler colonialism’s various manifestations by hiding them in geographical diversity, but also produced decolonial projects and broadly conceived “solutions” to the complexity of the settler/Native/migrant divide (such as the global commons) that are unable to make the jump from the theoretical to the practical.² Furthermore, little work has been

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done on the ways in which specific manifestations of settler colonialism not only cause profound ecological disruptions, but in fact discursively and ecologically shape the land itself. By examining the ongoing conflict over salmon and sea lions at Bonneville Dam on the Columbia River in the Pacific Northwest, this essay seeks to decentralize the human and interrogate the ways in which settler colonialism shapes the land itself by engaging with Indigenous epistemologies that take seriously notions of place, relationship with the land, and the spatially located lifeways of nonhuman beings. I begin by providing a brief overview of the sea lion problem, including the legal and ecological background. Next I turn to the ideological roots of the conflict, which lie in capitalist divisions of space manifested through the creation of the National Parks System and the various iterations of the Allotment Act. I then look closely at the discursive framing of the current conflict and break down the assumptions revealed therein about place, belonging, and resource management. To conclude, I contrast the notion of the global commons with Indigenous models of human/place relationships.

PINNIPEDS AND THE POLITICS OF PLACE

In the last several years, sea lion predation on endangered salmon and steelhead runs at Bonneville Dam has markedly increased. The dam has a fish ladder that allows salmon migrating upstream to navigate past what would otherwise be an insurmountable obstacle. The fish ladder consists of a series of pools arranged like steps, allowing fish to jump from one to the next, as they normally would make their way up river rapids. The fish ladder, however, creates a traffic jam for the migrating fish, which often spend hours or even days at the base of the dam searching for the fish ladder to get upstream.³ The California sea lion has taken advantage of this veritable seafood buffet by camping out and feasting on the fish. According to some, this has severely impacted the chances of survival for certain salmon species.⁴ While not endangered, sea lions are protected under the National Marine Mammal Protection Act (NMMPA). Beginning in 2007, the National Marine Fisheries Service (NMFS)—a division of the National Oceanic and Atmospheric Administration (NOAA)—authorized state fish and wildlife officials in the Northwest to haze sea lions (by firing seal bombs, cracker shells, and rubber buckshot at them from chase vessels) and to remove up to eighty-five animals each year. Officials generally attempt to place the trapped sea lions with zoos or aquariums, but if no placement is found, they euthanize them. Defenders of the sea lions, including the Humane Society, have argued that hazing and trapping are cruel and ineffective, and have challenged the NMFS's rationale for allowing the states to do so in court. The Humane Society's position is that sea lions are responsible for taking a smaller percentage of fish than state-regulated fishermen⁵ and that the state's "unwarranted persecution" of sea lions obscures the role of dams, habitat destruction, and commercial fishing.⁶

The Humane Society's legal challenge to Oregon and Washington's right to kill sea lions at Bonneville Dam is absent nearly any reference to Indians, treaty rights, or tribal fisheries. At first glance one might assume that this is because the conflict is simply between the sea lions and the salmon, or even between sea lions and the state.

However, when we consider the grounds on which the Humane Society argues for the supposed “right” of the sea lions to eat salmon—they are a “natural” predator, they take fewer fish than fishermen, they have a right to feed themselves—it becomes clear that the legal entanglements over who eats what out of the Columbia River are far more complex than bureaucrats versus pinnipeds. This issue clearly demonstrates the place-specific effects of settler colonialism in the geographic and ecological sense, not only for how land has come to be understood in the Northwest, but also for ideologies inflecting concepts of nature, resources, and property rights.

In the context of the scholarly conversations about settler colonialism and the Native/settler binary or dialectic, too little attention has been paid to the specificity of place and how settler colonialism shapes the lives and deaths of the plants and animals of that place—and can even shape the place itself. I argue that the root of both issues is the assumption arising from European views of property, or land, as generic: in other words, the tendency to treat one acre of forest as equivalent to any other acre of forest when organizing space. Settler-colonial society has implemented this belief through laws governing the distribution of property and people, such as the General Allotment Act and various homestead acts. At the same time, geography (meaning the topography and ecology of a given place) has shaped the process of settler colonialism and largely shapes its present manifestations as well as precipitates conflicts such as the one over sea lions on the Columbia River. The frameworks for understanding settler colonialism and the solutions to the problems it causes in its treatment of land as generic and equivalent are limited in their effectiveness. By treating land as a theoretical entity (rather than an extant, ecologically unique, actual *place*), the discussion is limited to theoretical application. Decolonization praxis, therefore, has to take seriously the notion of place and cannot treat land as an abstract.

THE SCIENCE OF SALMON AND THE SEA LION LAWSUIT

The present iteration of the conflict between the theoretical logic of property and the reality of a place began when sea lions were observed eating salmon at the base of Bonneville Dam in the spring of 2002. After Congress amended the MMPA in 1994, states could apply for special permits to kill recognizable, individual seals or sea lions that were eating enough to have a significant impact on salmon stocks protected under the Endangered Species Act (ESA). Shortly after Oregon, Washington, and Idaho obtained NMFS approval to begin removing sea lions, the Humane Society, the Wild Fish Conservancy, and private citizens filed suit to block the authorization. After six sea lions were trapped and sent to Sea World, a federal appeals court blocked the killing for that year, but allowed trapping and branding (to identify individuals) to continue. In 2009, the court ended the ban; four sea lions were transferred to permanent captivity and ten were euthanized. After fourteen sea lions were euthanized in early 2010, the Ninth Circuit Court of Appeals in San Francisco halted the plan again. In 2011, Washington and Oregon submitted a new application to the NMFS to kill eighty-five sea lions each year, and the Humane Society, the Wild Fish Conservancy, and two private citizens filed suit again. The NMFS informed the

states it was revoking its authorization again (in response to the lawsuit), but has said that it would consider a new application from the states in the future.⁷ Although the Humane Society often cites a number of reasons why the sea lion program is problematic,⁸ the basis of its lawsuits and appeals is the claim that the NMFS's "significant impact" argument is invalid because sea lions eat an estimated 4 percent (at most) of the salmon run but fishermen are allowed to take up to 17 percent.⁹

Proponents of the sea lion removal (including tribal and state representatives) point out that the overall sea lion population is at an historic high, and has actually exploded in recent years.¹⁰ According to Washington Department of Fish and Wildlife (WDFW) biologists, it is now at "carrying capacity," or the highest amount the environment can sustain.¹¹ From 2002, when the sea lions were first observed at the dam, to 2009, there has been a 382 percent increase in the number of salmon being eaten by sea lions.¹² They also point out that the sea lions take advantage of the artificial structure of the dam; according to former chairwoman of the Columbia River Inter-Tribal Fish Commission (CRITFC) and vice chairwoman of the Yakama Nation's Fish and Wildlife Committee, Fidelia Andy, "Sea lions patrol the entrance to, and even inside, the Bonneville fish ladder, thereby eliminating any normative predator-prey relationship."¹³ Beginning in 2005, WDFW, Oregon Department of Fish and Wildlife (ODFW), and CRITFC implemented a nonlethal hazing program intended to chase sea lions away from the dam using seal bombs (underwater firecrackers or sound cannons) and rubber buckshot, with limited success. When sea lions have been trapped or euthanized, it is not at random but only when the animal is identifiable as a "repeat offender" that has not responded to hazing attempts.¹⁴

Because of the unique (and often misunderstood) nature of the salmon lifecycle, however, the statistics involved in the issue can be confusing. Not all salmon passing through the fish ladder are the same. Different runs or subpopulations of salmon migrate up the river to spawn at different times of year. Since the sea lions are also on a breeding schedule, they tend to show up for just a few months in the spring. So while the sea lions may be consuming around 4 percent of the total number of salmon each year, their impact on spring runs is significantly higher. If a run is wiped out, it is gone forever—which is exactly what happened to the Spring Chinook run on Lake Washington: sea lions hanging out at the fish ladder on Ballard Locks effectively wiped out the entire run.¹⁵

Both the proponents of the sea lion program and the opposition tend to frame the issue as one of species management. Neither side contests the need for regulatory action to achieve an ecological balance; rather, it's the kind of regulation and how to implement it that is being argued. Unfortunately, the failure to question the underlying assumption that the solution lies in government regulation aimed at achieving a "natural" balance of species on a river that has been utterly transformed in the last 500 years disguises the role of settler colonialism in both the transformation of the geography and the shaping of the ideologies of "nature" that are at work in the sea lion conflict.

CAPITALISM AND THE TERRITORIALIZATION OF THE WEST

The failure of settler-colonial scholarship to contend seriously with the specific geographies of place and its tendency towards an androcentric understanding of land can be traced to the enclosure movement. Along with the development of what is now known as the conservation moment, the late nineteenth and early twentieth centuries saw an “unprecedented outburst of legislation” that served to define and codify what counted as appropriate uses of the environment through the territorialization of space.¹⁶ It was no coincidence that the Allotment Act was passed just fifteen years after the creation of Yellowstone National Park, which was the first designated “wilderness” space of its kind. Political ecologist Roderick Neumann builds on the work of Crandell and Braun to argue that the aesthetic basis for the idea of the national park—and “wilderness” in general—is a cultural construction. According to Neumann, American wilderness romanticism and the process of territorialization are closely linked: “Framing’ nature in painting, whether pastoral or sublime, transformed it into picturesque scenery, where the observer is placed safely outside the landscape. Likewise, surveying, bounding, and legally designating a ‘wild’ space makes it accessible for the pleasure and appreciation of world-weary urbanites.”¹⁷ He goes on to posit that contemporary ideas of “wilderness” can only be understood in light of the massive social changes brought about by industrial capitalism in the nineteenth century. Pastoral scenes became increasingly associated with production and therefore were “unnatural” because they were wrought by humans, and an idealized version of “nature” became more and more the opposite of dirty, crowded cities. Furthermore, he argues, “Parallel to their spatial separation, production and consumption began to occupy distinct temporal spheres of work time (production) and leisure time (consumption). . . . Leisure became a mass phenomenon . . . dependent on the existence of picturesque landscapes.”¹⁸ It is worth noting that Indigenous means of production (hunting, fishing, gathering) that took place in the “wilderness” were not the only forms of labor disavowed by the process of territorialization. The work associated with spaces of production was exclusively male; women’s labor, which took place in the private sphere of the home, was made invisible in the discursive representation of space as either “wild” or developed (hence my use of androcentric, rather than anthrocentric).¹⁹

While new national parks were set aside as spaces for the conservation of the “pristine” natural beauty of the West, the Allotment Act and the various iterations of homestead acts set aside space intended for production and human intervention. The locations of the national parks (and later, national forests, national scenic areas, and other similarly designated spaces) were chosen for their unique natural beauty; they were made equivalent in many ways—in particular their intended relationship with humans—by their designation as “wilderness.” At the same time, the way in which parcels of land were allotted for farming made non-wilderness places a generic space of production. The General Allotment Act of 1887, also known as the Dawes Act, broke up reservations into individual units of land.²⁰ The act stipulated that one-quarter of a section (or 160 acres) was to be allotted to heads of households and one-eighth of a section to single women and children for “agricultural or grazing

purposes,” and presumed that land so allotted would become subject to US property law. Furthermore, it also specified that land allotted to any Indian who “can not personally and with benefit to himself occupy or improve his allotment or any part thereof” or land that was occupied and owned by Indians but “not needed for farming or agricultural purposes, and . . . not desired for individual allotments,” could be leased out for farming, grazing, and mining under the authority of the Bureau of Indian Affairs and the secretary of the Interior.²¹ Ultimately, the act reduced the number of acres recognized by the settler state as legally belonging to Indian people; thus it is commonly argued that the main function of the Allotment Act was to acquire Indian land for White settlement.²² The way land was distributed, however, did not take into account how different parcels of land would require different methods of farming, how some land might only be marginally arable, or how the process of allotment overwrote preexisting relationships that Indigenous people had with the land. Allotted land was simply assigned to blanket categories of rangeland for grazing or arable land for farming.²³ Thus the Allotment Act (and the homesteading acts that worked on similar principles) played an important function in discursively shaping non-wilderness land. This process of enclosure and zoning across the United States paved the way for the treatment of land as “functionally equivalent” to be adopted into the common sense of settler property logic. The separation of land into spaces of production and consumption, or private allotments and wilderness, is based entirely on whether or not humans (and in particular, men) have interacted with it. This androcentric division of space not only assumes a false chronology of human interaction with land in the West (i.e., that it began with Lewis and Clark), but also elides the effects and implications of settler colonialism for nonhuman species and natural entities, such as rivers, lakes, rocks and other minerals, air and weather, and the soil.

FRAMING TIME AND SPACE ON A CHANGING RIVER

Many of the arguments in opposition to sea lion euthanasia reference the Lewis and Clark expedition, framing it as the inaugural event of human/land interaction in the Pacific Northwest. The Humane Society’s discursive framing of the issue, in particular, sets the terms for the debate by erasing Indigenous peoples from the land and omitting their knowledge of or interaction with it. The main website for its campaign begins, “From the time that Lewis and Clark documented seals, sea lions, and otters in the Columbia River between Oregon and Washington until the 1972 passage of the Marine Mammal Protection Act made it illegal to kill them, humans have taken aim at sea lions.”²⁴ Citing Lewis and Clark as providing the (first) evidence of sea lions swimming upriver to the present location of Bonneville Dam (mis)represents the relationship between humans and sea lions as beginning with the “discovery” of the Northwest—it assumes that nothing of ecological significance happened prior to the advent of settler colonialism. The implications of this line of argument run a little deeper than the usual problem of erasing Indigenous presence prior to colonization. This discursive framing obscures the Indigenous knowledge of local ecology and ongoing relationships with animals (and not just the ones that have been legally

inscribed as significant to Native people, like salmon). And let us not forget that a major objective of the Lewis and Clark expedition was to survey and map the West. As a tool of enclosure and territorialization, mapping played (and plays) a crucial role in establishing dominion.²⁵

The sea lion issue also demonstrates that a place can shape the way that settler colonialism unfolds just as much as the ongoing process of settler colonialism can shape a place. The organizations attempting to challenge the sea lion program often demonstrate a discursive reliance on Lewis and Clark's observation of sea lions upriver to establish the animals' rights as "natural" predators in that area.²⁶ If sea lions were there when the Columbia was "first" discovered, the argument goes, they should naturally still be there now. This assertion of the historical presence (and therefore natural legitimacy) of sea lions is based on an assumed separation between nature or wilderness (the landscape of consumption) and industry or civilization (the landscape of production). More than just an attempt to recreate the river as it was before, such an argument assumes that the Columbia River is or should be a place where ecology operates without human interference. The spatial separation of production and consumption, however, is simply not a reality on the Columbia River, where nature and industry have been imbricated since long before Lewis and Clark.

The river has served as an important center for commerce for the tribes of the Northwest and those who traded with them for thousands of years.²⁷ The fur trade began to pick up in the Columbia Basin at the beginning of the nineteenth century, and the young and ambitious US government took full advantage of this in order to strengthen its claims to the region under the doctrine of discovery.²⁸ When the beaver became scarce by the middle of the century due to over-trapping, they took with them the beaver dams that provided important salmon and steelhead habitat. In the late 1800s, settlers discovered salmon as a harvestable resource, and fish wheels and canneries sprang up along the Columbia, further reducing fish populations. Around the same time, the channel between Portland and the mouth of the river was dredged, and jetties were built to extend the channel into the ocean, facilitating the passage of commercial ships. In 1896, Cascade Locks and Canal was constructed, allowing steamboats to bypass the Cascade rapids and travel upriver to the city of The Dalles. More locks and dams were constructed in the early 1900s, transforming a fast-moving white-water river into a series of tame reservoirs that made Lewiston, Idaho, 465 river miles inland, into a seaport. Many of the dams on the Columbia support water reclamation projects for agriculture, which results in both farming runoff and cargo traffic in the river. The colonization of the Columbia Basin drastically altered the ecological reality of the river, and at the same time, the river itself made that development possible. It simply does not make any sense to talk about the separation of nature and industry or to try to replicate the precolonial condition of just one species, aspect, or section of the river, when the river itself is a highly contested amalgam of ecological processes, Indigenous lifeways, and settler development.

The statistics that the Humane Society uses to demonstrate that sea lions do not consume a significant portion of the salmon runs also confuses the issue. Besides looking at a yearly total of fish that lumps all of the runs together to come up with

the 4 percent that sea lions eat, their numbers do not distinguish between wild and hatchery fish. Hatchery fish are salmon that are hatched and raised in captivity and released into the river as smolt. Sports and tribal fisheries on the Columbia are heavily regulated and almost exclusively limited to hatchery fish or runs of wild fish that are not endangered, in order to preserve threatened runs. Some wild salmon are protected under the ESA, but hatchery fish are not. Sea lions, however, do not discriminate between hatchery and wild fish. This means that the 4 percent of salmon eaten by sea lions versus the 17 percent taken by fishermen is not really a fair comparison because they are not taking the same fish. The existence of so many hatchery fish also makes it hard to justify the “natural” right of sea lions to eat them; it makes about as much sense as arguing that we should keep supplying coyotes with sheep or defending the “natural” right of Yellowstone’s bears to have access to the park’s garbage. When the existence of prey is a direct result of human intervention, the predator loses credibility in claiming it as a natural food source.

MANAGING A ROAMING RESOURCE

Another problem that arises with establishing a natural relationship between sea lions and salmon is the clash between salmon ecology and geopolitical borders of the nation-state. Salmon lifecycles are incredibly complex. The five species of salmon—Chinook, Sockeye, Coho, Chum, and Pink—begin their lives as fertilized eggs in a shallow gravel nest, or redd, in a streambed. After about three months, they hatch and begin their journey downstream, first as tiny alevin still attached to their yolk sac, then as small fry. They spend one to three years swimming and developing in streams and rivers and then form a group and prepare to enter the ocean as smolt, at which point their bodies change and become adapted to live in saltwater. After one to eight years spent maturing at sea and ranging vast distances throughout the Pacific Ocean, adult salmon begin the arduous journey back up the river to the exact same gravel bed where they were spawned to lay their own eggs and then die. Steelhead, which most tribes did not traditionally distinguish from the salmonid species, have a similar lifecycle except that after reproducing they may return to the sea and come back to spawn more than once. The offshore commercial fishery, which is regulated by a number of international agreements between the United States and Canada, is responsible for the vast majority of salmon that ends up in grocery stores and restaurants. Between the mouth of the Columbia and Bonneville Dam, salmon are mostly caught by sports fishermen and smaller commercial operations. The tribal fisheries are all upstream of Bonneville. The percentages of salmon taken by fishermen and sea lions used by the Humane Society are based on the number of returning salmon that make it to the adult stage, evade the commercial fishery, and find their way back upriver, not the total number of salmon in existence.

The groups working to end the sea lion program often fail to mention that the sea lions have the greatest impact on the tribal fisheries, as the other commercial fisheries are all downstream of the dam. In some ways it is surprising that the Indian tribes and the Humane Society find themselves on opposite sides of this issue. According to the

Humane Society, the problems facing salmon—besides overfishing—include dams, loss of spawning habitat, and problematic hatchery programs that compete with wild fish.²⁹ The Columbia River Inter-Tribal Fish Commission addresses all these same issues.³⁰ Given that its stance on these other issues is so similar, it seems as if the Humane Society would be in a much stronger legal position if it had worked together with the tribes to oppose the sea lion program. As a co-manager with a vested interest and legal property right in the Columbia River salmon, the tribes' support would add considerable weight to their campaign.

The problem is not that the tribes simply do not care about the sea lions or that they only see them as a threat to their economic well-being. It's a matter of the logic that determines the relationship between humans and sea lions. For the Humane Society and its supporters, the rationale behind sea lion protection is conservation. They object to the program on the grounds that sea lions are protected under the Marine Mammal Protection Act and that they don't "deserve" to be killed when there are other, more significant threats to salmon runs. Few would argue with the assertion that dams are a much bigger obstacle to salmon than the sea lions, but not everyone feels the same moral outrage at the prospect of sea lions being killed.

The protection of sea lions based on the Marine Mammal Protection Act is tricky, because, unlike most other species protected by conservation laws, sea lions are not endangered and in some places are on the verge of being overpopulated.³¹ Their protection under the MMPA is dependent on their inherent value as a marine mammal, over and above other interests. The MMPA is rooted in conservation ideology: absolute preservation of an animal's inherent right to exist as a species. The tribes, by contrast, talk about the need to respect the integrity of a species, rather than protect or conserve it. The emphasis is on responsibility to live in balance with other species, instead of assuming the implicit need for human intervention.³² Environmental historian Joseph Taylor uses scientific and ethnographic data to demonstrate the sophistication and efficacy of Native fishing techniques, calling them "frighteningly efficient." Yet he points out that "Indians in fact possessed the ability to catch many more salmon than they actually did"—so many, in fact, that he compares the harvests to those of the non-Native commercial fisheries at their peak.³³ Taylor argues that the reason Native people have been able to utilize salmon runs so heavily without diminishing them (in contrast to settler management practices) is partly the spatial distribution of Indian fishing throughout the entire river basin and partly the nature of salmon reproduction. When a large run creates a superabundance of adult salmon, the violent competition for spawning beds results in more adults dying before they are able to spawn and more fertilized eggs being destroyed; thus thinning a run can actually increase productivity. While the idea that human use can contribute to environmental well-being and resource abundance seems nonsensical under the settler paradigm, Blackburn and Anderson come to the same conclusion about environmental management in California: "Important features of major ecosystems had developed as a result of human intervention, and many habitats were deliberately maintained by, and essentially dependent upon, ongoing human activities of various kinds. . . . When that intervention ceased, a process of environmental change began that led to a gradual decline

in the number, range, and diversity of many of the native species and habitat types that once flourished here.”³⁴ Thus it seems that neither ideologies of conservation nor those of exploitation can offer the balance and abundance that Native strategies have produced. I argue that conservation is more closely related to exploitation than most people would like to think. Both are ways of relating to land based on settler norms of androcentrism and generic equivalency. Exploitation or conservation, whether it is of resources or species, assumes that humans play the pivotal role in determining whether land will be as close to “pristine” as possible or as efficiently utilized as possible, when in fact neither is a feasible reality.

ANDROCENTRISM AND THE THEORETICAL COMMONS

Conservation groups are not the only ones that depend on an androcentric understanding of land. Scholarship dealing with settler colonialism has tended to take for granted the discursive construction of land as a generic space that is determined by the nature and extent of human interaction with it, both in terms of how settler colonialism is understood and what “solutions” or processes of decolonization are proposed. Some scholars have critiqued the nationalist component of Indigenous sovereignty movements and espoused the idea of the global commons as a solution to the ambiguity between “settlers” and “migrants” as categories.³⁵ I argue that the commons disavows its own roots in the same androcentric ideologies that accompanied and enabled settler colonialism to operate, and that the global commons only makes sense as the solution to an overly generic account of settler colonialism that denies the differences between its geographical variants. Sharma and Wright (quoting Linebaugh) describe the commons as a system that “vests all property in the community” and is “embedded in a particular ecology.”³⁶ The idea of the ecologically specific commons, however, is more difficult to implement in an actual *place*. Although Sharma and Wright argue that we need to understand colonialism as the “theft of the commons,” one could argue that the treaties signed between the US government and the Indians of the Columbia Basin in the mid-nineteenth century are worded as if they were actually supposed to implement the commons (although obviously the practice of “commoning” has not played out as well as one might have hoped).³⁷

Despite the coercive circumstances of their signing, most of the treaties included the short passage that would become instrumental in so many twentieth-century court cases, which guaranteed the Indians “the exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.” Isaac Stevens, the delegate in charge of negotiating the treaties, told the Indians gathered at the signing, “these papers secure your fish.”³⁸

While Indian fishing rights have long been contested in the Columbia Basin, the 1974 Boldt decision (*United States v. Washington*) held that because the tribes signed

treaties saying they had the right to fish “in common with” settlers, Indians had the rights to take 50 percent of the harvestable number of fish each year. It also mandated that tribes be included as stakeholders in fishery management decisions.³⁹ As a partner in co-management with the state, tribal fishery management organizations (CRITFC in particular) have participated in the sea lion hazing and removal programs.

Unsurprisingly, the sea lion supporters’ belief in the inviolability of the laws such as the MMPA does not extend to treaties. Despite the fact that the treaty tribes—unlike the sea lions or the sports fishermen—retain legally guaranteed rights to take salmon from the Columbia River, no mention of Indian treaty fishing rights is made in the Humane Society’s framing of the issue. Given the tribes’ strong support of and engagement in the sea lion program, it seems odd that the Humane Society would leave them completely out of their campaign against it. The absence of specific references to Indian fishing in the platform against the sea lion program (other than as one of those groups contributing to the 17 percent of fish taken by fishermen), however, says a lot about how Indian fishing figures in public discourse. While both Indian and sports fishing are regulated by the state, Indian fishing is limited and contingent: a reserved right based on a property claim that is rendered permanently suspect by the existence of the United States. Sports fishing, while not technically a right in and of itself, is still based on an assumed right of access to the commons as a citizen of the nation-state. Also complicating the function of the fishing commons in the Northwest is the fact that the particular ecology of this place includes the challenge of a roaming resource that traverses half the globe. As the sea lion issue shows, abstract management based on moral ideals—whether the ideal is that resources are shared or that they are exploited—does not always play out as tidily as one might imagine.

The argument for the commons that Sharma and Wright espouse also breaks down when one considers the way in which they frame indigeneity, sovereignty, and decolonization. Although they acknowledge a variety of definitions for what constitutes “the native” across the globe, they fail to integrate the implications of the radical differences between those definitions into their argument that autochthonous discourses are inherently antagonistic and oppositional to claims made by any other negatively racialized group (migrants, in particular). Instead they characterize all forms of autochthonous claims as ahistorical, neoracist grabs for exclusive rights enforced by the nation-state that push racialized migrants to the periphery of concern. This kind of gross generalization is exactly the problem with ignoring the place-specific realities of settler colonialism. Sharma and Wright’s argument that autochthony’s “attempts to contain contestation are based on allegations that any demand for rights and/or resources by ‘non-Natives,’ including a radical rethinking of how rights and resources are thought of and distributed, is tantamount to a disregard for, and even colonization of, the *autotochthones*,” is a blatant mischaracterization of Indigenous sovereignty movements and ignores the fact that many Indigenous sovereignty projects *are already a radical call for restructuring the distribution of resources*.⁴⁰ If one only looks at the last fifty years or so, Native people in the United States and Canada could certainly be construed as a particularly litigious group who continuously demand exclusive, racially based rights to resources at the expense of everyone else. However, arguing

that autochthonous claims (as a form of “neoracist argument” bent on “othering” non-Natives) are antithetical to the commons makes little sense, especially in a place where Indigenous people are the only ones who have historically managed to practice commoning in a way that actually enhanced the environment.⁴¹ Native people do not rely on the settler state to negotiate their access to common resources because they want to; all too often they simply have no other option. Andrea Smith argues, “In order to fight encroachments on their lands, Indigenous peoples are forced to argue in courts that it is ‘their’ land. What they cannot question within this system is the presumed relationship between peoples and land.”⁴² If they could, there is no doubt that the tribes of the Columbia Basin (and probably most Indigenous peoples throughout the world) would define that relationship as one of reciprocity, responsibility, and care. As Yakama tribal member and former director of CRITFC Ted Strong puts it, “The sacred salmon runs are in decline. It is the moral duty, therefore, of the Indian people of the Columbia River to see them restored. We have to take care of them so that they can take care of us.”⁴³ Despite major ecological and political changes that have taken place in and along the river, Native people continue to enact a relationship with the river based on responsibility. Benjamin Colombi explains how the Nimiipuu (Nez Perce) have adapted to colonial change and continue to promote tribal values through fisheries and water management by using their treaty rights to forge a multiparty agreement between several state agencies and non-Native water users that resulted in a flow increase for the Snake River (a tributary of the Columbia) that promoted salmon migration and improved salmon habitat.⁴⁴ As one of CRITFC’s member tribes, the Nimiipuu also participated in drafting the salmon restoration and management plan, *Wy-kan-ush-mi Wa-kish-wit* (Spirit of the Salmon), which states that, “salmon and the rivers they use are part of our sense of place; the Creator put us here where the salmon return; we are obliged to remain and protect this place.”⁴⁵ The Umatilla (another CRITFC member tribe) have a similar plan in place to sustain “first foods,” and thereby Umatilla culture, that is based on “people’s reciprocal responsibility to respectfully use and take care of the foods. . . . [e]ven though the means to pursue, acquire, process, and prepare First Foods have changed dramatically following Euro-American settlement.”⁴⁶ What all of these plans, policies, and compacts have in common, besides their documented success in restoring salmon runs, is that they are based on geographical specificities of the Columbia River and the ecological knowledge that comes from a longstanding relationship based on respect for and responsibility to the land, not on abstract generalities or management principles limited to a binary between conservation and exploitation.

While I have critiqued the concept, I do not mean to suggest that the idea of the commons would never work anywhere, but rather that because the form of settler colonialism that has taken place in the Columbia River Basin is different than the settler colonialism that has happened in any other *place*, decolonization in this place will need to look different, too. Indigenous people and geographical places worldwide have been ravaged by global processes of colonialism. Rather than smothering the extant reality of diverse postcolonial situations, we need to think about how we can collectivize geographically disparate problems. Decolonization on the Columbia

might require breaching the dams, it might require shooting some sea lions, and it will certainly require better ways to share resources, but most important is that the humans in the region find a way to live as a species *in that region*, with respect for the integrity of all other species who call it home.

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NOTES

1. My use of the word *place* (as opposed to *land*, which I argue can be too generic) is intended to specify a specific physical location. I don't intend it to suggest a limitation in size or to connote local; rather, I mean it in the fluid sense of geographical logic. For instance, rather than talk about the sea lion issue as located in Oregon and/or Washington, I frame it as a problem of the Columbia River drainage. In essence, it is a matter of talking about *this* place, as it really exists, instead of a place as it exists in the abstract.

2. The distinction(s) in this paper between theoretical and practical, or abstract and actual, should not be confused with the difference between the global and the local. "Global" processes that I reference here are quite actual, and many times "local" problems are framed (and solutions are posed) in the abstract.

3. Fidelia Andy, "Sea Lions vs. Salmon: Restore Balance and Common Sense," *Seattle Times*, February 15, 2008, http://seattletimes.nwsourc.com/html/opinion/2004183016_sealions15.html.

4. Ibid.; Scott Learn, "Who Takes More Wild Salmon on the Columbia River, Sea Lions or Fishermen?," *The Oregonian*, May 14, 2012, http://www.oregonlive.com/environment/index.ssf/2012/05/who_takes_more_wild_salmon_on.html.

5. I use the term *fishermen* throughout this paper because groups engaged in the issue use it; however, I recognize the gendered implications of such use. I address the discursive framing of gendered food production in a forthcoming paper.

6. Michael Markarian, "Saving Salmon: Sea Lions Aren't the Enemy," *The Oregonian*, October 19, 2011, http://www.oregonlive.com/opinion/index.ssf/2011/10/saving_salmon_sea_lions_arent.html.

7. "Government Gives Sea Lions at Bonneville Dam a Reprieve from Lethal Removal," *The Oregonian*, July 26, 2011, http://www.oregonlive.com/environment/index.ssf/2011/07/government_gives_sea_lions_at.html.

8. It is worth noting that the arguments made by supporters of the Humane Society (although generally not by the organization itself) about the sea lions' supposed moral innocence and the cruelty of killing them are intentionally not addressed here—the sea lions kill fish, so something is dying either way. A Foucauldian analysis of which animal populations are made killable (hint: it's not the ones with fur and big brown eyes) so that others can live would be an interesting endeavor, but it is not my purpose here.

9. The Humane Society of the United States, "Bonneville Dam Sea Lions Under Siege," September 13, 2011, http://www.humanesociety.org/issues/fisheries/timelines/bonneville_dam_sea_lions_under_siege.html.

10. "Sea Lion Fact Sheet," Columbia River Inter-Tribal Fish Commission, Winter 2009, <http://www.critfc.org/sealion/factsheet.pdf>.

11. Washington Department of Fish and Wildlife, "Questions and Answers: Sea Lion Predation on Columbia River Salmon and Steelhead," *Columbia River Sea Lion Management*, accessed November 27, 2011, <http://wdfw.wa.gov/conservation/sealions/questions.html>.

12. "Sea Lion Fact Sheet."

13. Andy, "Sea Lions vs. Salmon: Restore Balance and Common Sense."

14. Washington Department of Fish and Wildlife, "Questions and Answers: Sea Lion Predation on Columbia River Salmon and Steelhead."

15. Ibid.

16. Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001), 1.

17. Roderick P. Neumann, *Imposing Wilderness: Struggles over Livelihood and Nature Preservation in Africa* (Berkeley: University of California Press, 1998), 15–17.

18. Ibid., 21–22.

19. This is not to say, of course, that the women all stayed home while men did the work of "taming the west"—in reality, women have played a major role in the work of settler colonialism, both in and outside the home. The point is that the discursive representation of the work that transforms a place from wilderness into civilization focuses on labor traditionally performed by men. For more on gender and colonialism, see Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995).

20. An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations (General Allotment Act or Dawes Act), Statutes at Large 24, 388–91, NADP Document A1887. Subsequent references will be listed as Dawes Act.

21. Ibid.

22. See the work of Angie Debo, Vine Deloria Jr., M. Annette Jaimes, Wilcomb E. Washburn or Charles F. Wilkinson.

23. Dawes Act.

24. The Humane Society of the United States, "Bonneville Dam Sea Lions Under Siege."

25. For more on mapping and Indigeneity, see: Mishuana Goeman, "(Re)Mapping Indigenous Presence on the Land in Native Women's Literature," *American Quarterly* 60, no. 2 (2008): 295–302, doi:10.1353/aq.0.0011; Mishuana R. Goeman, "Notes Toward a Native Feminism's Spatial Practice," *Wicazo Sa Review* 24, no. 2 (2009): 169–87, doi:10.1353/wic.0.0040.

26. Paul Watson, "The Damn Hunger Games on the Columbia River," *Sea Shepherd Commentary and Editorials*, May 31, 2012, <http://www.seashepherd.org/commentary-and-editorials/2012/05/31/the-damn-hunger-games-on-the-columbia-river-541>; "Ruling Goes against Sea Lions; Humane Society Plans Appeal," *The Oregonian - OregonLive.com*, accessed August 31, 2012, http://www.oregonlive.com/news/index.ssf/2009/01/ruling_goes_against_sea_lions.html; The Humane Society of the United States, "Bonneville Dam Sea Lions Under Siege."

27. Joseph C. Dupris, Kathleen S. Hill, and William H. Rodgers, *The Si'lailo Way: Indians, Salmon, and Law on the Columbia River* (Durham, NC: Carolina Academic Press, 2006); Eugene S. Hunn and James Selam, *Nch'i-Wana, "The Big River": Mid-Columbia Indians and Their Land* (Seattle: University of Washington Press, 1990); Roberta Ulrich, *Empty Nets: Indians, Dams, and the Columbia River* (Corvallis: Oregon State University Press, 1999).

28. Robert J. Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny* (Lincoln: University of Nebraska Press, 2008), 129, 145.
29. The Humane Society of the United States, "Bonneville Dam Sea Lions Under Siege."
30. "CRITFC Website," *What Is CRITFC?*, 2011, <http://www.critfc.org/text/work.html>.
31. Washington Department of Fish and Wildlife, "Questions and Answers: Sea Lion Predation on Columbia River Salmon and Steelhead."
32. Andy, "Sea Lions vs. Salmon: Restore Balance and Common Sense."
33. Joseph E. Taylor, *Making Salmon: An Environmental History of the Northwest Fisheries Crisis* (Seattle: University of Washington Press, 1999), 20.
34. Kat Anderson and Thomas C. Blackburn, eds., *Before the Wilderness: Environmental Management by Native Californians* (Menlo Park, CA: Malki-Ballena Press, 1993), 18–19.
35. Nandita Sharma and Cynthia Wright, "Decolonizing Resistance, Challenging Colonial States," *Social Justice* 35, no. 3 (113) (2008): 93–111.
36. *Ibid.*, 131.
37. *Ibid.*, 133.
38. Fay G. Cohen, *Treaties on Trial: The Continuing Controversy over Northwest Indian Fishing Rights* (Seattle: University of Washington Press, 1986), 37–38.
39. *United States v. Washington*, 520 F.2d 676, 682 (9th Cir. 1975).
40. Sharma and Wright, "Decolonizing Resistance, Challenging Colonial States," 99.
41. *Ibid.*, 135.
42. Andrea Smith, "Against the Law: Indigenous Feminism and the Nation-State," *Affinities: A Journal of Radical Theory, Culture, and Action* 5, no. 1 (2011): 61–62, <http://dev.affinitiesjournal.org/index.php/affinities/article/view/73>.
43. Columbia River Inter-Tribal Fish Commission, "CRITFC Website," *Fish Restoration Plan: Wy-Kan-Ush-Mi Wa-Kish-Wit*, accessed December 20, 2012, <http://www.critfc.org/fish-and-watersheds/fish-and-habitat-restoration/the-plan-wy-kan-ush-mi-wa-kish-wit/>.
44. Benedict J. Colombi, "Salmon and the Adaptive Capacity of Nimiipuu (Nez Perce) Culture to Cope with Change," *American Indian Quarterly* 36, no. 1 (Winter 2012): 90.
45. *Ibid.*, 91.
46. Krista L. Jones, Geoffrey C. Poole, Eric J. Quaempts, Scott O'Daniel, and Tim Beechie, "Umatilla River Vision," October 1, 2008, 1–2, <http://www.umatilla.nsn.us/DNRUmatillaRiverVision.pdf>.

