



# **Appendix C**

## **American Indian**

### **Background**

#### **Information**

**(Comparable to Eastside Appendix 1-2)**

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# ***Introduction***

This appendix contains information about the American Indian Tribes that have reservations, ceded lands, or areas of interest within or bordering the Interior Columbia Basin Ecosystem Management Project (ICBEMP), Upper Columbia River Basin EIS project area. Sixteen tribes have worked closely with the Upper Columbia River Basin EIS Team providing information about the tribes and their concerns.

This appendix is presented in four sections: General Information Sheets, Chronology of Legal Status of American Indian Tribes, Evaluating Habitat, Harvestability, and Meeting American Indian Needs, and Ethno-habitats. These four sections will give an overall picture of the concerns of the American Indians and how the ICBEMP is striving to incorporate their concerns into ecosystem management of the project area.

## ***General Information Sheets for Affected Tribes in the Upper Columbia River Basin***

The United States Government has a unique relationship with federally recognized American Indian tribes. As federal agencies undertake activities that may affect tribes' rights, property interests or trust resources, care should be taken to implement agency policies, programs and projects in a knowledgeable and sensitive manner respectful of tribes' sovereignty and needs.

The attached general information sheets briefly describe each of the 16 identified affected federally recognized tribes of the Upper Columbia River Basin EIS project area. Information is presented that may be helpful to agency managers in developing an understanding of tribes, federal trust responsibilities, and their organizational structures and a tool to maintain information useful in agency-tribe relationships. This introduction provides background information and an explanation for each subsection in the general information sheets. **NOTE:** Though both tribes and agency legal council were provided opportunities to review these EIS appendix materials, the information presented does not represent either tribal or federal government views, but rather the ICBEMP's best understanding of affected tribes.

### ***Tribes and Bands***

The names of Tribes and Bands in this section were taken from ratified treaties and signed executive order documents, which formed the basis for a tribe's formal federal recognition. In a few instances, additional names preferred by a tribe to identify a band, or tribal sub-division are also noted. Many of the names in this section are anglicized versions of native terms, historical creations, or an historic version of a another band's name for the group - usually a neighboring band/tribe. There are other native names and member bands, which a tribe may recognize.

### ***Basis for Legal Status***

The basis of a tribe's legal status rests within context of U.S. Constitutional provisions for federal government's powers for treaty making with other sovereign nations, and American Indian tribes inherent sovereignty. The treaty making period between the U.S. Government and American Indian tribes ended in 1871. The federal government thereafter relied upon Agreements (signed by both houses) to legally acquire Indian lands, allow tribes to cede lands, establish reservations, provide federal recognition of tribes and remove Indian peoples to reservations or rancherias.

A tribe's legal status is also derived through Agreements with the U.S. government; congressional and executive branch recognition of the tribe; and federal court interpretations of Indian law and legal documents, e.g. treaties, executive orders, agreements, federal statutes and other government to government agreements. Tribes also have constitutions and by-laws, which formalize their governmental organization and state their relationship with the US government.

Additional sources of legal recognition may be found in federal statutes and congressional Acts, which often do not distinguish between federally and non-federally recognized tribes and bands. Examples of the later include AIRFA, Executive Order on Environmental Justice, NAGPRA, NEPA, NHPA and RFRA. Also, some States have special agreement documents and established government to government relations recognizing a tribe(s)/band, and their interests and needs.

### ***Basis for Off-Reservation Interests/Rights***

All tribes have off-reservation interests in public lands and many retain pre-existing rights reserved through treaty or executive order language. Tribal interests in federal lands may be related to traditional/cultural uses; water-land well being, or the socio-economic needs of tribes. These interests as it affects both on and off-reservation tribal rights, interests, trust resources.

The legal basis of these tribal interests and rights are founded in the inherent sovereignty of tribes; continuing aboriginal rights; pre-existing rights reserved in treaties, executive orders; agreements (passed by both houses of the federal government); and federal statutes. Some of these in turn have been interpreted through federal court decisions. Where appropriate, examples of a tribe's reserved rights are provided as stated in their treaty or executive order. Congressional direction for tribal socio-economic self-sufficiency and socio well-being on their reservations, and the federal government's goal of tribal self-determination provide further basis for tribal interests and rights that lie off Indian lands.

Additional sources of legal rights may be found in special agreements and recognition provided by states over their long history of relationships with tribes.

Examples of tribal interests in federal agency lands includes: traditional cultural practices, ethno-habitats; various resources; ecosystem health; communally valued sacred and legendary places; and socio-economic opportunities such as livestock grazing. Tribal rights include treaty reserved rights to fish, hunt, gather, trap, and graze livestock and implied rights of water quality/quantity, access to resources and an environmental right including available healthy and sustainable habitats. Other rights include protection of reservation property, trust resources, air quality, water quality/quantity and social well being

### ***Relevant Federal Court Decisions***

Although there are numerous federal court decisions involving tribal interests and rights, only those federal court cases where a tribe was a named part to the case are listed in this section. The many other cases, which may have direct or indirect bearing on a given tribe are not listed as they are too numerous for the allotted space. However, an example set of federal court cases that have regional importance are attached to this introduction sheet.

State court cases have been noted where they have not been taken to a federal court to address a like off-reservation tribal interest or right.

Federal agencies have trust obligations to address effects to tribal interest, rights and property on reservations and are required to disclose known effects through the NEPA process. Some standard federal court cases are cited that discussed federal agency trust responsibilities and obligations to tribes concerning water quality/quantity, air quality, or property of Indian reservations as well as social, economic and cultural interests/rights.

## ***Land Base***

Pre-treaty land base figures are based on acreage of the homelands of tribes and/or lands ceded by tribes to the US government as provided either by tribes or available literature. Reservations have invariably experienced changes in their size since they were first established so the original reservation acreage, a sketch of some causes of size changes and the current reservation acreage is provided.

Trust land refers to tribal land held in trust for the tribe by the federal government, usually through the Department of Interior's BIA. Fee, or fee simple land refers to land within reservation boundaries not federally owned, but owned by the tribe, or individuals (tribal or non-tribal members). Allotted land, allotted to tribal members through the 1897 Indian Allotment Act until the Indian 1934 Re-organization Act, may be individually owned or land held in trust located either within or outside a reservation. The ownership status of Indian allotments and fee lands are usually not affected when reservations have been abolished by the US government. Indian country refers to all land within an Indian reservation except for non-Indian communities. Trust lands, restricted Indian allotments and federally/tribal dependant Indian communities outside a reservation are also considered Indian country.

## ***Tribal Headquarters***

Tribal headquarters are typically both the seat of tribal governments and the location of tribal administration. BIA field offices have often been located in or nearby tribal headquarters. Most tribal government offices in more than one buildings, some in building complexes and for large tribal organizations they may be spread across reservations and/or in more than one community. However, most federal agency contacts will be directed to a tribe's primary government office - tribal headquarters. Though tribal office's are typically open weekdays, it is generally easiest to contact tribal staff Monday through Thursday.

## ***Tribal Population***

Estimates of tribal populations from the mid-1800s are typically imprecise owing to the nature of how population numbers were compiled for peoples that actively travelled, and census takers' imperfect understanding of band organizations. More recent population figures are based on tribal enrollment numbers that include both reservation and off-reservation residents.

## ***Cultural Affiliation***

Each federally recognized tribe has member bands that anthropologists have assigned to one of five Cultural Areas encompassed by the ICBEMP project area. These Culture Areas include the Californian, northern Great Basin, and Plateau. The Blackfoot Tribe is culturally affiliated with the Plains Culture Area. The persistence of fundamental aspects of tribal cultures are typically strongly influenced by both the culture history of a tribe(s) and the broad cultural patterns of these Culture Areas.

## ***Religions***

Most tribes continue to practice their communally shared traditional religious and spiritual belief systems, religions that are blend of traditional and Christian religious systems, and Christianity. Native religious systems and spiritual/healing practices originating from areas outside of the ICBEMP project area are also present and respected by tribes.

## ***Languages***

All affected tribes speak English as their primary language. However, native languages and dialects are still spoken and many tribes have or are currently developing native language programs to

ensure native language survival and use. Some tribes continue to employ interpreters to facilitate communications in tribal business meetings.

## ***Governance***

This section identifies what sort of tribal organization and the legal basis for its legal structure. For example, whether a tribe opted for the provisions of the Indian Reorganization Act following its passage is noted. Also, if a tribe has opted for a self-governance form of organization, or varying forms of self-determination. The later typically implies one of three trends: 1) Integration of BIA staff, 2) Decreased reliance on BIA support, or 3) Continuance of an existing BIA role in tribal governance. A brief description of tribal government structure is identified including their kind of governing body. The tribe's constitution and By-laws, tribal ordinances and codes, and tribal plans are referenced as appropriate. Operative tribal ordinances and resolutions have historically been subject to Secretary of Interior review and approval.

## ***Pre-Treaty Economy***

Historically area tribes and bands were economically inter-dependant and were sustained by subsistence economies that were often been described in legal documents in terms of primary activities, i.e. fishing, gathering, hunting, trapping and animal husbandry. Early historic Indian economies were inter-related with the social, political and religious components of their cultures. These economies were also influenced by non-traditional material goods, (guns, kitchen ware etc), and economic practices (agriculture, fur trading industry).

## ***Tribal Enterprises***

Tribal owned and/or operated enterprises provide socio-economic benefits to tribal membership, tribal interests and often support to tribal government infrastructure. These enterprises are varied and often reflect tribal values and interests. Many tribal businesses are dependant on the opportunities of their locations, resources, and inter-relationships with States, non-tribal communities and tourism.

Most are not directly dependant on traditional non-Indian uses of federal lands such as timber harvest, recreation and livestock grazing. However, some tribes like the Northern Paiute tribes are increasingly looking toward livestock grazing of federal lands as a means to support tribal socio-economic well being and economic diversification. Indirect effects of federal land management on tribal enterprises may involve tribal commercial fishing, fisheries, reservation timber industries and tourism.

## ***Tribal Private Sector***

Tribal member owned enterprises often range in their variety and are typically less dependant on federal land activities than tribal enterprises. Exceptions are in the areas of commercial and subsistence fishing, gathering and hunting and grazing.

## ***Education Institutions***

Many tribes have or are developing tribal educational systems ranging from pre-schools to colleges, and work with neighboring non-Indian educational institutions and more distant universities where Indian youth attend. In addition to standard forms of education, some tribes have native language, cultural, and art institutions or programs. Many tribes have educational materials describing their cultural, history, tribal rights/interests and/or current activities, which may be made available to federal managers and the public.

## ***Museum***

Tribal museums, cultural institutes/centers, and cultural interpretative facilities are increasingly being established on or near tribal lands. These are Native American cultural facilities/centers, which provide tribal cultural perspectives and educational opportunities for both tribal members and the public. Some tribes such as the Yakama Indian Nation have sophisticated archival facilities.

## ***Tribal Newspaper***

Of the 22 affected ICBEMP tribes, 15 tribes carry a regularly distributed tribal newspaper, or newsletter available to all interested subscribers. A few papers are produced at no cost to subscribers. These papers provide tribal news, media access, local and regional current affairs/events, Indian country issues, and special interest items. Information on federal and State agencies' actions, activities and meetings are often reported.

## ***Tribal Department/Programs***

Tribal programs with off-reservation involvement are listed to help identify the range of tribal interests in resources and land as well as tribal program activities and capabilities. All but the smallest tribal organizations have tribal departments and programs, which are staffed with technical expertise from a wide range of health, social, natural resource and administrative disciplines. These may or may not work closely with counterpart BIA office staff depending on tribal government organizational decisions. Those tribes that have chosen a form of self-governance have taken over most past BIA field office departments and roles. Tribes like the Colville have chosen to co-operatively mix responsibilities between BIA and tribal staff. Still other tribes are currently reviewing how they would prefer to work with local BIA offices.

## ***Tribal Fisheries (Ethno-habitats)***

Most affected tribes place an importance on protection and restoration of their socially and traditionally significant habitat places. Primary aquatic habitats for tribal fishing are best known and reported here for each tribe. All culturally significant fish bearing capable streams, rivers and lakes found within a tribe's area of interest (aboriginal homelands, ceded lands included) should be considered probable locations of a tribe's fisheries and/or fishery interests. This includes, legally recognized tribal usual and accustomed fishing grounds and stations on and off-reservations for those tribes with Steven's Treaties.

This section emphasizes tribal fisheries with continuing social, economic and/or cultural significance to tribes. However, tribal hunting and gathering areas/ethno-habitats, though less well known, are mentioned for some tribes where well recognized examples exist.

Subsistence in subsistence areas/ranges refer to more than foods for physical nutrition, but both lands and resources important for socio-cultural sustenance and maintenance of tribal community well being.

## ***Tribal Contact***

The ICBEMP's primary tribal contact(s), usually an appointed federal agency liaison, or available leadership from smaller tribal organizations, are listed along with their phone and Fax numbers. Though agency-tribal relations may lean on such liaison contacts, they should not be considered the sole source for technical or policy information and can not be used for purposes of project consultation unless the tribal government agrees to such an arrangement.

## **Agency Contact**

The ICBEMP BIA contact, usually the local BIA office superintendent, and their address, phone number, and Fax number is provided..

## **Significant Events and Dates**

*Socio-cultural:* Each tribe and associated communities have social and cultural activities held annually as well as community and extended family events. The later, such as weddings, funerals, naming, and give-a-ways, may occur at any time of the year. Taken together these activities help provide an understanding of tribal social life and values. Both types of tribal activities could affect meeting schedules in addition to tribal business schedules depending on employee roles in organizing or participation.

*Government:* Each tribe has its own electoral system or variation of a type found among other tribes. The times of tribal government elections for tribal and general council positions and how they are performed differ by tribe, owing to differences between tribal constitutions and/or traditional laws. For example some tribes elect their “council” as a whole, while others in parts over a period of years. Tribal elections may occur annually, or periodically every certain number of years. Elections may be by ballot or through a traditional open voting method. Tribal council meetings may be open to tribal membership on a selective basis or frequent basis. How often a tribal or general council meets to conduct business also varies by tribe. Understanding how a tribe generally schedules its time for tribal business may help provide a logistical understanding to facilitate agency-tribal consultation, identify when changes might occur in tribal governing structures and develop a fuller understanding of a tribal government.

## **Tribal Governing Bodies**

The governing body of a tribe may have one of the following titles: Tribal Council, Business Council, Executive Committee, or Board of Trustees. A tribe’s governing body (“Councils” are elected from the general council membership, which consist of enrolled tribal members 18 years of age or older. These “councils” may be elected by reservation districts, or in other tribes by members at large. A typical tribal governing body will have selected officials (sometimes elected by “Council” vote) that function as a Chair, Vice-Chair; Secretary, Treasurer; and in some cases as an assistant secretary and sergeant at arms. A chairman or these selected officials sometimes serve to handle specific “council” decisions, although their roles are often specific to collective “Council” functions.

Each tribe has a somewhat different tribal government structure dependant on its legal and organization history. The terms and available positions elected officials hold vary by tribe in both their “tribal council” and general council seats and “committees” membership. All tribes have the first two categories of governmental groups, however, not all function with “committees”. How tribal governments are organized are usually described in their constitution and by-law documents. The Yakama Nation is an exception in that it never adopted a constitutional from of government preferring to operate under traditional laws and through ordinances, and general or tribal council resolutions.

Most tribal governments affected by the ICBEMP operate with either a Tribal Council (12 tribes), or a Business Council (7 tribes). However, the Confederated Tribes of the Umatilla Reservation has a Board of Trustees, and the Klamath Tribes’ and Nez Perce Nation’s have Executive Committees.

## **General Council**

Most tribes have a general council, which is comprised of all enrolled members. Typically only members 18 years of age or older are entitled to voting rights and certain other privileges of tribal citizenship. General councils typically have elected officials to address tribal business concerns

including a Chair; Vice-Chair; Secretary; some tribes also have one or more Interpreters. These positions may be filled by the same officials as on the tribal council in some tribes. The relationship between the General Councils and Tribal/Business type “Councils” is variable, although in most tribes the General Council retains authority to restrict, or amend “Tribal Council” actions and decisions. Certain tribal business issues may be required to be brought before the general council for review and direction prior to a tribal government decision. General Council meetings may be held through the year to address tribal business at regularly scheduled times or through special meetings. General councils having the authority to elect tribal council members may also choose to express direction to a “Council” through an electoral avenue either at regular or early elections.

For those tribes that do not have a general council, tribal membership participate as a rules in the regular Tribal/ Business Council meetings. Examples of tribes in this category include the following: Coeur d’Alene Tribe, Salish and Kootenia Tribes of the Flathead Reservation; Shoshone-Paiute Tribes of the Duck Valley Reservation; Pit River Tribe; and the Quarts Valley Indian Community of the Quartz Valley Reservation,

### ***Committees, Commissions, and Boards***

Tribes typically develop and implement policies through the use of a variety of committees, commissions Boards and/or Task Forces. Those listed in this section of the general information sheet provide both an indication of the breadth of issues tribes routinely address, and those that federal land managing agencies may necessarily work with directly. Each tribe may use these organizational groups in different ways and empower them with different kinds of responsibilities and degrees of authority.

Agencies need to become aware to what degree these groups can speak for tribal rights and interests and what their relationship is with both tribal “councils” and departments/programs. Relationships with these tribal groups could become an integral way an agency unit and a tribe decides to conduct informal dialogue, but it can not be mistaken as consultation between an agency and tribe unless the tribal government agrees.

### ***Tribal Area of Interest Map***

For those tribes whose tribal headquarters within the ICBEMP area, a map showing its aboriginal area of interest is shown in **context** with ICBEMP and State line boundaries. These interest area indicate the fundamental geographic range of interest for any particular group, i.e. The approximate sum of such interest areas a tribal government represents for its member bands and people.

Individual tribal governments express their interest and concerns for tribal traditional uses, landscapes and resources, and needs of its communities within in the context of their own area of interest. A tribe’s homeland is typically located near the center of its interest area and is where primary tribal use of resources and land occurs. Shared resource use areas (cross-utilization areas) are usually near interest areas’ peripheries and contribute to why tribal interest areas often overlap one another.

The boundaries of interest areas are necessarily vague and can only be approximated to encompass expansive areas of tribal interests and influences. **Tribal interests areas are not expressly or legal defined, but open to ongoing interpretation and discussion on a project-by-project basis.** Those maps displayed in the tribal appendix represent areas used in the ICBEMP science teams’ assessment and do not reflect corrections provided by either the Coeur d’Alene or Kootenai of Idaho tribes.

Interest areas have sometimes called a tribe's aboriginal territory, subsistence range, traditional use area, zone of influence. The term usual and accustomed area by contrast refers to Steven's treaty language rights and interests, which are themselves smaller in area than Interest Areas, but may help define the spatial extend of a tribes Interest Area.

### ***Tribal Ceded, Aboriginal Lands, or Court of Claims Maps***

For those tribes with treaties either those aboriginal territories ceded to the US government, or the aboriginal territories themselves are shown on maps based upon the legal descriptions provided in treaty language, (Portland Area Jurisdiction, Dept. of Interior, Bureau of Indian Affairs, Indian Treaty Boundaries Map, 1986.) Only ceded and aboriginal lands located within the boundaries of the ICBEMP are shown on the General Information Sheet maps. The Shoshone tribe as found on the Fort Hall, Northwest band Shoshone and Wind River reservations has aboriginal territory, which extends outside the project's boundary given the Treaty with the Eastern Band Shoshoni and Bannock, 1868.

Ceded boundaries and reservation boundaries are precisely defined in United States legal documents. Two types of negotiated land areas are recognized: 1) Ceded land area, which pertain only to those tribes that ceded lands to the US government by treaty or agreement; and 2) Exclusive use land areas, which boundaries were established through a modern land claims process. Ceded territory boundaries were typically established by U.S. treaty negotiators, often prior to the actual treaty council meetings. Exclusive use area boundaries are based on arguments provided to the Federal Claims Commission, which tended to focus on "exclusive use" core areas, and exclude the full area of a tribe's subsistence range.

These two types of areas are normally geographically large, but usually much smaller than interest areas. Both are constructs developed as a result of U.S. Indian policy (treaties and the Indian Claims Commission Act) and are legally meaningful largely to address tribes' right and title to land. Ceded land may have importance where legal questions pertain, but as a spatial unit may lack traditional significance to Indian peoples. For example, as Indian case law has shown, usual and accustomed fishing sites and other traditional use locations are defined within interest areas, not ceded territories or land claims boundaries.

Ceded boundaries, where they exist, tend to establish a modern-day version of exclusive use areas, serving to identify supremacy of a tribe's interests over other tribes in certain areas. They also form convenient administrative boundaries for tribal land use planning efforts and, in some cases, are viewed by tribal staff as defining the tribe's interest area.

## ***Federal Court Cases with Applications for Multiple Tribes***

This is a summary of federal court cases relevant to the off-reservation interest and rights of affected tribes not provided in the tribal general information sheets, (see section on Relevant Federal Court Decisions). These Federal cases were selected on the basis of their relevance to land, water, resources, cultural uses and federal agency land management with an emphasis on off-reservation case implications. This listing is intended to be an initial reference source for a wide range of tribal rights, interests and issues as interpreted in the federal court system. (See tribal Chronology for other legal status references.)

## **Affected ICBEMP Tribes Named as a Party to Federal Court Case**

### **Supreme Court Decisions**

*United States v. Winans*, 198 U.S. 371 (1905)  
*Seufert Bros. Co. v. United States*, 249 U.S. 194 (1919)  
*Confederated Tribes of the Yakima Indian Nation*, 249 U.S. 194 (1919)  
*Shoshone Tribes v. United States*, 299 U.S. 476 (1937)  
*United States v. Klamath & Moadoc Tribes*, 304 US 119 (1938)  
*United States v. Shoshone Tribe*, 304 U.S. 111 (1938)  
*Klamath v. Moadoc Tribes*, 304 U.S. 119 (1938)  
*Tulee v. State of Washington*, 315 U.S. 680 (1942)  
*Northwestern Band of Shoshone Indians v. United States*, 325 U.S. 849 (1945), recall and amend  
 mandate denied.  
*Antoine v. Washington*, 420 U.S. 194 (1975)  
*Wash. v. Wash. State Comm. Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979).  
*Oregon Department of Fish and Wildlife v. Klamath Tribes*, 473 U.S. 753 (1985)

### **Federal Court Seconds**

*Whitefoot v. United States* 293 F.2d. 658 (Ct. Cl. 1961), cert. denied, 369 U.S. 818 (1962)  
*Maison v. Confederated Tribes of Umatilla Reservation*, 314 F.2d 169 (9th Cir.), Cert. denied,  
 375 U.S. 829 (1963)  
*Confederated Tribes of Warm Springs Reservation v. United States*, 177 Ct. Cl. 184 (1966)  
*Confederated Salish & Kootenai Tribes v. United States*, 181 Ct. Cl. 739 (1967)  
*Settler v. Yakima Tribal Court*, 419 F.2d 486 (9th Cir. 1969), cert. denied, 398 U.S. 903 (1970)  
*Confederated Tribes of the Umatilla Indian Reservation v. Calloway*, Civil No. 72-211,  
 (Dist. of Oregon 1973)  
*Settler v. Lameer*, 507 F.2d 231, (9th Cir. 1974).  
*United States v. Oregon*, 529 F.2d 570 (9th Cir. 1976).  
*Confederated Bands and Tribes of the Yakima Indian Nation v. State of Wash.*, 550 F.2d 443  
 (9th Cir. 1977)  
*Kimball v. Callahan*, 493 F.2d 564 (9th Cir.), cert denied, 419 U.S. 1019 (1974)  
*United States v. State of Washington*, 641 F.2d 1389 (9th Cir. 1981)  
*United States v. Oregon*, 718 F.2d 299 (9th Cir. 1983)  
*United States v. Adair*, 723 F.2d 1394 (9th Cir. 1984)  
*United States v. State of Washington*, 759 F.2d 1353 (9th cir.1985).  
*Kittitas Reclamation District v. Sunnyside Valley Irrigation Dist.*, 763 F.2d 1032 (9th Cir. 1985)  
*United States v. Oregon*, 913 F.2d 576 (9th Cir. 1990)  
*United States v. Oregon*, Civ. No. 68-513-MA (9th Cir. 1994)

### **Federal Court Supplements**

*Seurfert v. Olney*, 193 F.Supp. 200 (E.D. Wash. 1911)  
*United States v. Seufert Bros. Co.*, 233 F. Supp 579 (D.Or. 1916), aff'd sub nom  
*United States v. Cutler*, 37 F.Supp 725 (Dist. of Idaho 1941)  
*Sohappy v. Smith*, 302 F.Supp. 899 (Dist. of Oregon 1969)  
*Confederated Salish & Kootenai Tribes v. Namen*, 380 F. Supp. 452 (D. Montana 1974),  
 aff'd. 534 F.2d. 1376 (9th Cir.), cert deneid, 429 U.S. 929 (1976)  
*Colville Confederated Tribes v. Walton*, 460 F.Supp 1320 (E.D. Wash. 1978), aff'd F.2d ((th Cir. 1980)  
*United States v. Washington*, 506 F.Supp. 187, (W.D Wash. 1980), ( Phase II of Bolt Decision)  
 Remanded to the 9th Cir. Court and vacated  
*Confederated Tribes of the Umatilla Indian Res. v. Alexander*, 440 F.Supp.553 (Dist. of Oregon 1977).

*Sohappy v. Hodel*, Civ. No. 86-715 (W.D. Oregon 1986)  
*United States v. Oregon*, 666 F.Supp. 1461 (1987), *aff'd*, 913 F.2d 576 (Dist. of Oregon 1990)  
*United States v. Oregon*, 699 F.Supp. 1456 (1988), *aff'd*, 913 F.2d 576 (Dist. of Oregon 1990)  
*Nez Perce Tribe v. Idaho Power Co.*, 847 F.Supp. 791 (Dist. of Idaho 1994), appeal docketed,  
 No. 94-36237 (9th Cir.)  
*United States v. Washington*, (W.D. Wash. 1994), Civ. No. 9213, Sub-proceeding 89-3.

## **Federal Indian Claims Court**

*Confederated Tribes of Colville Reservation v. United States*, 25 Indian Cl. Commission 99 (1971)  
*Confederated Tribes of Colville Reservation v. United States*, 43 Indian Cl. Commission 505 (1978)

## **State Cases of Interest**

*State v. Meninook*, 115 Wash. 528 (1921)  
*State v. Arthur*, 74 Idaho 251 P.2d. 135 (1953), *cert. denied*, 347 U.S. 937 (1954)  
*State v. Moses*, 70 Wash. 2d 282, 422 P.2d 775, *cert denied*, 389 U.S. 428 (1967)  
*State v. Coffee*, 97 Idaho 905, 556 P. 2d. 1185 (1976)

## **Other Court Cases Relevant to Affected ICBEMP Tribes, Federal Agency-Tribal Relations, and Tribal Issues**

### **Supreme Court**

*Johnson v. M'Intosh*, 21 U.S. (8 Wheat.) 543 (1823)  
*The Cherokee Nation v. State of Georgia*, 30 U.S. (5 pet.) 1 (1831)  
*Worcester v. State of Georgia*, 31 U.S. 483 (1832)  
*Mitchel v. United States*, 34 U.S. (9 Pet.) 711 (1835)  
*Fellows v. Blacksmith*, 60 U.S. (19 How.) 366 (1856)  
*United States v. Kagama*, 118 U.S. 375 (1886)  
*Cherokee Nation v. Southern Kansas Railway Co.*, 135 U.S. 641 (1890)  
*United States v. Choctaw Nation*, 179 U.S. 494 (189?)  
*Cherokee Nation v. Hitchcock*, 187 U.S. 294 (1902)  
*Lone Wolf v. Hitchcock*, 187 U.S. 553 (1903)  
*Winters v. United States*, 207 U.S. 564 (1908)  
*New York ex rel Kennedy v. Becker*, 241 U.S. 556 (1916)  
*Mason v. United States*, 260 U.S. 545 (1923)  
*Chippewa Indians of Minnesota v. United States*, 301 U.S. ?? (1937)  
*United States ex rel. Hualpai Indians v. Santa Fe Pacific R.R.*, 314 U.S. 339 (1941)  
*Seminole Nation v. U.S.*, 316 U.S. 310 (1942)  
*Sioux Tribe v. United States*, 316 U.S. 317 (1942)  
*United States v. Alcea of Tillamooks*, 329 U.S. 40 (1946)  
*Hynes v. Grimes Packing Co.*, 337 U.S. 86 (1948)  
*Tee-Hit-Ton Indians v. United States*, 348 U.S. 272 (1958)  
*Metlakstla Indians v. Eagon*, 369 U.S. 45 (1962)  
*Organized Village of Kake v. Eagan*, 369 U.S. 60 (1962)  
*Arizona v. California*, 373 U.S. 546 (1963)  
*Oneida Tribe of Indians of Wisconsin v. U.S.*, *Cert. denied* 379 U.S. 946 (1964)  
*Puyallup Tribe v. Dept. of Game of Washington*, 391 U.S. 392 (1969)  
*Menominee Tribe of Indians v. United States*, 391 U.S. 404 (1968)  
*United States v. Mason*, 412 U.S. 391 (1973)  
*Department of Game of Washington v. Puyallup Tribe* 414 U.S. 44 (1973)  
*Morton v. Ruiz*, 415 U.S. 199 (1974)

*Colorado River Conservation District v. United States*, 424 U.S. 800 (1976)  
*United States v. Wheeler*, 435 U.S. 313 (1978)  
*Strong V. United States*, 518 F.2d 556 (Ct. CL.), cert. denied, 423 U.S. 1015 (1975)  
*Puyallup Tribe v. Dept. of Game of Washington*, 433 U.S. 165 (1977)  
*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)  
*United States v. Wheeler*, 435 U.S. 313 (1978)  
*United States v. Washington*, 443 U.S. 658, modified 444 U.S. 816 (1979)  
*Andrus v. Allard*, 444 U.S. 51 (1979)  
*Crow Tribe of Indians, Montana v. EPA, Certiorari denied* 454 U.S. 1081 (1981)  
*Nevada v. United States*, 463 U.S. 110 (1983)  
*United States v. Mitchell*, 463 206 (1983)  
*Nevada v. Hodel*, 470 U.S. 1083 (1985)  
*Truckee-Carson Irrigation Dist. v. Sec. of the Interior, Cert. denied* 472 U.S. 1007 (1985)  
*United States v. Dion*, 476 U.S. 734 (1986)  
*Makah Indian Tribe v. United States*, 501 U.S. 1250 (1991)

## **Federal Court Seconds**

*Minnesota v. United States*, 125 F.2d 636 (8th Cir. 1942)  
*United States v. Washington*, 520 F.2d 676 (1975), cert denied, 423 U.S. 1086 (9th Cir. 1976)  
*Joint Tribal Council of Passamaquoddy Tribe v. Morton*, 528 F.2d 370 (1st Cir. 1975)  
*Coast Indian Community v. United States*, 550 F.2d 639 (Court of Claims 1977)  
*United States v. Dann*, 572 F.2d 222 (9th Cir. 1978)  
*Pugent Sound Gillnetters Ass'n v. Washington, aff'd*, 573 F.2d 1123 (9th Cir. 1973)  
*Sac and Fox Tribe v. Licklider*, 576 F.2d 145 (8th Cir), cert denied, 439 U.S. 955 (1978)  
*United States v. Olander*, 584 F.2d 876 (9th Cir. 1978)  
*Navaho Tribe of Indians v. United States*, 624 F.2d 981 (Court of Claims 1980)  
*Nance v. EPA*, 645 F.2d 701 (9th Cir. 1981), Cert. denied., 454 U.S. 1081 (9th Cir. 1981)  
*Blake v. Arnett*, 663 F.2d 906 (9th Cir. 1981)  
*Inupiat Community v. United States*, 680 F.2d 122 (Court of Claims 1982)  
*Lac Court Oreilles Band, etc. v. Voigt*, 700 F.2d (7th Cir. 1983)  
*Carson-Truckee Water Conservancy District v. Clark*, 741 F.2d 257 (9th Cir. 1984)  
*Truckee-Carson Irrigation Dist. v. Sec. Depart. of Interior*, 742 F.2d 527 (9th Cir. 1984)  
*Assiniboine and Sioux Tribes of Fort Peck Indian Reservation v. Board of Oil and Gas, State of Montana*, 792 (9th Cir. 1986)  
*U.S. v. White Mountain Apache Tribe*, 784 F.2d 917 (9th Cir. 1986)  
*Covello Indian Community v. FERC*, 895 F.2d 581 (9th Cir. 1990)  
*Pyramid Lake Paiute Tribe of Indians v. U.S. Depart. of the Navy*, 898 F.2d 1401 (9th Cir. 1991)

## **Federal Court Supplements**

*United States v. 4,450.72 Acres of Land*, 27 F. Supp.167 (D.Minn. 1939), aff'd sub nom.  
*The Pyramid Lake Paiute Tribe v. Morton* 354 F. Supp. 252 (Dist. of Columbia 1973)  
*United States v. Washington*, 384 F.Supp. 312 (W.D. Wash. 1974)  
*Manchester Band of Pomo Indians v. U.S.*, 363 F.Supp, 1238 (N.D. Calif. 1973)  
*United States v. Washington*, 384 F.Supp 312 (w.D. Wash. 1974, aff'd, 520 F.2d 676 (9th Cir. 1975)  
*United States v. State of Minnesota*, 466 F.Supp. 1382 (Dist. of Minn. 1979)  
*United States v. Michigan*, 471 F.Supp. 192 (W.D. Mich. 1979), appealed  
*No Oilport! v. Carter*, 520 F.Supp. 683 (W.D. Wash. 1981)  
*Carson-Truckee Water Conservancy District v. Watt*, 549 F.Supp. 704 (Dist. of Nevada 1982)  
*Hoh Indian Tribe v. Baldridge*, 522 F.Supp. 683 (W.D. Wash. 1983)  
*Carson-Truckee Water Conservancy District v. Watt*, 549 F. Supp. 704 (Dist. of Nevada 1982)  
*Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (Dist. of Montana 1985)  
*Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Wisconsin*, 668 F. Supp. 1233 (Dist. of Wisc. 1987)  
*Idaho Dept. of Fish and Game v. NMFS*, 850 F.Supp.886 (Dist. of Idaho 1994)

# ***Blackfeet Tribe of the Blackfeet Indian Reservation of Montana***

## ***Tribes and Bands***

The Southern Piegean, Bloods, Siksika, Northern Piegean.

## ***Basis for Legal Status***

Inherent sovereignty. Treaty with the Blackfeet, October 17, 1855.

Treaty with the Blackfeet 1855, Article 3: “. . . shall be a common hunting-ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclusive rights within ten miles of the northern line of the common hunting-ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof.”

Treaty with the Sioux-Brule', Oglala, Miniconjou, Yanktonai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, sans Arcs, and Santee and Arapaho 1868, Article 1: “. . . but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase.”

## ***Basis for Off-Reservation Interests/Rights***

(inherent sovereignty, aboriginal rights, and socio-economic well-being on their reservation.) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have a trust obligation when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations.

## ***Land Base***

In 1873 a reservation for the Blackfeet tribe was established: 1.6 million acres in northeast Montana. East to west—Montana/Dakota border to Rocky Mountains and north to south—Canadian border to Missouri and Sun or Medicine Rivers. West boundary: Rocky Mountains; North boundary: Montana and Canadian border.

## ***Tribal Headquarters***

Blackfeet Tribal Business Council; Box 850, Browning, MT 59417; Phone: 406-338-7276; Fax: 406-338-7530.

## ***Tribal Population***

1992: 14,000 enrollment.

## ***Governance***

Blackfeet Tribal Business Council; Earl Old Person, Chairman; Tom Thompson, Vice-Chairman; Gabe Grant, Tribal Secretary; Council members: Marlene Bear Walter; Charles J. Connelly, Gene Dupray, George Kicking Woman, Roger Running Crane, and Ted Williamson.

## ***Museum***

Museum of the Plains Indian in Browning, Montana was founded in 1941. Next to the museum is an authentic 1850 Blackfeet encampment called “In the Footsteps of the Blackfeet.”

## ***Tribal Newspaper***

Glacier Reporter; P.O. Box R, Browning, MT 59417; Phone: 416-338-2090; Fax: 416-338-2410; Published every Thursday.

### ***Tribal Contacts***

Blackfeet Tribal Business Council; Box D, Browning, MT 59417; Phone: 406-338-7206; Fax: 406-338-7406.

Jim Kennedy, Natural Resources Administrator; Phone: 406-338-7179.

Charles Connelly, Landboard Chairman; Phone: 406-338-7276.

Jeanne Whiteing, Special Counsel; Phone: 306-444-2549.

### ***Agency Contact***

Jerry Dombrowski, District Ranger; Rocky Mountain Ranger District, Choteau, MT 59422; Phone: 406-466-5341; Fax: 406-466-2237. Eric LaPointe, Superintendent Blackfoot Agency, BIA; P.O. Box 880, Browning, MT 59417; Phone: 406-338-7544; Fax: 406-338-7716.

### ***Significant Events and Dates***

North American Indian Days, Blackfeet Tribal Fairgrounds, Browning, Montana.

# Coeur d'Alene Tribe of the Coeur d'Alene Reservation, Idaho

## **Tribes and Bands**

Coeur d'Alene, Spokane, San Joe (St. Joseph) River, and Coeur d'Alene.

## **Basis for Legal Status**

(inherent sovereignty) In 1867 the Coeur d'Alene Reservation was established for the Coeur d'Alene, Kalispel, Spokane, Sanpoil, and Colville bands. The Coeur d'Alene never moved to that reservation; In 1873 Executive Order established a 592,000 acre reservation for the Coeur d'Alene tribe; In 1887 an agreement to strengthen the commitment of the U.S. Government to secure tribal lands reduced the reservation land base. The Spokane, Kalispel, Colville, and Pend Oreille tribal members agreed to move to the reservation; In 1889 an Executive Order ceded all homeland of the tribe, in addition to the forty percent of reservation agreed to in 1887; In 1894 an agreement removed the town of Harrison, Idaho from the reservation.

## **Basis for Off-Reservation Interests/Rights**

(inherent sovereignty, socio-economic well-being on their reservation) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect water quality and quantity, air quality, or property of Indian reservations.

## **Land Base**

Pre-treaty: 4 million acre territory bordered by Clark Fork River on the east in Montana, Clearwater River Territories to the south, Spokane Falls to the west, and Lake Pend Oreille to the north; 1873: Executive Order established 592,000 acre reservation; 1889: Executive Order has Coeur d'Alene cede all land except for reservation; 1894: Agreement changes northern border to exclude the town of Harrison, Idaho; today's reservation: Total of 345,000 acres; Tribal lands: 27,742 acres; Allotted lands: 40,718 acres; Fee lands: 276,540 acres.

## **Tribal Headquarters**

Coeur d'Alene Tribal Headquarters; 850 A Street, P.O. Box 408, Plummer, ID 83851-9704; Phone: 208-686-1800; Fax: 208-686-1182.

## **Tribal Population**

Pre-1855: 3-4000; 1985: 853 on reservation; 1995: 1,300.

## **Cultural Affiliation**

Plateau Cultural Region Religions: Christian denominations.

## **Languages**

English and Interior Salish.

## **Governance**

Constitution approved September 2, 1949 and amended in 1960/61. The Constitution provides for a General Council and seven council members. Council members are elected to three year terms. The council delegates authority for implementation of the Council's legislative actions to the Administrative Director.

**Pre-Treaty Economy**

Fishing, hunting, farming, cattle, horses, and gathering with local and regional trade.

**Tribal Enterprises**

Coeur d'Alene Tribal Farm: Jack Miller; Benewah Market, owned and operated by the tribe; Coeur d'Alene Tribal Bingo-Casino located in Worley, Idaho; Tribal Development Center; Benewah Medical Center; Benewah Auto Center.

**Tribal Private Sector**

Individual farms; Indian smoke shops.

**Museum**

The Coeur d'Alene Tribe maintains historical archives. A cultural interpretative center is located at Heyburn State Park. The Cataldo Mission Site, Cataldo, Idaho has a small museum and interpretative center.

**Tribal Newspaper**

Coeur d'Alene Council Fires: Schee-chu-umsh Sqwlp-N' Mut; Phone: 208-686-1800.

**Tribal Programs**

Personal, Property and Supply; Finance; Planning and Natural Resources; Education and Career Development; TERO. Fisheries Enhancement Program (BPA)

**Tribal Fisheries**

Coeur d'Alene River including Lake Coeur d'Alene, St Joe River, St Marie River.

**Tribal Contact**

Chuck Finan, Natural Resources Department Director; Coeur d'Alene Tribal Headquarters; Plummer, ID 98351-9704; Phone: 208-686-1088; Fax: 208-686-1182. Non-policy contacts: Janel McCurdy, Forest Manager; Phone: 208-686-1855.

**Agency Contact**

Mike Morigeau, Field Representative, Northern Idaho Agency, 850 A Street, P.O. Box 408, Plummer, ID 83851; Phone: 208-686-1887; Fax: 208-686-1903.

**Significant Events and Dates**

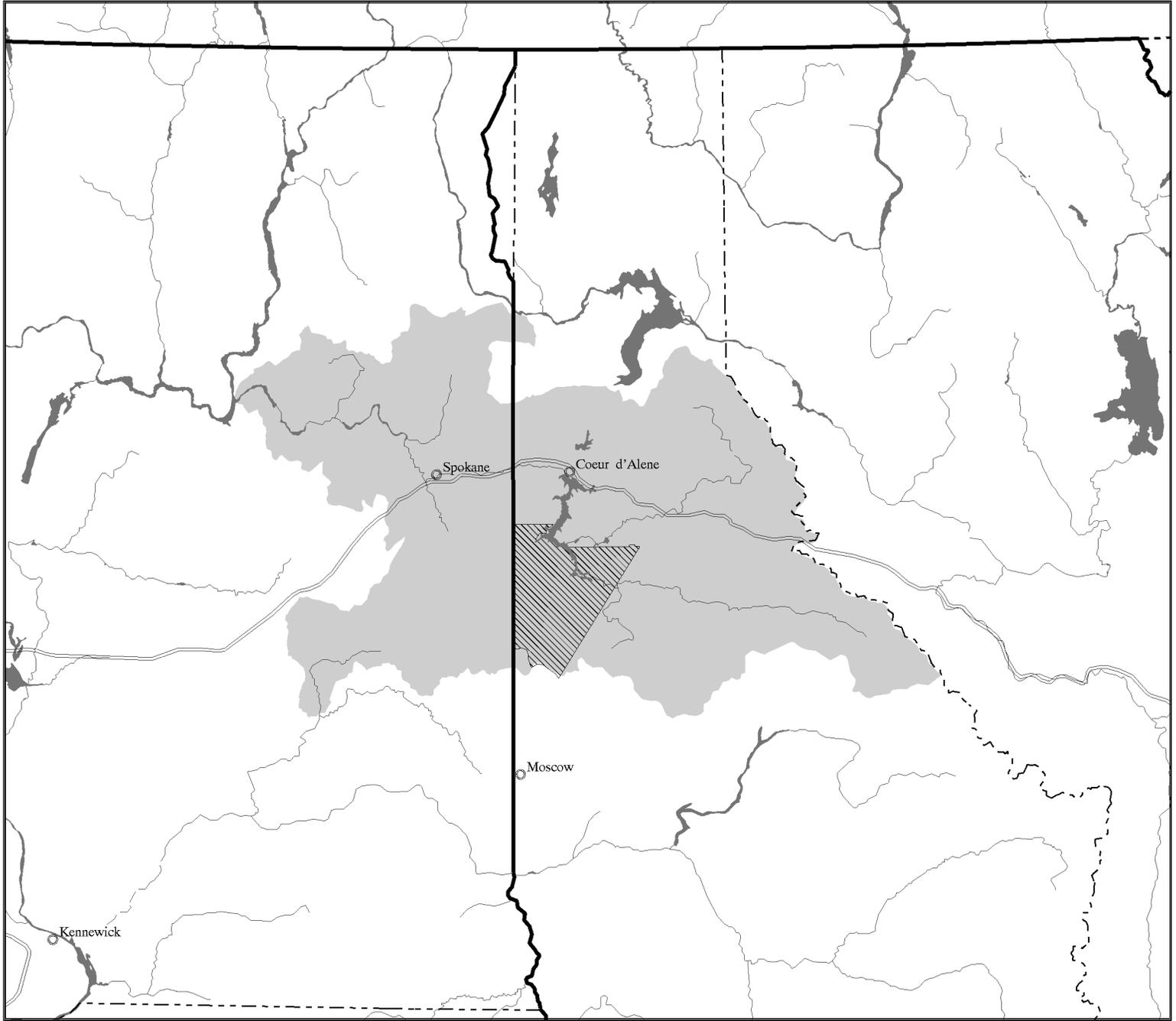
*Socio-cultural:* August 15th, Feast of the Assumption, Cataldo, Mission; Good Friday and Easter Sunday; 4th Friday in September; National American Indian Day, 4th Friday in October; Water Potato Day.

**Tribal Council**

Ernest Stensgar, Chairperson; Lawrence S. Aripa, Vice-Chairman; Norma J. Peone, Secretary and Treasurer; Council members: Marjorie E. Zarate, Norman Campbell, Henry J. Sijohn, Albert R. Garrick. Tribal Council meets each Thursday of the week. The general membership meets quarterly with the option to hold special meetings as warranted by tribal issues. The general membership helps to provide direction to the Tribal Council or Tribal matters.

**Cultural History Information**

The Coeur d'Alene had intermittent contact with fur traders and Hudson Bay people before permanent contact with Euroamericans; this began in 1842 with the establishment of a Catholic Mission near St. Maries, Idaho by Father Pierre DeSmet. References: Connolly, Thomas E., 1990, *A Coeur d'Alene Indian Story* and 1990, *Saga of the Coeur d'Alene Indians*; Boas and Teit, 1985, *Coeur d'Alene, Flathead, and Okanogan Indians*.



**Coeur d'Alene Tribe  
Map 1.  
Area of Interest**

0 20 40 miles

0 20 40 km

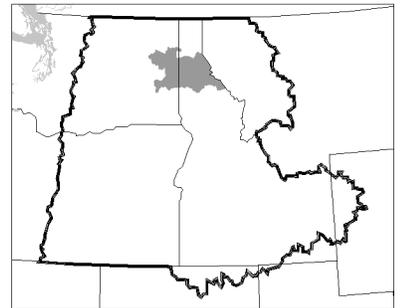


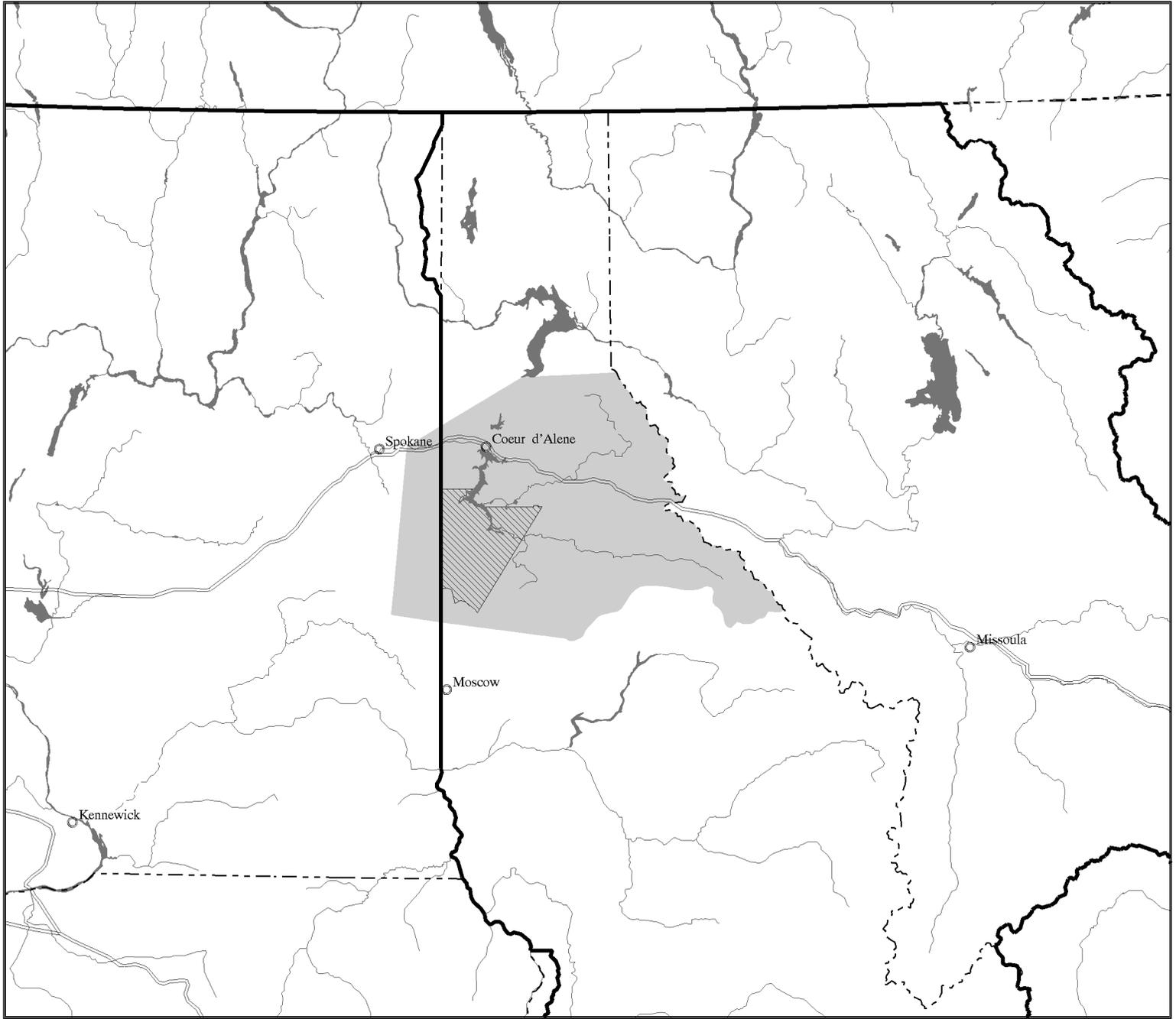
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996

-  Coeur d'Alene Tribe Area of Interest
-  Coeur d'Alene Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



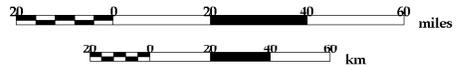


**Coeur d'Alene Tribe  
Map 2.  
Court of Claims**

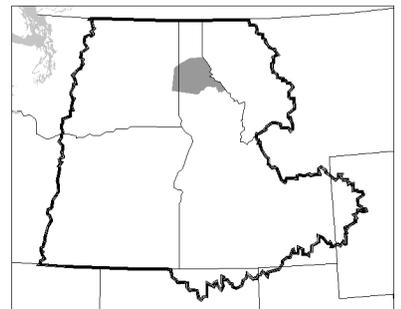
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Coeur d'Alene Tribe Court of Claims
-  Coeur d'Alene Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# ***Confederated Tribes of the Colville Indian Reservation, Washington***

## ***Tribes and Band***

Methow, Sanpoil, Lakes, Colville (Sweelpoo), Kalispel, Spokane, Entiat, Nespelem, Chelan, Columbia (Senkaiuse), Chief Joseph band of the Nez Perce, Wenatchee (Wenatchapum), Southern Okanogan (Sinkaietk), Palouse, Lakes (Senijextee).

## ***Basis for Legal Status***

(inherent sovereignty) Nez Perce and Yakama Treaties of June 9th, 1855; Executive Order of April 9, 1872 superseded by Executive Order of July 2, 1872; Executive Orders of March 6, 1879, February 23, 1883, March 6, 1880, May 1, 1886; Agreements of May 9, 1891, July 1, 1892, December 1, 1905, March 22, 1906; Act of June 20, 1940.

## ***Basis for Off-Reservation Interests/Rights***

(inherent sovereignty, aboriginal rights, socio-economic well-being on their reservation, and reserved rights.) “Yakama” Treaty of 1855, Article 3: “Right of fishing at all usual and accustomed places in common with citizens of the Territory; and erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.” Agreement of 1891, Article 6: “. . . Indians shall enjoy . . . the right to use all water power and sources belonging to or connected with lands to be so allotted, and the right to hunt and fish in common with all other persons on lands not allotted to said Indians shall not taken away or otherwise abridged.”

## ***Relevant Federal Court Decisions***

(Colville as party to case) *Confederated Tribes of Colville Reservation v. U.S.*, 25 Indian Cl. Comm’n 99, 108-13 (1971); *Yakima v. U.S.*, 1963–12 Ind. Cl. Com. 362, 1973–Final Judgment; *Antoine v. Washington*, 1974; *Pyramid Lake Paiute Tribe v. Morton* 354 F. Supp. 252 (D.D.C. 1973); *Confederated Tribes of Colville Reservation v. U.S.*, 43 Indian Cl. Comm’n 505 (1978); *Colville Confederated Tribes v. Walton*, 460 F. Supp. 1320 (E.D. Wash. 1978), aff’d F. 2d. (9th Cir. 1980); *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981); and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations.

## ***Land Base***

Pre-treaty: 2.8 million unallotted acres. Present: 1.4 million acres or 2,100 square miles. April 9, 1872: Reservation established encompassing areas of northeastern modern Washington; July 2, 1872: Reservation area changed to north-central area of modern Washington; April 19, 1879: Columbia/Moses Reservation boundaries established north to the British Columbia border; March 6, 1880: Columbia Reservation expanded west to Lake Chelan; February 23, 1883: Large portions of Columbia Reservation restored to public domain; May 1, 1886: Remaining Columbia Reservation restored to public domain. Indian allotments retained. Members removed to Colville Reservation. Columbia Reservation allotments are retained; May 9, 1891 Agreement: Tribes ceded northern half of Colville Reservation to Canada; July 1, 1892: A portion of re-established reservation of July 2, 1872 vacated and restored to public domain; December 1, 1905: All of diminished reservation’s right and title relinquished to U.S.; June 20, 1940: Land reclamation by U.S. for construction of the Grand Coulee Dam.

## ***Tribal Headquarters***

Colville Business Council; P.O. Box 150, Nespelem, WA 99155; Phone: 509-634-4711; Fax: 509-634-4116; Business Hours: 7:30am– 4:00pm.

**Tribal Population**

1995: 7,992 with about 50 percent residing on the reservation.

**Cultural Affiliation**

Plateau Cultural Region.

**Religions**

Christian denominations, Traditional beliefs, and Washat (Seven Drums).

**Languages**

Interior Salsih, Sahaptin, and English.

**Governance**

The Colville Tribe did not adopt the Indian Reorganization Act of 1934. The Tribe operates under a constitutional form of government with a Business Council since 1938. The tribal constitution has been amended nine times, the first on June 15, 1946 and the last on May 8, 1988. The Colville Tribes are implementing their 1995 Indian self-determination agreement (co-op management agreement) by and between the CTCIR and the BIA, which integrates functions and staff.

**Tribal Enterprises**

Colville Tribal Enterprises Corp.: Timber and wood products mills; bingo; casino; three grocery stores; Grand Coulee houseboat fleet; power revenues from Grand Coulee Dam.

**Tribal Private Sector**

Ranching; Arts and Crafts; Retail Trade; and other commercial businesses.

**Museum**

Colville Tribe Museum, Grand Coulee, WA. Phone: 509-634-8863.

**Newspaper**

Tribal Tribune; P.O. Box 150, Nespalem, WA 99155; Sheila Whitlaw; Phone: 509-634-4711, ext. 835; Fax: 509-634-4116.

**Tribal Programs (off-reservation involvement)**

Fisheries; Archeology and History Department.

**Tribal Fisheries**

Columbia, Entiat, Okanogan, Lower Kettle, Nespalem, Sanpoil, Wenatchee, Chelan and Methow Rivers; Lake Chelan; Crab and Entiat Creeks; Rock Island, Cabinet, and Gualquill rapids.

**Tribal Contact**

Tony Atkins, Natural Resource Administrator; Phone: 509-634-8882; Fax: 509-634-8685.

Joe Peone, Acting Director Fish and Game; Phone: 509-634-8845; Fax: 509-634-8592.

Debbie Rosenblum, Tribal Administration (tribal organizational information).

**Agency Contact**

William E. (Gene) Nicholson, Superintendent, Colville Indian Agency, BIA; P.O. Box 111, Nespalem, WA 99155; Phone: 509-634-4901.

### ***Significant Events and Dates***

*Socio-cultural:* Pow Wow Celebrations, other significant social gatherings, and unanticipated events, such as funerals and illnesses, could impact tribal meeting schedules.

*Government:* The Business Council is elected from four reservation districts. Two groups of seven Council members are elected to four year terms in staggered biennial elections. Following elections in mid-May, a Chairman and Vice-Chairman are chosen by the Council's Executive Committee and a Secretary and Treasurer are selected by the Business Council. General Council elections are held in late June. The General Council meets at least once a year and provides direction to the Business Council; however, they are expected to start meeting semi-annually. Reservation district Council members may meet as warranted by tribal issues.

### ***Colville Business Council***

Term from July 1995 to July 1997. Donald "D.R." Michel, Inchelium District Position 1; Wilfred "Deb" Louie, Nespelem District Position 1; Frances Charette, Inchelium District Position 2; Gloria Picard, Secretary, Nespelem District Position 2; Joe Pakootas, Vice-Chair, Inchelium District Position 3; Harvey Moses Jr., Nespelem District Position 3; Richard Swan, Inchelium District Position 4; Eddie Palmanteer Jr., Omak District Position 1; Jeanne Jerred, Keller District Position 1; Margie C. Hutchinson, Omak District Position 2; Walt Arnold, Keller District Position 2; Dale Kohler, Omak District Position 3; Louella Anderson, Omak District Position 4; Colville Business Council meets together the 1st and 3rd Thursday of each month.

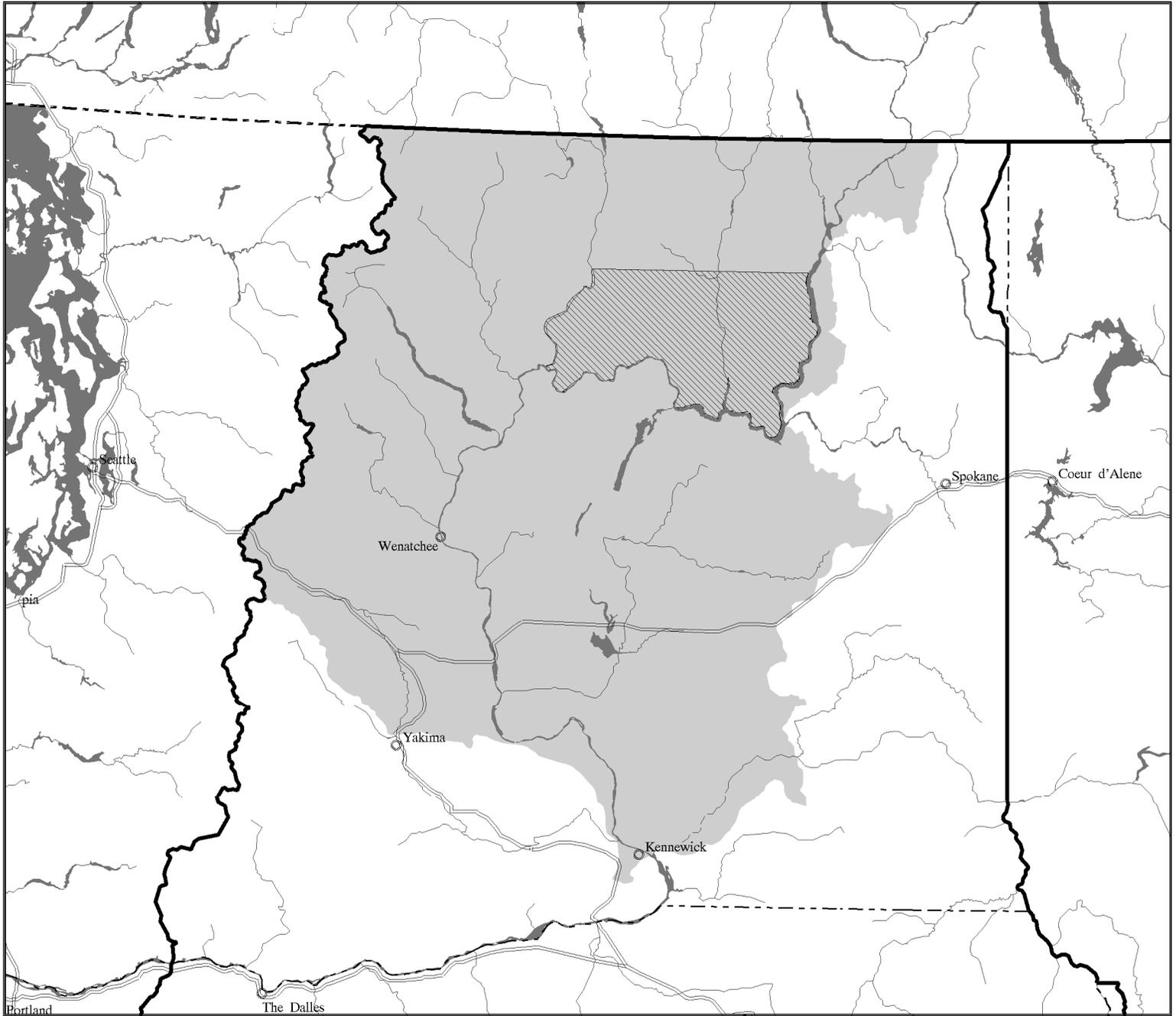
*Contact:* Mathew Dick Jr., Chairman; P.O. Box 150, Nespelem, WA 99155; Phone: 509-634-4711.

### ***Business Council Committees***

Management and Budget; Tribal Government; Resource Management; Public Safety; Human Services; Education and Employment; Community Development. Business Council Committee meeting times: Colville Business Council, Mathew Dick Jr., 1st and 3rd Thursday of month; Management and Budget, Gloria Picard, 1st and 3rd Monday of month; Tribal Government, Margie Hutchinson, 2nd and 4th Monday of month; Resource Management, Deb Louie, 1st and 3rd Tuesday of month; Public Safety, Walt Arnold, 2nd and 4th Tuesday of month; Human Services, Louella Anderson, 1st and 3rd Wednesday of month; Education and Employment, Harvey Moses Jr., 2nd and 4th Wednesday of month; Community Development, D.R. Michel, 2nd and 4th Thursday of month.

### ***Community and Economic Planning***

Ted J. Bessette; Phone: 509-634-4711. From spring through fall, Pow Wow Celebrations and other significant social gatherings occur and are well attended by the tribe. These events usually occur on weekends, often beginning Fridays. Unanticipated events that may obligate extended-family involvement, such as funerals, weddings and illnesses, could impact tribal meetings.



**Confederated Tribes of the  
Colville Reservation  
Map 1.  
Area of Interest**

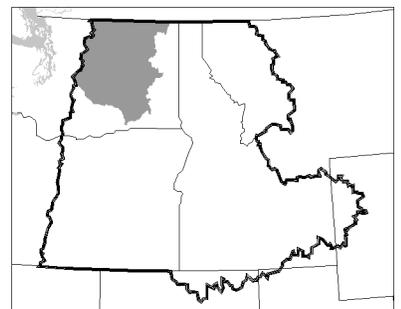
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

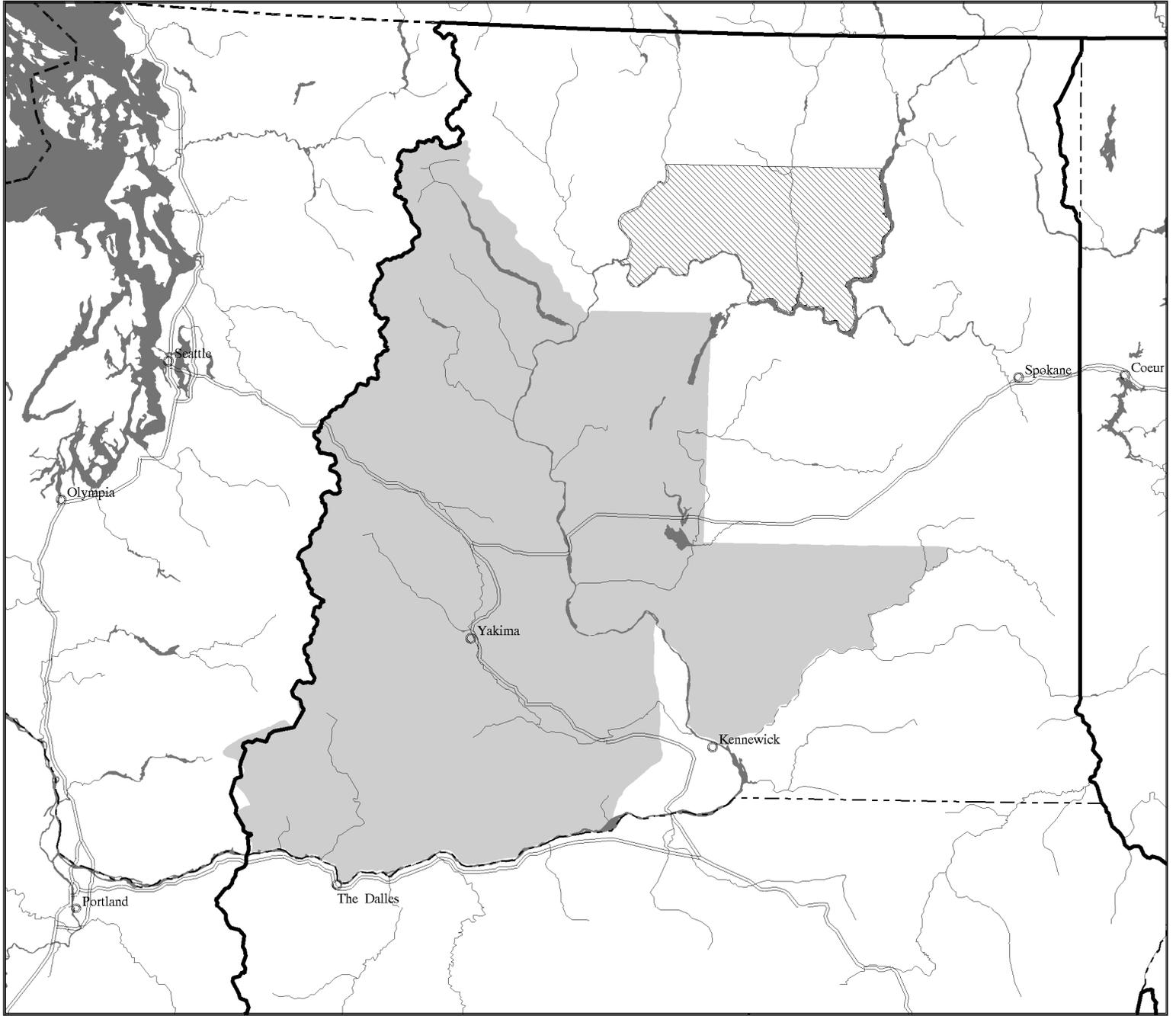
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Colville Tribes Area of Interest
-  Colville Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border





**Confederated Tribes of the  
Colville Reservation  
Map 2.  
Ceded Lands**

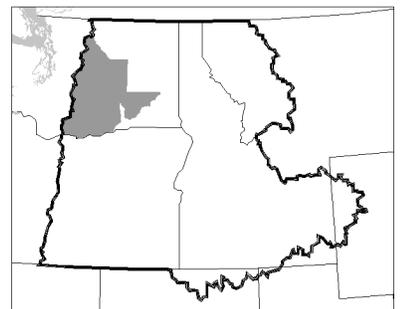
Source: Dept. of Interior, Portland Area BIA Jurisdiction,  
Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Yakama Treaty
-  Colville Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# ***The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana***

## ***Tribes and Bands***

Salish (Flathead), Kootenai, and Upper Pend d'Oreilles.

## ***Basis for Legal Status***

Treaty with the Flatheads (Treaty of Hellgate) of July 16, 1855 (12 Stat. 975 1859); Treaty with the Blackfeet (Treaty of Upper Missouri), 1855; Act Ratifying an Agreement with Flathead Tribe, March 2, 1889. Both treaties are “Stevens treaties”, negotiated by governor Stevens.

## ***Off-Reservation Interests and Rights***

(inherent sovereignty, socioeconomic well-being on their reservation and reserved rights)

Treaty with the Flathead of 1855, Article 3: “*The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.*”

## ***Relevant Federal Court Decisions***

(Salish-Kootenai as party to case: none known) *Confederated Salish and Kootenai Tribes v. U.S.*, 181 Ct. Cl. (1967); *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973); *Confederated Salish and Kootenai Tribes v. Namen*, 380 F. Supp. 452 (D. Mont. 1974), aff'd, 534 F. d1376 (9th Cir., cert. denied, 429 U.S. 929) 1976; *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981); *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have a trust obligation when their actions may adversely affect the water quality/ quantity, air quality, or property of Indian reservations.

## ***Land Base***

Treaty times: Montana west of Continental Divide and portions of northern Idaho and southeastern British Columbia. The tribes held around 23 million acres of their original homelands which were ceded to the US government. Through the Treaty of Hellgate of 1855, the Flathead Reservation was established: Over 1.2 million acres in northwestern Montana; The Act to Ratify an Agreement with the Flathead Tribe dated March 2, 1889 Agreement provided that allotments established in the Bitterroot area of Idaho were to be sold and Indian owners removed to the Flathead Reservation in Montana. This happened by 1891; Today's reservation: About 1.3 million acres including lower quarter of Flathead River basin, south half of Flathead Lake, and lower Flathead River.

## ***Tribal Headquarters***

Confederated Salish and Kootenai Tribes; P.O. Box 278, Pablo, MT 59855-0278; Phone: 406-675-2700; Fax: 406-676-2806; Office hours: M-F, 8:00am– 4:30pm.

## ***Tribal Population***

1993: 6,700 enrolled members; 3,500 live on or near the reservation.

## ***Cultural Affiliation***

Plateau Cultural Region.

## ***Languages***

English, Kootenai, and Interior Salish. Tribal educational system is incorporating a native language program.

## **Governance**

The Salish and Kootenai Tribes are a confederation of tribes organized pursuant to the Indian Reorganization Act of 1934. Constitution and Corporate Charter adopted in 1935: Official name of tribe comes from Constitution. The governing body consists of a 10 person Tribal Council. A General Council is comprised of tribal membership, 18 years of age or older. The General Council provides direction to the Tribal Council. Since October 1, 1995, the confederation is self-governing; tribal departments have incorporated previous BIA responsibilities except for fire suppression, and irrigation.

## **Tribal Enterprises**

Examples include: Mission Valley Power, Kerr Dam and is co-licensed with Montana Power Company; Logging sales; Salish and Kootenai Electronics, Inc.; Kwa Taq Nuk, and resort complex including motel.

## **Tribal Private Sector**

Timber operations; ranching; agriculture; retail trade; arts and crafts; other commercial enterprises.

## **Reservation Educational Institutions**

Salish Kootenai College; Dr. Joseph McDonald, President; Phone: 406-675-4800; Fax: 406-675-4801; Two Eagle River School; Clarice King, Superintendent; Phone: 406-675-0292.

## **Museum**

“The People’s Center”; P.O. Box 278, Pablo, MT 59855; Phone: 406-675-0160.

## **Tribal Newspaper**

Char-Koosta News; P.O. Box 278, Pablo, MT 59855-0278; Phone: 406-675-3000; Fax: 406-675-3001.

## **Tribal Programs (off-reservation interests)**

Kootenai and Salish Cultural Committees; Legal Department; Law and Order Department; Forestry Department; Natural Resources Department: Divisions–Lands, Water: Shoreline Protection Office, Environmental Protection, Fish and Wildlife/Recreation/Conservation; Flathead Educational Department; Community Action Educational Board.

The Tribal Programs handle tribal policy issues as well as program business operations under the direction of the Tribal Council. All department heads meet every Wednesday to discuss issues of concern and report to Joe Dupuis, Executive Secretary. The Executive Treasurer oversees all tribal financial and business departments.

Tribal Operations: Comprehensive Resources Plan, 1994, Vol. 1–Compendium on tribes and reservation, Vol. 2–Resource Management Goals and Tribal Policies and Processes. Available by contacting tribal administration.

## **Special Environmental Designations**

Flathead reservation was designated Class 1 airshed at the request of the tribe, approved by EPA as of 1980. Also, there is a nuclear waste ban and prohibition to transport such materials across the reservation.

## **Primary Tribal Fisheries**

Kootenai and Flathead Rivers; Flathead Lake; Jocko River and Clarks Fork River. All tributaries originating on the reservation including streams and water bodies within the tribes area of interest. Includes all usual and accustomed fishing stations and grounds

## **Tribal Contact**

Ralph Goode, Head, Tribal Forestry Department; P.O. Box 278, Pablo, MT 59855-0278; Phone: 406-675-7200, ext. 241; Fax: 406-675-7218.

Alexander "Sam" Morigeau, Head, Natural Resources Department; P.O. Box 278, Pablo, MT 59855-0278; Phone: 406-675-2700; Fax: 406-675-2806.

Patricia Hewankorn, Director, Kootenai Culture Committee; P.O. Box 155, Elmo, MT 59915; Phone: 406-849-5541.

Tony Incashola, Director, Salish Culture Committee; P.O. Box 418, St. Ignatius, MT 59865; Phone: 406-745-4572.

Marcia Cross, Tribal Preservation Officer, Preservation Office; P.O. Box 278, Pablo, MT 59855. Phone: 406-675-2700. FAX: 406-675-2806

### **Agency Contact**

Ernest Moran, Superintendent, Flathead Agency, BIA; Box A, Pablo, MT 59855-5555; Phone: 406-675-7200; Fax: 406-675-2805.

### **Significant Events and Dates**

*Socio-cultural:* From March through fall there are Pow Wow Celebrations, local school special celebrations, and other significant social gatherings that occur and are well attended by the Tribe. These often occur over weekends and may include Fridays. Unanticipated events that may obligate extended-family involvement, such as funerals and illnesses, could impact tribal meeting schedules.

*Government:* The Tribal Council of 10 members is elected from 5 reservation districts. Elections take place every 2 years with 5 council members being elected to 4 year terms. Following the elections, a Chair and Vice-chair are chosen by the Council, and a Secretary and Treasurer are selected at large by the General Council. Council officers are appointed by the Tribal Council. The Tribal Council acts as the General Council leadership. General Council convenes every Tuesday and Friday. Closed special sessions of the General Council involve the Tribal Council with interested parties. General Council convenes quarterly meetings to deal with important tribal business. Elections for Tribal Council seats are held in December with primaries held in November.

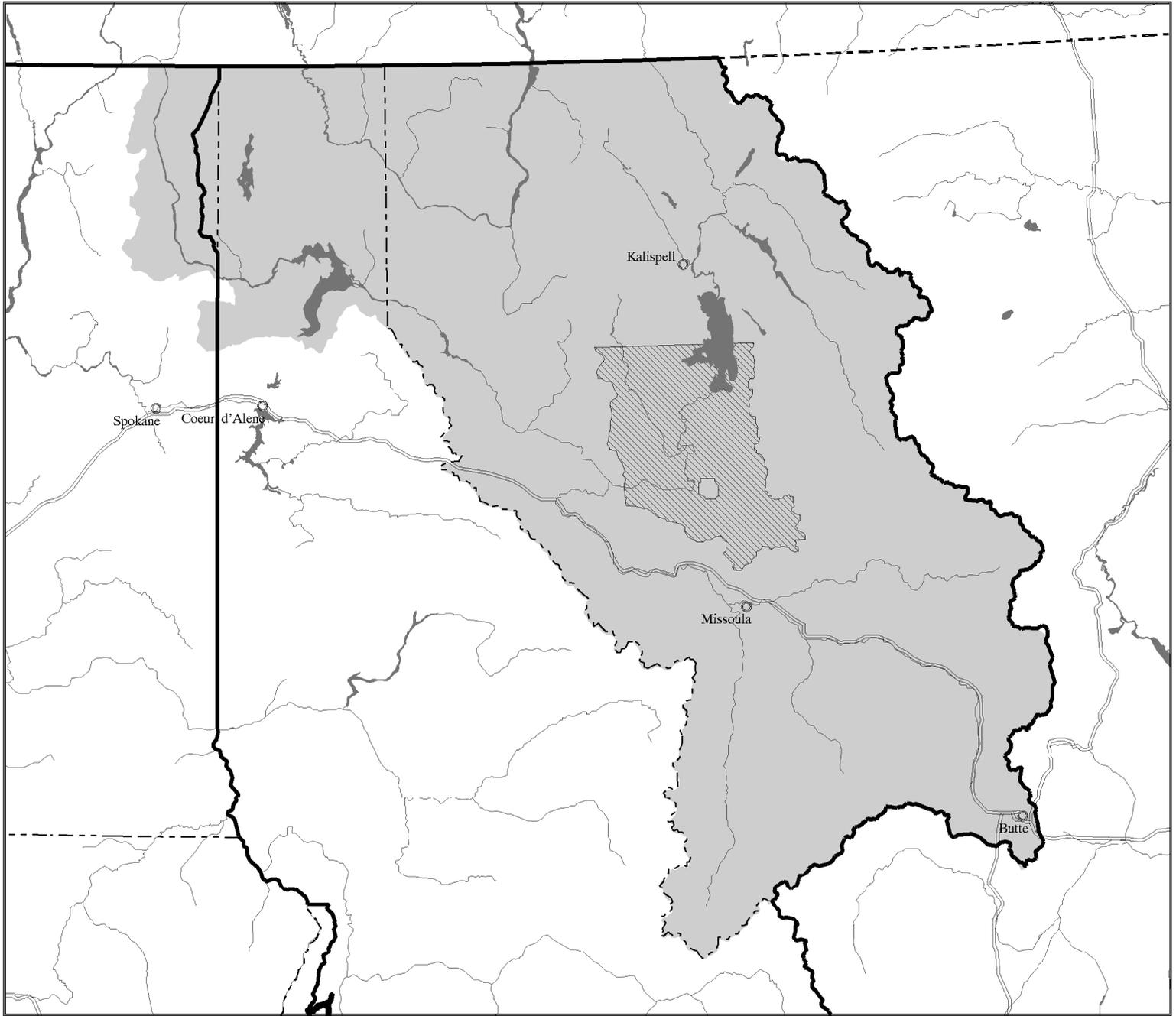
### **Tribal Council**

*Term from 1995-1999:* Michael Pablo, Vice-Chair, Hot Springs/Camas Prairie District; Gary Stevens, Pablo District; Mike Durglo, Jr., St. Ignatius District; Elmer Morigeau, Dixon District; Joseph Moran, Arlee District.

*Term from 1993-1997:* Rhonda Swaney, Chair-Woman; St. Ignatius District; Carole Lankford, Secretary, Ronan District; Hank Baylor, Treasurer, Arlee District; Donald Dupuis, Polson District; Mary Lefthand, Big Arm/Elmo/Dayton District.

*Contact:* Rhonda Swaney, Chair-Woman Confederated Salish and Kootenai Tribes; P.O. Box 278, Pablo, MT 59855; Phone: 406-675-2700; Fax: 406-675-2806.

Tribal Council meets every Tuesday and Thursday with participation of the Tribal membership.



**Confederated Salish &  
Kootenai Tribes  
Map 1.  
Area of Interest**

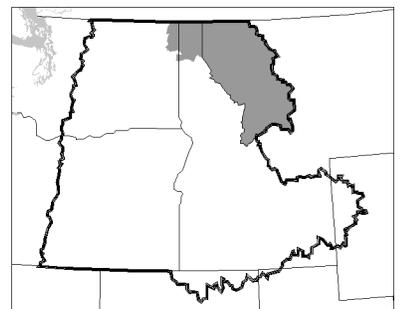
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

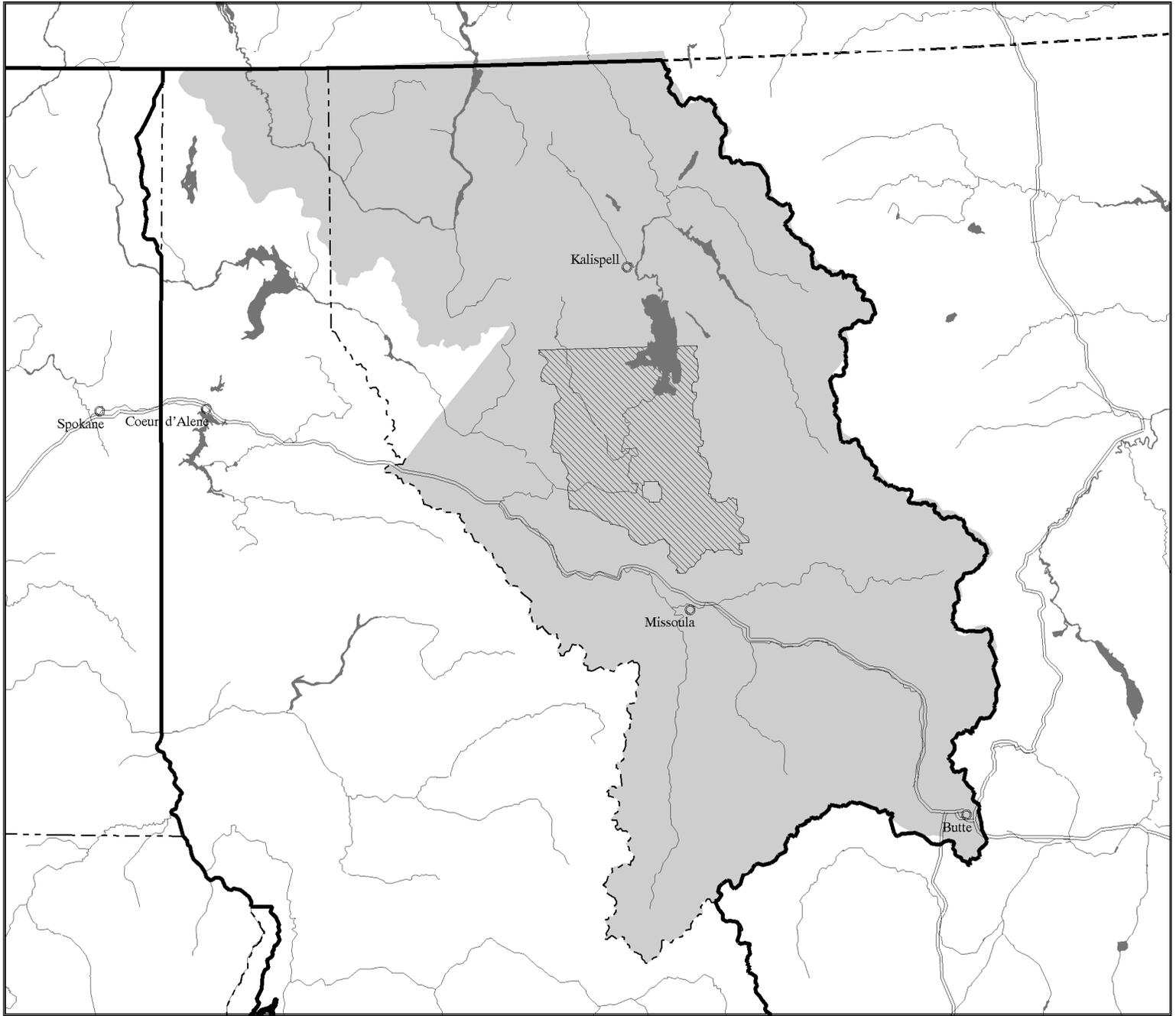
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Salish & Kootenai Tribes Area of Interest
-  Flathead Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border





**Confederated Salish &  
Kootenai Tribes  
Map 2.  
Ceded Lands**

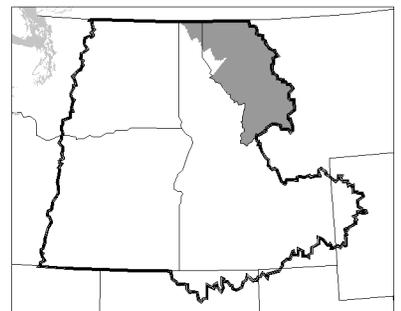
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



- Flathead Treaty
- Flathead Reservation
- Water
- Major Rivers
- Major Roads
- State Borders
- EIS Area Border



# Confederated Tribes of the Umatilla Reservation, Oregon

## **Tribes**

Cayuse, Walla Walla, and Umatilla Tribes.

## **Basis for Legal Status**

(inherent sovereignty; U.S. constitution) Treaty with the Walla Walla, Cayuse, and Umatilla Tribes, 1855; Act of March 3, 1885, ratified on March 12, 1859 (Statute 945); CTUIR Constitution of 1949

## **Basis for Off-Reservation Interests/Rights**

(inherent sovereignty, aboriginal rights; Pre-existing treaty reserved rights and socio-economic well-being on their reservation.) Treaty with the Walla Walla, Cayuse, and Umatilla Tribes, 1855, Article 1: “. . . Provided, also, that the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them.”

## **Relevant Federal Court Decisions**

(CTUIR as named party to case) *Confederated Tribes of the Umatilla Indian Reservation v. Calloway*, No. 72-211 (D. Or. 1973); *United States v. Oregon*, 529 F.2d 570 (9th Cir. 1976). *CTUIR v. Alexander*, 440 F.Supp.553 (D.Or.1977). Many other court cases are relevant to CTUIR though not a named party. The *Pyramid Lake Paiute Tribe v. Morton* 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations if their actions may affect the water quality/quantity, air quality, or property of Indian reservations in addition to treaty reserved rights.

## **Land Base**

Pre-treaty: 6.4 million acres in northeastern Oregon and southeastern Washington. Through the treaty of 1855 a reservation was established at 254,699 according to 1859 survey. Through the Dawes Allotment Act of March 3, 1885 the reservation was diminished to 158,000 acres. In the 1880s, 640 acres were sold to the City of Pendleton. October 17, 1888 - The reservation size increased for agricultural lands. The Restoration Act era (1922-1939) took lands off the market, and restored 14,139 acres to tribes, including McKay Dam/Reservoir in 1927. The Johnson Creek REstoration Act restored lands to trust. In 1969, the reservation was 95,273 acres in size and today it is 89,350 acres (21,000 acres in trust and 68,350 acres allotted.)

## **Tribal Headquarters**

Confederated Tribes of the Umatilla Indian Reservation, Mission Highway, Mission, OR; P.O. Box 638, Pendleton, OR 97801; Phone: 541-276-3165; Office hours: M-F, 7:30am– 4:00pm.

## **Tribal Population**

Pre-1855: 8,000 [est.]; 1855 Treaty Era: 1,500 (BIA census); 1992: 1,456; and 1995: 1,900 enrolled members. According to a 1990 census there are 1,473 non-Indian reservation population.

## **Cultural Affiliation**

Plateau Cultural Region, southeastern Plateau.

## **Languages**

English, Sahaptin dialects (Umatilla, Walla Walla) Nez Perce dialects.

## **Governance**

The Tribes rejected the Indian Reorganization Act in 1935 by tribal referendum. Constitution and By-laws were adopted November, 1949. The Tribes established a nine member Board of Trustees (BOT) and a General council, which replaced consensus decision making process by majority vote rule. The BOT sets policy, and makes final tribal decisions. Resource use is regulated by tribal ordinance and codes, customs, and traditions. Gary George is the Tribes' Executive Director and oversees departmental staff. Tribal departments include administration, economic and community development, health and human services, natural resources, education, fire protection, police and tribal services.

## **Pre-Treaty Economy**

Fishing/Hunting/Gathering. Wholesale and retail inter-tribal trade extending from the Pacific coast to the Great Plains. Trading, livestock, tribute (taxes), raiding. Horse husbandry with herds estimated at 15,000 to 20,000. Warefare in the Great Plains and Great Basin.

## **Tribal Enterprises**

Tribal Farm Enterprises; Mission Market; Duff Property; Lucky Seven Trailer Court; Indian Lake and Campgrounds; Wildhorse Casino; Youth Hall; Co-operative Umatilla Hatchery; grain elevator, Native plant nursery.

## **Tribal Private Sector**

Agriculture; livestock; fishing; wholesale and retail trade; timber; food stands, artists, construction contractors.

## **Education Institutions**

Cay-Uma-Wa, pre-school; charter school and native language program.

## **Museum**

Tumustalik Cultural Institute (Oregon Trail Interpretive Center); Location: On the reservation off of Interstate 8. Opening scheduled for June 1997.

## **Tribal Newspaper**

Confederated Umatilla Journal; P.O. Box 638, Pendleton, OR 97801; Phone: 541-276-3570; Published monthly.

## **Tribal Programs (off-reservation involvement)**

Department of Natural Resources; Environmental Planning/Rights Protection; Umatilla Basin Project; Tribal Water Program; Special Sciences and Resources Program, Fisheries, Wildlife, Cultural Resources Protection, and Salmon Corps.

## **Tribal Fisheries**

Grande Ronde, Imnaha, John Day, Tucannon, Walla Walla, Wallowa, Touche, Umatilla, Columbia, and Minam Rivers; Lookingglass, Eagle, Cathrine, Pine, and Willow Creeks and tributaries.

## **Tribal Contact**

Kim Sullivan, Policy Analyst; Phone: 541-276-3449. Michael J. Farrow, Director DNR. Paul Minthorn, Deputy Director, DNR. Rick George, DNR Program Manager - Phone: 541-276-3449.

## **Agency Contact**

Phil Sanchez, Superintendent, BIA; P.O. Box 520, Pendleton, OR 97801-0520; Phone: 541-278-3786; Fax: 541-276-3786.

### ***Significant Events and Dates***

*Socio-cultural:* The Tribes annually celebrate Salmon and Root Feasts, which includes feast preparations, a Pow Wow, Fun Run, Group Horse ride tours, and Flea Mart in the spring; Father's Day Fish Derby; Huckleberry Feast in mid-summer; Pendleton Round-up; Veterans' Day Pow Wow in the fall; Christmas; New Years; Dances in mid-winter; 4th of July Pow Wow; Atlatl contest.

*Government:* In 1993 the General Council voted to change a staggered term election system to one that elects all Board of Trustee members and General Council positions at the same time to two year terms. Elected Board of Trustee members then select Board of Trustee positions and committee members. Next elections will be held November 1997. General Council meets monthly to address tribal business and usually holds special General Council sessions periodically throughout the year.

### ***Board of Trustees, CTUIR (9 members)***

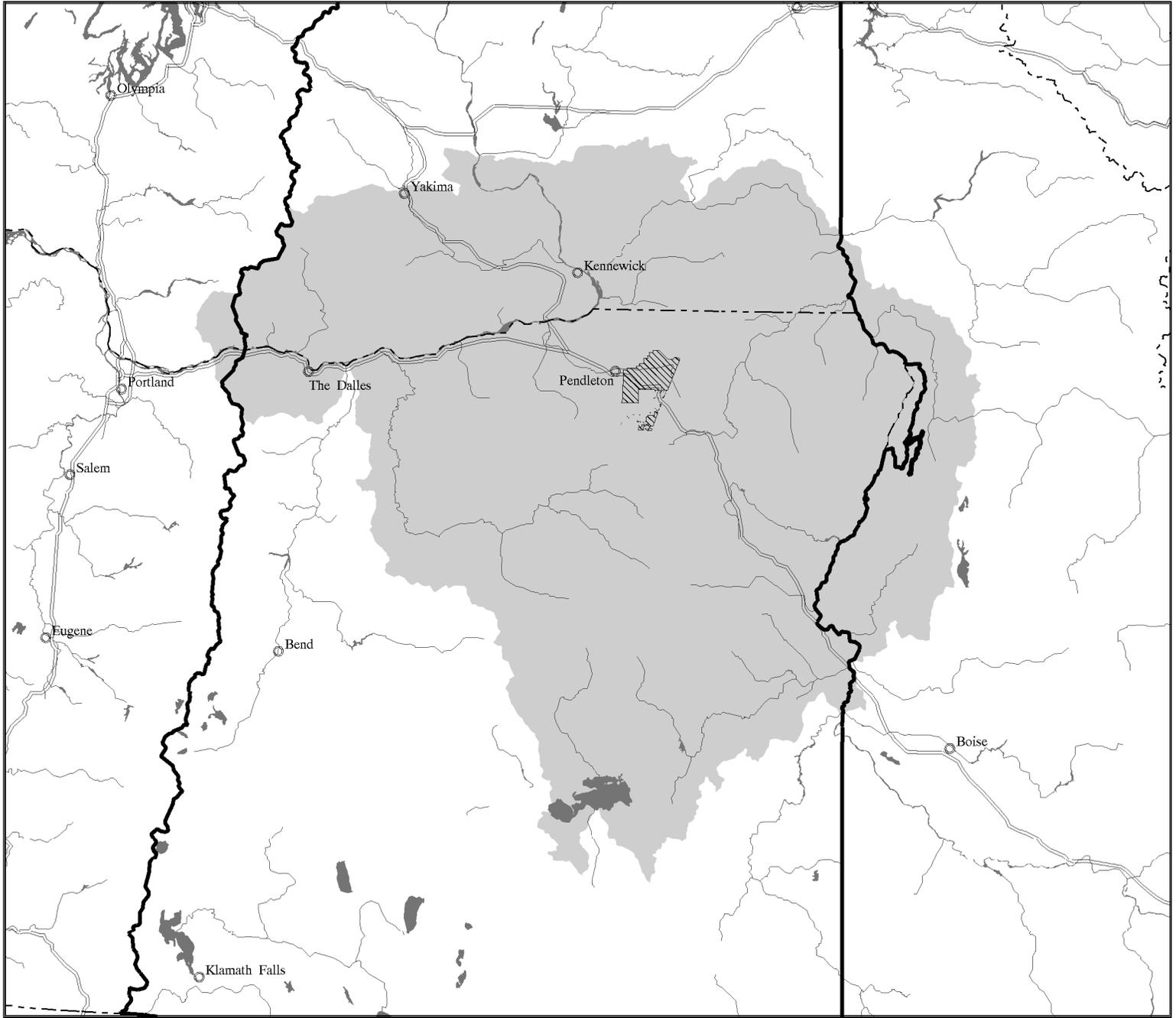
Donald Sampson, Chairman of Board of Trustees; Alphonse Halfmoon, Vice-Chair; Roberta Wilson, Secretary; Rosenda Shippentower, Treasurer; and Kathryn Brigham, Louie Dick, Jr., Armand Minthorn; Jay Minthorn and Antone Minthorn members.

### ***General Council***

Antone Minthorn, Chairman; Tom Piere, Vice-Chairman; Sam McKay, Secretary; Inez Reeves, Interpreter.

### ***Commissions and Committees***

All BOT members, except the Chair, participate in tribal commissions and committees established to oversee specific tribal issues. Health and Welfare Commission; Law and Order Commission; Natural Resources Commission; and Tribal Farm Committee; Umatilla Reservation Housing Authority; Cultural Resource Commission; Celebration Committee; Education and Training Commission; Fish and Wildlife Committee; Tribal Water Committee; Johnson O'Malley Committee; Gaming Commission; Community Development Commission; Oregon Trail Cultural Institute.

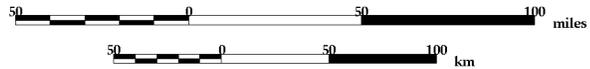


**Confederated Tribes of the  
Umatilla Indian Reservation  
Map 1.  
Area of Interest**

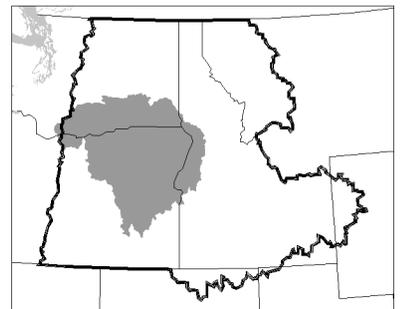
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

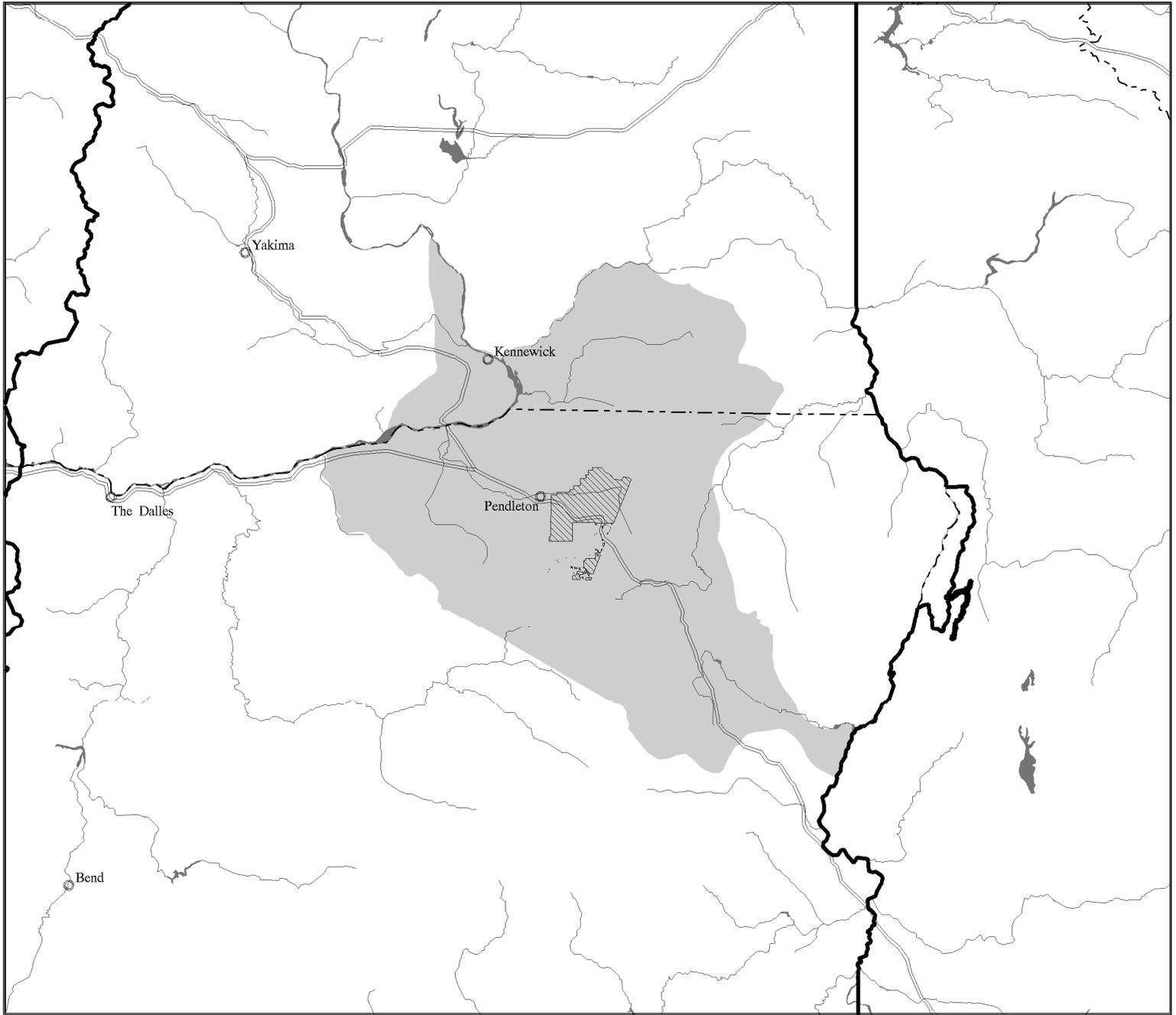
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Umatilla Tribes Area of Interest
-  Umatilla Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



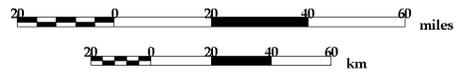


**Confederated Tribes of the  
Umatilla Indian Reservation  
Map 2.  
Ceded Lands**

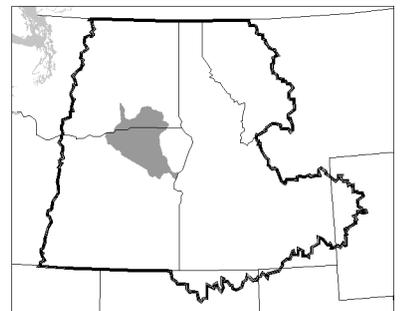
Source: Dept. of Interior, Portland Area BIA Jurisdiction,  
Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Walla Walla/Cayuse Treaty
-  Umatilla Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# Confederated Tribes of the Warm Springs Reservation of Oregon

## **Tribes and Bands**

Wasco Bands–Dalles, Ki-gal-twal-la, and Dog River; Warm Springs–Taih or Upper Deschutes, Wyam (Lower Deschutes), Tenino, Dock-Spus (John Day River); Northern Paiutes (Removed to Warm Springs Reservation in 1880s).

## **Basis for Legal Status**

(inherent sovereignty, aboriginal rights) Treaty with the Tribes of Middle Oregon, 1855; Treaty with the Tribes of Middle Oregon, 1865–U.S. Government negated this treaty because signers did not understand what they were signing.

## **Basis for Off-Reservation Interests/Rights**

(inherent sovereignty, aboriginal rights, socio-economic well-being on their reservations and reserved rights) Treaty with the Tribes of Middle Oregon, 1855, Article 1: “. . . Provided, also, that the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them.”

## **Relevant Federal Court Decisions**

(Warm Springs as party to case) *Confederated Tribes of Warm Springs v. U.S.*, 117 Ct. Cl. 189 (1966); *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969); *U.S. v. Oregon*, 529 F.2d 570 (D. Or. 1976). On reservation: *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations if their actions may affect the water quality/quantity, air quality, or property of Indian reservations.

## **Land Base**

Pre-treaty: 10 million acres in Oregon; 1974: McQuinn tract was restored to the Tribes from the U.S. Forest Service. Today’s reservation: 650,000 in central Oregon—over 90 percent tribally owned.

## **Tribal Headquarters**

Confederated Tribes of the Warm Springs Reservation of Oregon; 1233 Veteran Street, P.O. Box C, Warm Springs, OR 97761; Phone: 541-553-1161; Office hours M-F, 7:30am–4:30pm.

## **Tribal Population**

1992: 3,410.

## **Cultural Affiliation**

Plateau and Great Basin.

## **Religions**

Washat (Seven Drums), Wasklikie (Feather), Shaker, and Christian denominations.

## **Languages**

English, Chinookan, Sahaptin, and Northern Paiute.

## **Governance**

The tribal general council adopted the Indian Reorganization Act in 1935 and adopted a Constitution and By-laws in 1938. The tribes are self-governing.

### ***Tribal Enterprises***

Kah-Nee-Ta Resort; Tribal Construction; Warm Springs Power Enterprises; Warm Springs Crushing; Warm Springs Composite Products; Warm Springs Forest Products Industries; Warm Springs Apparel Industries; Warm Springs Clothing Company; Business Development: Special Products, Museum at Warm Springs, and Warm Springs Gaming.

### ***Tribal Private Sector***

Chevron Station; Deschutes Crossing; Warm Springs Market; Radio Station; Museum; Arts and Crafts; Commercial Services.

### ***Museum***

The Museum at Warm Springs; Just off Highway 26 near Warm Springs; Phone: 541-553-3331.

### ***Tribal Newspaper***

Spilyay Tymoo; P.O. Box 870, Warm Springs, OR 97761; Phone: 541-553-1644; Published bi-weekly.

### ***Tribal Radio***

Public Radio; KWSO 91.9 FM, Phone: 541-553-1968.

### ***Tribal Programs (off-reservation involvement)***

Cultural and Heritage; Law and Order; Wildlife, and Fish; Natural Resources: Environmental protection.

### ***Tribal Fisheries***

Columbia, Crooked, Deschutes, Hood, and John Day Rivers, Fifteen Mile Creek.

### ***Tribal Contact***

Olney (JP) Patt Jr., Natural Resources; Phone: 541-553-3233/3234; Fax: 541-553-3359.

*Other Contacts:* Delvis Heath, ceded area expert, Warm Springs Chief; Delbert Frank, Culture and Heritage Committee; Gene Greene Sr., Chairman, Columbia River Inter-Tribal Fish Commission (CRITFC) and Fish and Wildlife Committee, Head of Policy, Natural Resources Department; Charles (Jody) Calica, General Manager, Natural Resources Department; Louie Pitt Jr., Director, Governmental Affairs and Planning: staff support to Tribal Council; Secretary-Treasurer: records management, tribal code, and intergovernmental relations.

### ***Agency Contact***

Gordon Cannon, Superintendent of Warm Springs Agency; P.O. Box 1239, Warm Springs, OR 97761-1239; Phone: 541-553-5527; Fax: 541-553-2426.

### ***Significant Events and Dates***

*Socio-cultural:* Salmon and Root Feasts; Huckleberry Feast; Pow Wow dances; Sports tournaments; Rodeos; Horse Races; Pi-Ume-Sha Treaty Days Celebration each June.

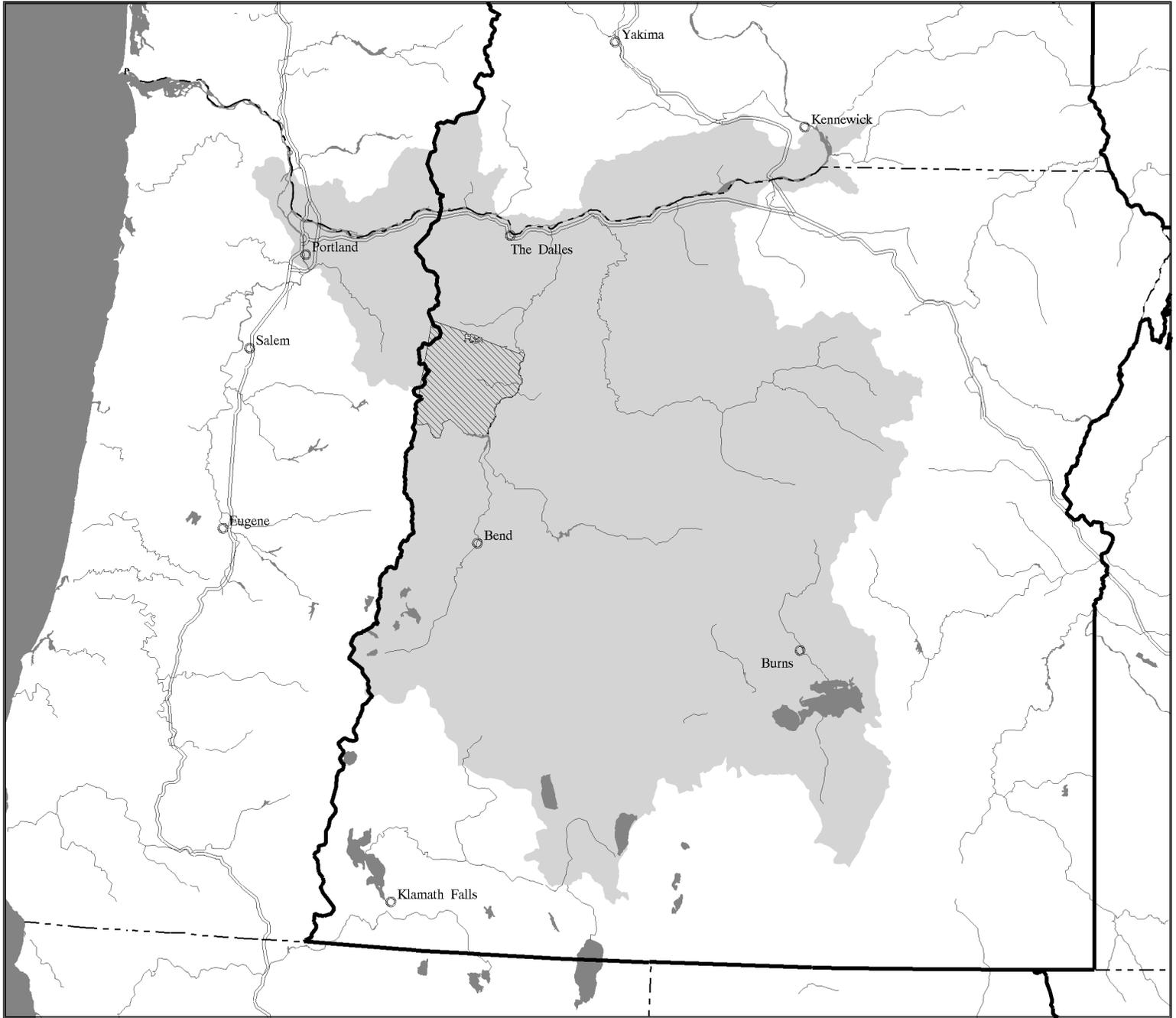
*Government:* Eight tribal council members are elected for 3 year terms each year. Chiefs have lifetime tenure on the council.

### ***Tribal Council of CTWSR***

Joseph Moses, Chairman, Tribal Council of CTWSR; Irene Wells, Vice-Chair; R. Calica Sr., Secretary/Treasurer/CEO; Bruce Brunoe, Sr., Agency District; Zane Jackson, Agency District; Jacob Frank, Sr., Simnasho District; Wilson Wewa, Sr., Seekseequa District; Kathleen Heath, Simnasho District; Delvis Heath, Sr., Chief (Warm Springs); Vernon Henry, Chief (Paiute); Nelson Wallulatum, Chief (Wasco).

### ***Tribal Committees and Boards***

(Examples) Council on Alcohol and Drug Abuse; Culture and Heritage Committee; Education Committee; Election and Counting Board; Fish and Wildlife Committees (on and off-reservation); Health and Welfare Committee; Land Use Planning Committee; Accessions Committee (MOIHS); Museum Boards (Directors and Regents); Range, Irrigation, and Agriculture Committee; Tax Commission; Timber Committee; Forest Products Industry; Water Board.

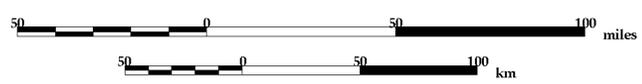


**Confederated Tribes of the  
Warm Springs Reservation  
Map 1.  
Area of Interest**

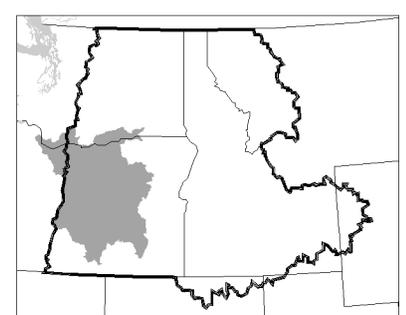
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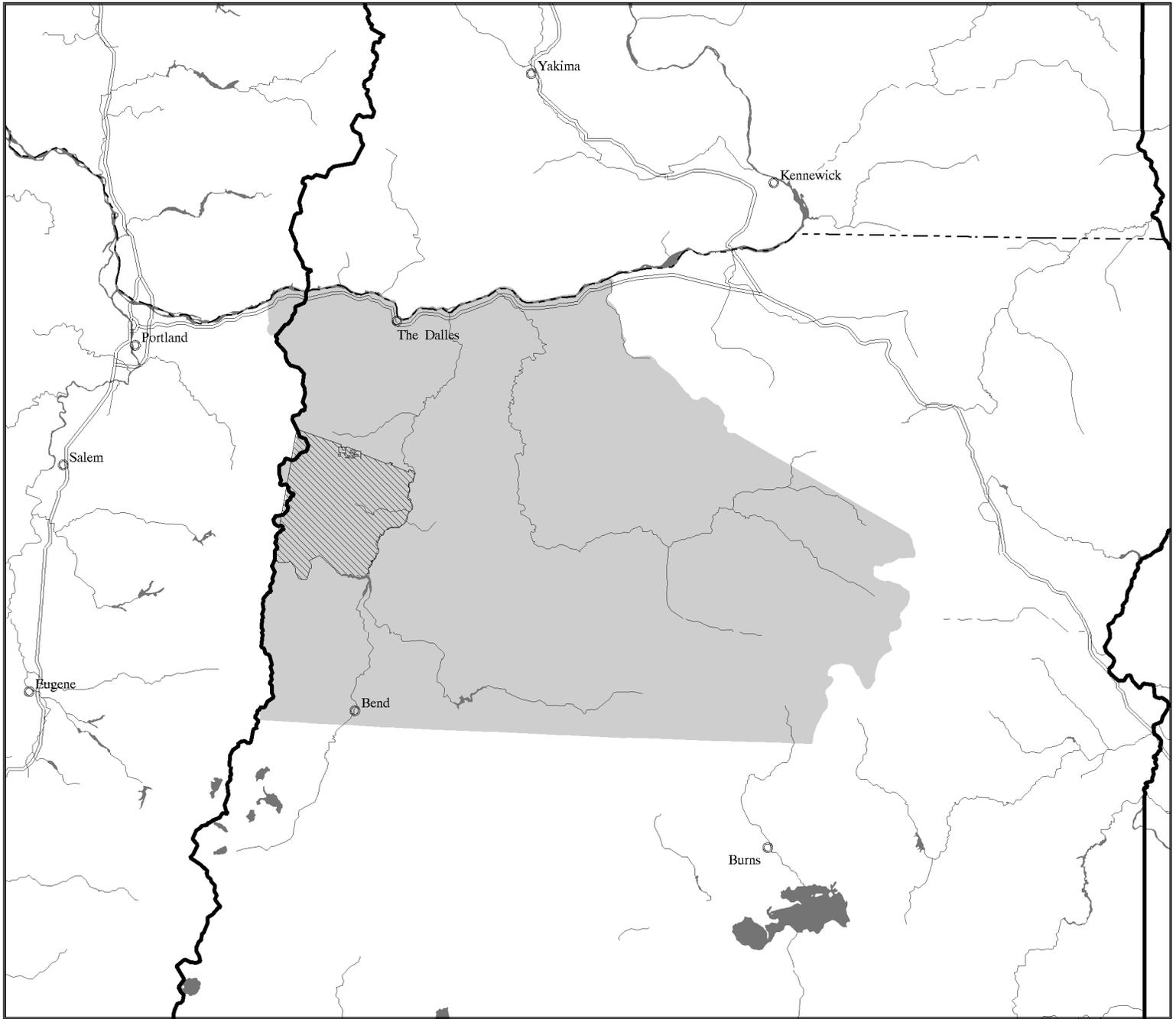
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996

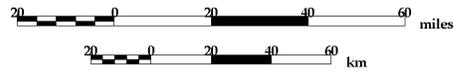


-  Warm Springs Tribes Area of Interest
-  Warm Springs Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border





**Confederated Tribes of the  
Warm Springs Reservation  
Map 2.  
Ceded Lands**

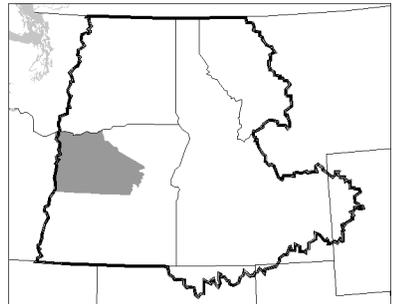


Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996

- Middle Oregon Treaty
- Warm Springs Reservation
- Water
- Major Rivers
- Major Roads
- State Borders
- EIS Area Border



# ***Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington***

## ***Tribes and Bands***

Klickitat, Klinquit, Li-ay-was, Kow-was-say-ee, Oche-chotes, Palouse, Shyiks, Pisquose, Se-ap-cat, Skinpah, Wishram, Wenatshpam, Yakama, and Kah-milt-pah.

## ***Basis for Legal Status***

(inherent sovereignty) Treaty with the Yakama Nation, June 9, 1855; Agreement of January 13, 1885; Executive Order of November 21, 1892: Request to survey and establish boundaries and comply with the Treaty of 1855. The spelling of Yakama was changed back to the original spelling in the Treaty of 1855 by vote of the Tribal Council on Jan 24, 1994 (Yak[i]ma to Yak[a]ma).

## ***Basis for Off-Reservation Interests/Rights***

(inherent sovereignty, aboriginal rights, socio-economic well-being on their reservation and treaty reserved pre-existing rights) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F. 2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations. Yakama Treaty of 1855, Article 3: “*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.*”

## ***Relevant Federal Court Decisions***

(Yakama as a party to case) *U.S. v. Winans* (1905); *Seufert v. Olney*, 193 F. Supp. 200 (E.D. Wash. 1911); *United States v. Seufert Brothers Co.*, 232 F. Supp. 579 (D. Or 1916), aff'd sub nom; *Seufert Brothers Co. v. U.S.* (1918); *Confederated Tribes of Yakima Indian Nation*, 249 U.S. 194 (1919); *Tulee v. State of Wash.* (1942); *Whitefoot v. U.S.*, 293 F. 2d. 658 (Ct. Cl. 1961, cert. denied, 369 U.S. 818) 1962; *Sohappy v. Smith/U.S. v. Oregon* decision (1969); *Settler v. Yakima Tribal Court*, 419 F. 2d 486 (9th Cir. 1969), cert. denied 398 U.S. 903 (1970); *Settler v. Lameer* (1974); *U.S. v. Washington* (1974); *U.S. v. Washington* (1985); *Kittitas Reclamation District v. Sunnyside Valley Irrigation*; *Washington v. Wash. Commercial Passenger Fishing Vessel* (1979); *U.S. v. Washington* (1994).

## ***State Court Decisions***

(Yakama mentioned as a party to case) *U.S. v. Taylor* (1887); *State v. Meninook*, 115 Wash. 528 (1921); *State v. James* (1967).

## ***Land Base***

Pre-treaty: 11.5 million acres or about 25 percent of Washington State. 1855: A reservation was established in south-central Washington; 1885: The Tribe relinquish land for roads, railroads, and depots; 1894: The Tribal Government relinquish the treaty land reserved for the Wenatshapam Fishery; Through Executive Order 11670, signed by the President on May 20, 1972, Tract D was transferred to the Yakima Nation from the U.S. Forest Service. Tract D includes 21,000 acres, 10,000 of which retained its wilderness status. Today's reservation: 1.3 million acres south-central Washington (102,441 acres Trust land, 34,522 acres Fee land, and 38 acres administered by BIA).

**Tribal Headquarters**

Yakama Indian Nation; Fort Road, P.O. Box 151, Toppenish, Washington 98948;  
Phone: 509-865-5121; Fax: 509-865-2049; Office hours: M-F, 7:30am–4:30pm.

**Tribal Population**

1855: 3,900 [est.]; 1992: 8,500; 1995: 8,435.

**Cultural Affiliation**

Plateau Cultural Region.

**Religions**

Washat (Seven Drums), Feather, Shaker, and Christian denominations.

**Languages**

English, Numerous Sahaptin dialects, Chinookan, and Salish.

**Governance**

The Tribal Council is the governing body by the authority enacted by the General Council Resolution T-38-56. The modern form of democratic government is defined by the General Council Resolution of February 18, 1944, General Council Resolution Number 4 of July 9, 1947, General Council Resolution of July 12, 1949, General Council Resolution T-38-56 of December 6, 1955, and Tribal Council Resolution T-10-61 of July 13, 1960. The tribe has a self-determination form of government, and functions through traditional laws, ordinances and resolutions as opposed to having a constitution.

**Pre-Treaty Economy**

Fishing/Gathering/Hunting; Extensive inter-tribal commerce with regional influence.

**Tribal Enterprises**

Yakama Nation Land Enterprise; Recreational Vehicle Park; Wapato Industrial Park; Real Yakama Fruit Stand; Production Orchards; Mont. Adams Furniture Factory; Heritage Inn Restaurant; Yakama Nation Credit Enterprise; Yakama Nation Cultural Center; Buffalo Herd Project.

**Tribal Private Sector**

Agriculture; ranching; fisheries; forestry; arts and crafts; construction; retail trade; and other commercial services.

**Reservation Education Institutions**

Heritage College, White Swan Road; Phone: 509-865-2244.

**Museum**

Yakama Nation Museum; South of highway 97, Toppenish, WA; Phone: 509-865-2800.

**Tribal Newspaper**

Yakama Nation Review; P.O. Box 310, Toppenish, WA 98948; Phone: 509-865-5121. Published every other Friday.

**Tribal Programs (off-reservation involvement)**

Fisheries; Cultural Resources; Wildlife; Forestry Management; Environmental Protection; Environmental Restoration Waste Management; Economic Development.

**Tribal Fisheries**

Wind, Klickitat, Yakama, Wenatchee, Columbia, Little White Salmon, Big White Salmon, Methow, Entiat, and Okanogan Rivers.

### **Tribal Contact**

Lee Carlson, Fisheries Biologist; Phone: 509-865-6262; (DG-L.Carlson:R06F17D08A. Mr. Carlson monitors Forest Service and BLM agency programs and activities.

### **Agency Contact**

Ernie Clark, Superintendent, Yakama Agency, BIA; Phone: 509-865-5121.

### **Significant Events and Dates**

*Socio-cultural:* Salmon and Root Feasts are held in April-May; Huckleberry Feasts in late June to early August; Speelyi-Mi Annual Indian Trade Fair in mid-March; Various Pow Wow dances; Basketball Tournaments; All-Indian Golf Tournament; Rodeos; Veterans dinners at Pioneer Fair, Indian Village Toppenish, WA are held throughout the year.

*Government:* Elections are held every two years to elect one-half of the Council for four-year terms.

### **Yakama Tribal Council**

Ross Sockzehigh, Chairman; Jerry Meninick, Vice-Chair; Sharon Goudy, Secretary; Augustine Howard, Assistant Secretary; Clifford Moses Sr., Sergeant at Arms; Council members: Russel Billy, Dave Blodgett, Fred Ike, Sr., Ray C. James, Wendall Hannigan, Lonnie Selam Sr., Cecil Sanchez, Arlene Washines, and William Yallup Sr.

The Tribal Council consists of 14 members elected by the General Council membership, 18 years and older. The General Council is led by elected council representatives. The Tribe's daily business is overseen by the Tribal Council; their 8 standing committees and 7 special committees are comprised solely of Tribal Council members. Staff work supporting the committees is done by tribal programs and departments. Federal agency activity issues are typically worked out through a designated tribal liaison and supporting tribal staff to the committees; they in turn report to the full Tribal Council.

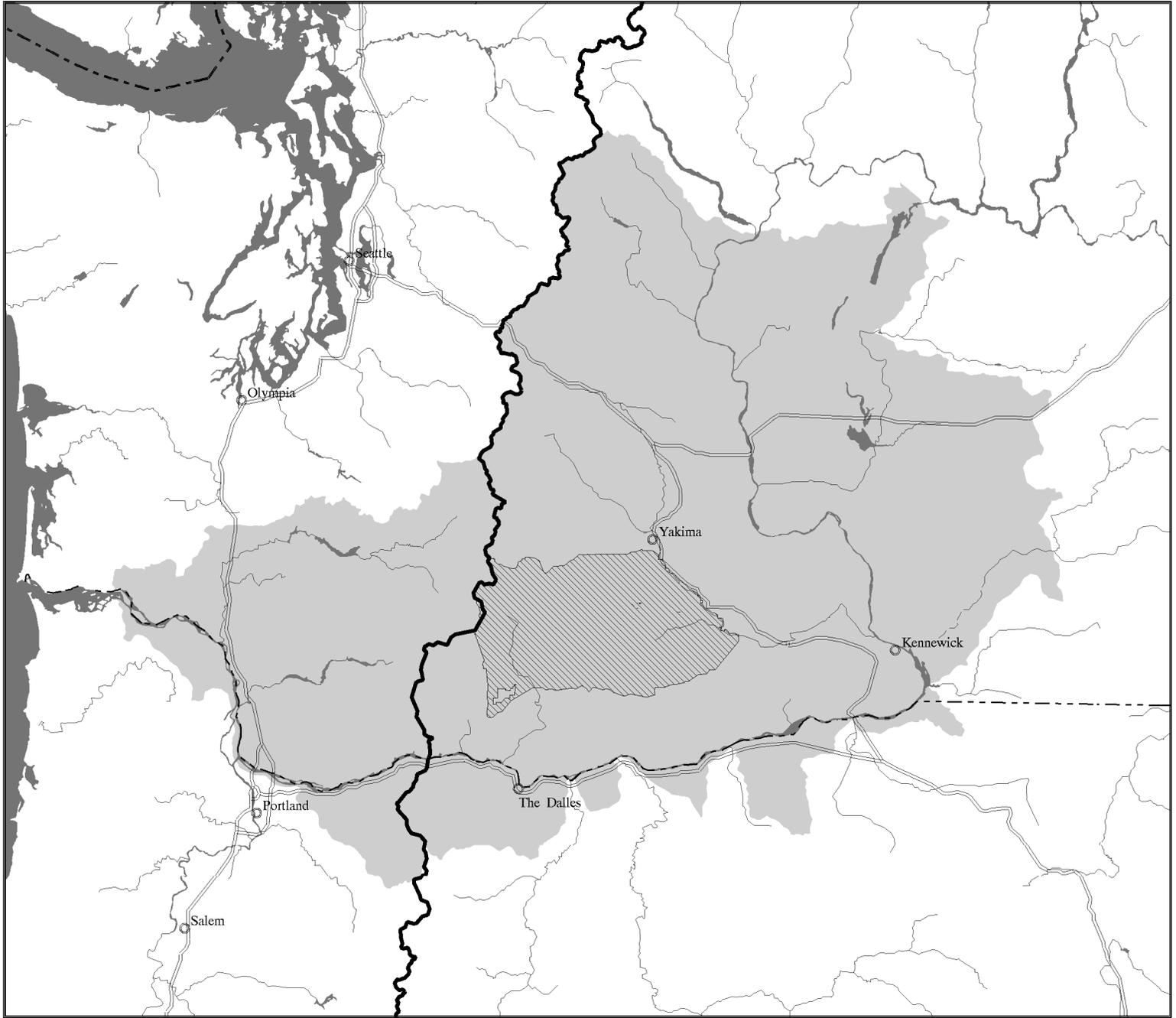
### **General Council**

Jeffery Bill, Chairman; Tony Washines, Vice-Chairman; Joe Jay Pinkham, Secretary.

### **Tribal Council Committees**

Eight standing committees: Timber; Grazing, Overall Economic Development; Fish, Wildlife, and Law and Order; Loan, Extension, Education and Housing; Health, Employment, Welfare, Recreation and Youth Activities; Roads, Irrigation and Land; Enrollment; Legislative; Budget and Finance;

Seven Special Committees: Tax; Immigration; Public Relations/Media; Cultural; Radioactive/Hazardous Waste; Heritage Center; Timber, Fish and Wildlife.

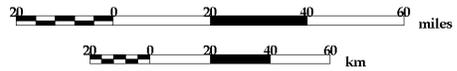


**Confederated Tribes and  
Bands of the Yakama Indian Nation  
Map 1.  
Area of Interest**

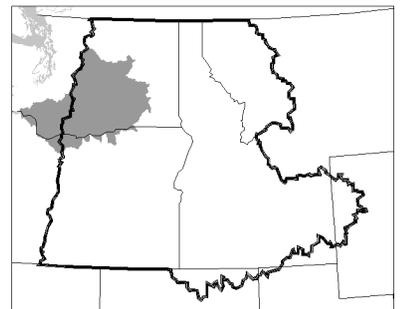
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

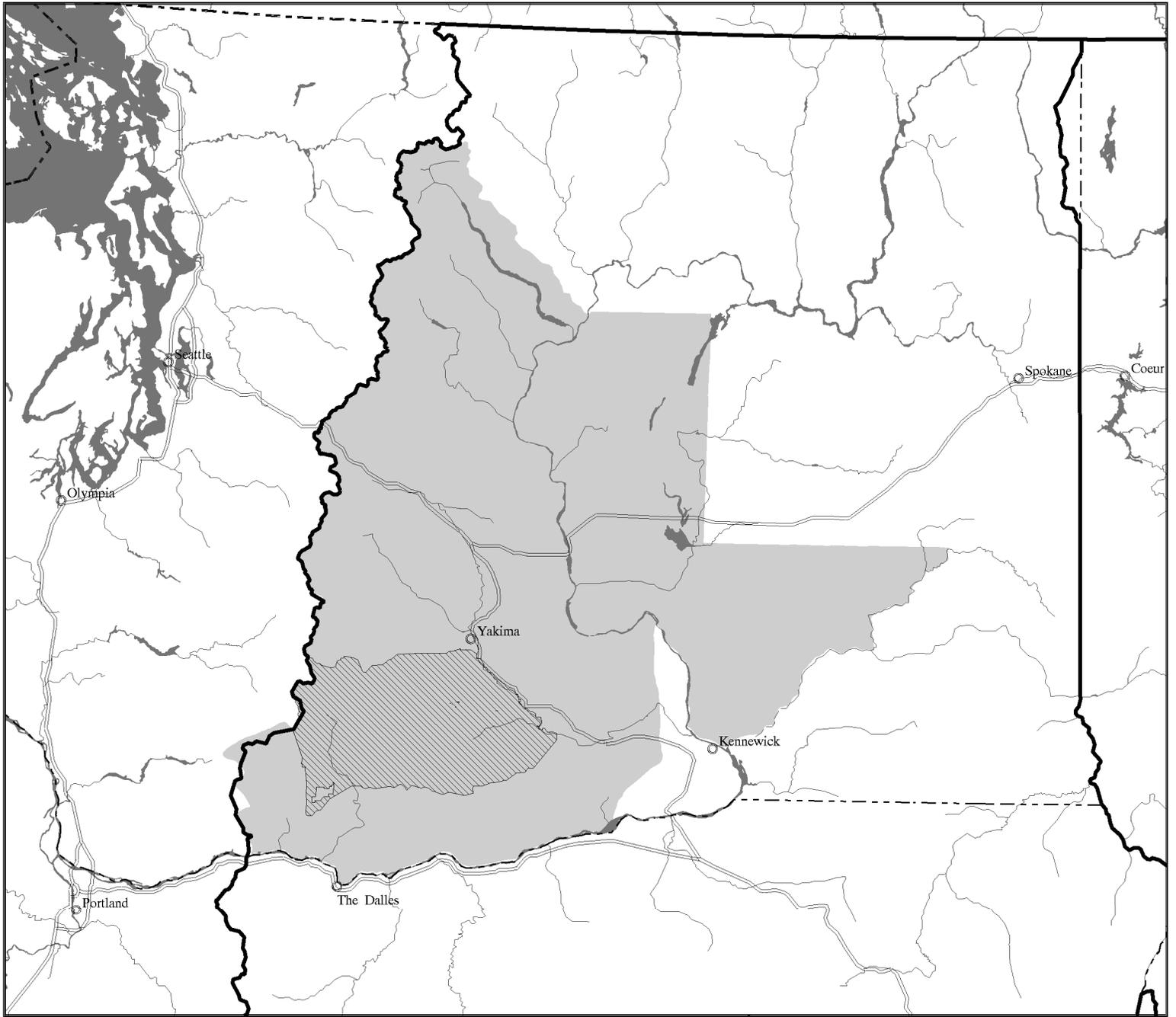
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Yakama Tribes Area of Interest
-  Yakama Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



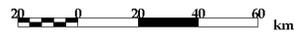


**Confederated Tribes and  
Bands of the Yakama Indian Nation  
Map 2.  
Ceded Lands**

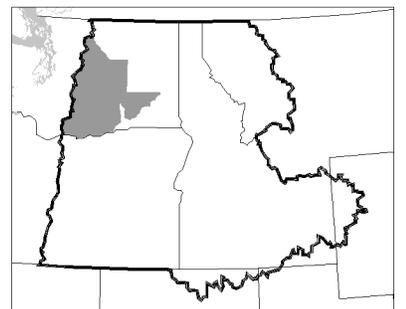
Source: Dept. of Interior, Portland Area BIA Jurisdiction,  
Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Yakama Treaty
-  Yakama Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# **Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada**

## **Tribes and Bands**

Northern Paiute and Shoshone Tribes. The Denio and McDermitt area was the southeastern most territory of the Northern Paiute.

## **Basis for Legal Status**

(inherent sovereignty) This reservation was established as a military post in 1867 and abandoned some years later. The site was transferred to the Secretary of the Interior by Executive Order in 1889, making the area public domain land. The act of August 1, 1890 authorized the disposition of the land under the Homestead Law. In 1892, allotments of this land were made to the Indians under the General Allotment Act of 1887.

## **Basis for Off-Reservation Interests/Rights**

(inherent sovereignty, and socio-economic well-being on their reservation.) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect water quality/quantity, air quality, or property of Indian reservations.

## **Land Base**

1892: 35,000 acres under the Homestead Act were granted to the Tribes around the fort after the facilities were dissolved. Today's reservation: 35,166 acres are Tribal owned in Nevada (16,336) and in Oregon (18,830); 116,192 acres are in tribal trust.

## **Tribal Headquarters**

Fort McDermitt Paiute-Shoshone Tribe; Fort McDermitt Tribal Council, P.O. Box 457, McDermitt, NV 89421; Phone: 702-532-8259; Fax: 702-532-8903.

## **Tribal Population**

1996: 395 enrolled members reside on or adjacent to the reservation; total membership is about 840.

## **Religions**

Traditional religions and Christian denominations.

## **Languages**

English, Paiute and Shoshoni.

## **Governance**

The Tribe adopted the Indian Reorganization Act of 1934. Constitution and By-laws were adopted in 1936. The governing body is the Tribal Council, whose eight members are elected to serve 4-year terms.

## **Tribal Enterprises**

About 3500 reservation acres were irrigated in the 1980s, and plans were made to develop water storage along the Quinn River in Northern Nevada. Employment opportunities exist through tribal programs, projects, and government activities. Specialized agricultural crops, including potato farms, provide some employment; other opportunities are seasonal or limited to ranching and

agricultural enterprises. Fort McDermitt Cattlemen's Association was established through the BIA using the authority of the Indian Re-organization Act. They have interest in about 35,000 acres of BLM range lands adjacent to their reservation. Production of forage hay and pasture is viable on the reservation, but water availability is sporadic except in above normal water years.

### ***Tribal Programs (off-reservation interests)***

Cultural Resources, and range program.

### ***Tribal Contact***

Wilson Crutcher, Chairman; Fort McDermitt Tribal Council; P.O. Box 457, McDermitt, NV 89421; Phone: 702-532-8259; Fax: 702-532-8903.

### ***Agency Contact***

Robert Hunter, Superintendent, BIA; 1677 Hot Springs Rd. Carson City, NV 89706; Phone: 702-887-3503; Fax: 702-887-3531.

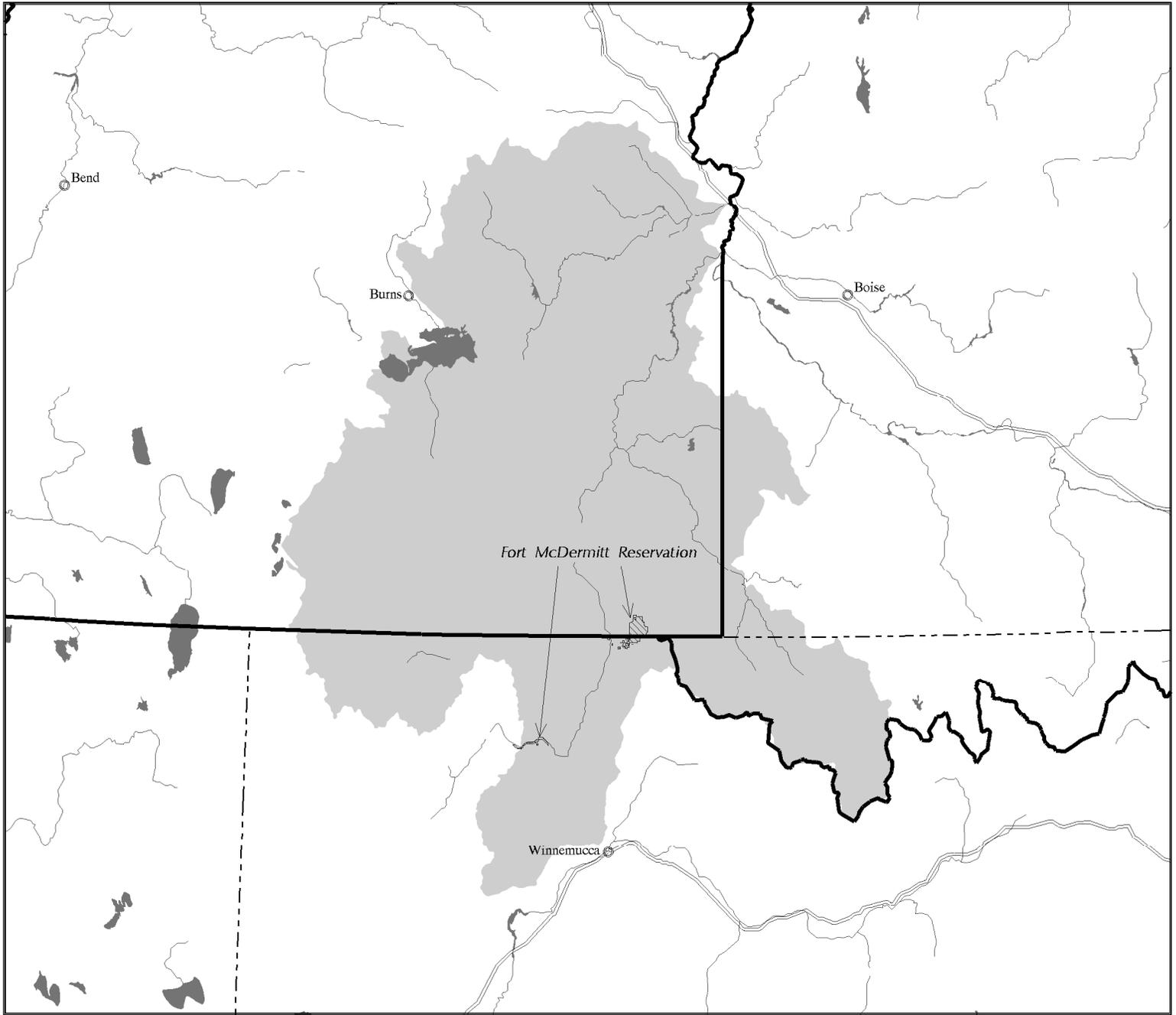
Scott Bell, District Ranger, Forest Service; 2035 Last Chance Rd. Elko, NV 89801-4938; Phone: 702-738-5171; Fax: 702-778-0299.

### ***Significant Events and Dates***

*Government:* The Tribal Council elections are held every four years in November. The last election was held in November 1995. The Tribal Council meets on the second Tuesday of each month; the enrolled members of the General Council are welcome to attend.

### ***Tribal Council***

Wilson Crutcher, Chairman; Ernestine Coble, Treasurer; Council members: Bradley Crutcher. Remaining 5 council positions are pending.



**Fort McDermitt Paiute  
and Shoshone Tribes  
Map 1.  
Area of Interest**

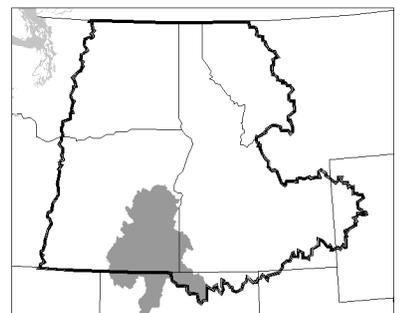
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Fort McDermitt Tribes Area of Interest
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# ***Kalispel Indian Community of the Kalispel Reservation, Washington***

## ***Tribes and Bands***

“People of the Pend Oreille”

## ***Basis for Legal Status***

(inherent sovereignty) Executive Order April 21, 1887 (agreement with about 50 percent the tribe); April 23, 1904: Executive Order established the reservation; March 23, 1914: Allotment Act 1924 Lower Pend d’Oreille or Kalispel Tribe. The Kalispel were known as the Aqulispillem, a personified form of the place name applied to their Kalispel Lake camas grounds, literally meaning Kalispel People. The Chewelah were a group of Kalispel that migrated to their historic homeland. The Chewelah were known as the Slateise, a personified form of a place name.

## ***Basis for Off-Reservation Interests/Rights***

(inherent sovereignty, and socio-economic well-being on their reservation.) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect water quality/quantity, air quality, or property of Indian reservations.

## ***Land Base***

Pre-treaty: The homeland of the Kalispel tribe encompassed an area from western Montana, southeastern British Columbia, and approximately 200 miles along the Pend Oreille River in northern Idaho, a portion of northwestern Montana, and northeastern Washington. 1890 to 1914: U.S. Government attempted to move the Kalispel to the Flathead Reservation; March 23, 1914: The Kalispel Tribe was provided a 4,630 acre reservation in Washington of which about 410 acres is owned by the Tribe. Today: The reservation is about 4550 acres.

## ***Tribal Headquarters***

Kalispel Tribe of Indians; P.O. Box 39, Usk, WA 99180-0039; Phone: 509-445-1147; Fax: 509-445-1705; Tribal offices open only M-Th.

## ***Tribal Population***

1780: 1200-1500; 1850: 500-600; April 8, 1872: 420; 1911: 100; 1875: 395; Today: 327.

## ***Cultural Affiliation***

Southern Plateau.

## ***Religions***

Christian denominations, primarily Catholic.

## ***Languages***

English and Northwest Interior Salish dialects.

## ***Governance***

The Tribal Constitution and Charter was adopted on March 24, 1938 and revised on July 27, 1967. In addition to the Constitution, Tribal Council resolutions create tribal law. The five member Tribal Council is elected to three year terms.

**Pre-Treaty Economy**

Subsistence based: Hunting, fishing, gathering, and trading.

**Tribal Enterprises**

Kalispel Case Line; Kalispel Metal Products; Sen-tu-me Store; Buffalo Enterprises, Kalispel Ceremonial Park.

**Tribal Newspaper**

The Tribe publishes information regularly in the New Cusick Newsletter, published weekly.

**Tribal Programs (off-reservation interests)**

Cultural resource program.

**Tribal Contact**

Glen Nenema, Director, Kalispel Business Committee; P.O. Box 39 Usk, WA 99180; Phone: 509-445-1147. Bill Towey, Natural Resource Department.

**Agency Contact**

George Buckingham; Colville National Forest; Phone: 509-684-3711; Fax: 509-684-7280.

**Significant Events and Dates**

*Socio-cultural:* Barter Fair Pow Wow held in May and September; Salish Traditional Fair held annually in the second week of August; Kalispel Indian Rodeo; Annual Mass at the New Manresa Grotto.

*Government:* General Council meets at least once a year, usually in early fall. The Tribe holds Tribal Council elections in June of each year. These five positions are three year terms. Over a three year period, all Council positions are elected. In the first year, two positions are filled; in the second year, one position is filled; in the third year, two positions are filled.

**Tribal Council**

Glen Nenema, Chairman; Lloyd Finley, Vice-Chair; Susan Finley, Secretary; Loren Bowman, Stan Bluff, Council meets as needed.

**General Council**

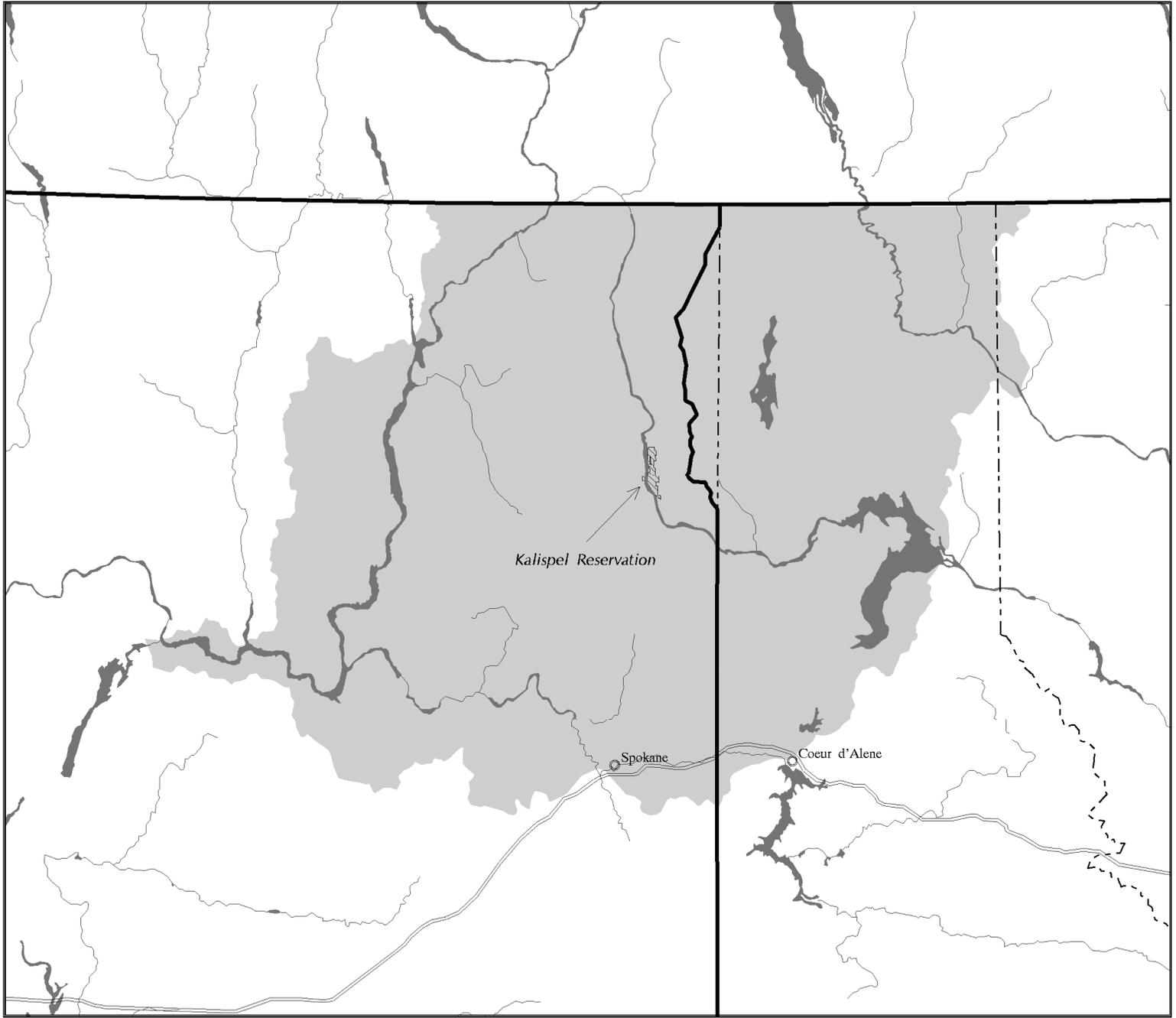
Enrolled tribal members, 18 years of age or older, meet at least once a year to address tribal business and help provide direction to the General Council.

**Tribal Committees**

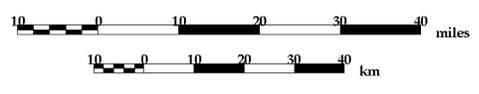
Lorraine Wood, Administration and Business; Robert Russell, Community Services; Mike Jones, Community Development; Bill Towey, Natural Resources; Dave Bonga, Planning, Education and Research.

**References**

An excellent reference to get an expanded picture of the Kalispel Tribe is the publication called *The Kalispels: People of the Pend Oreille*, 1980, O. J. Cotes, Editor and Project Director. Published by the Office of Technical Assistance and Training, Brigham City, Utah 84302.



**Kalispel Tribe of Indians  
Map 1.  
Area of Interest**

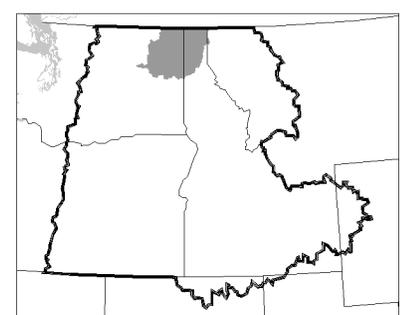


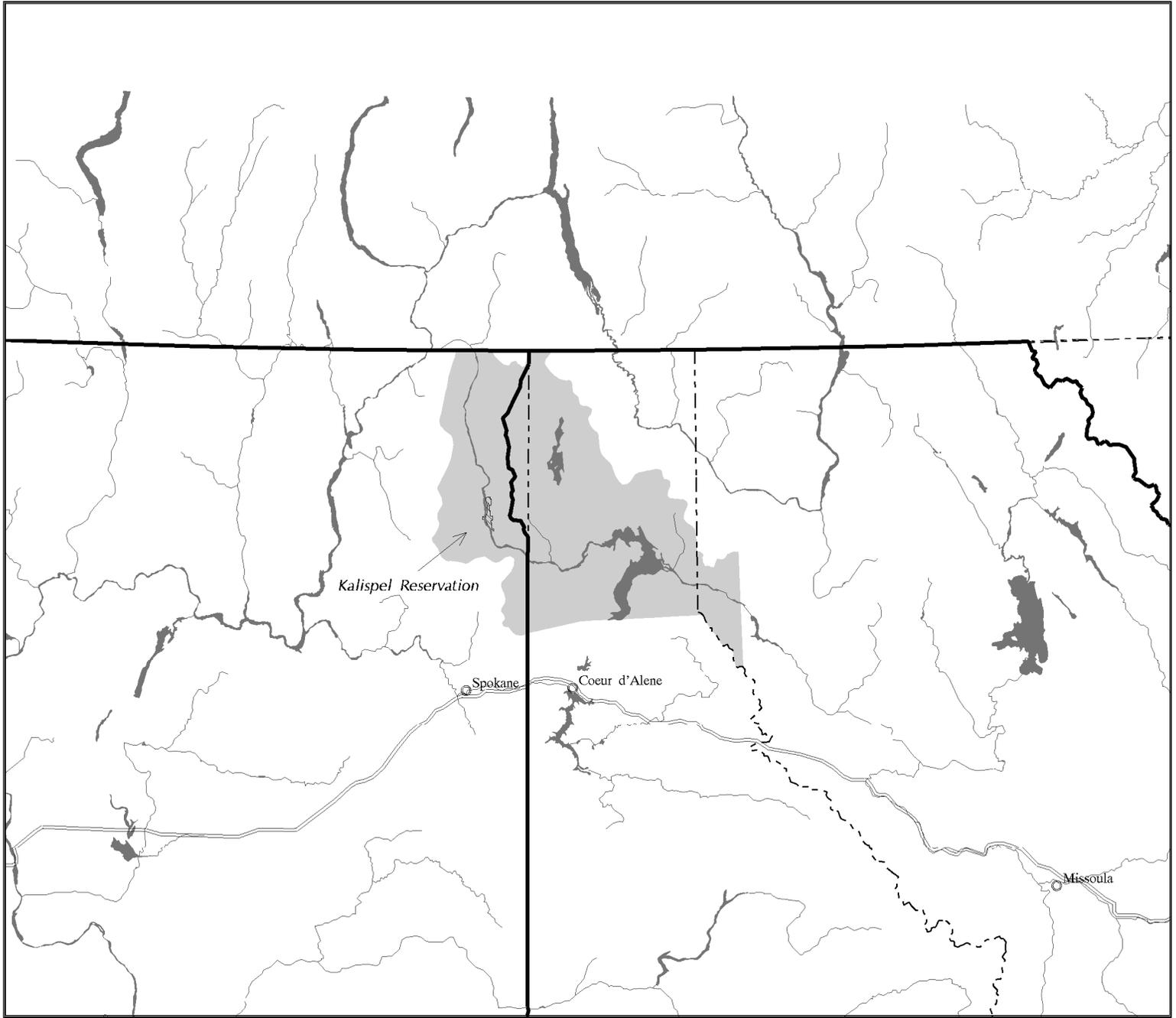
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996

-  Kalispel Tribe Area of Interest
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border





**Kalispel Tribe of Indians  
Map 2.  
Court of Claims**

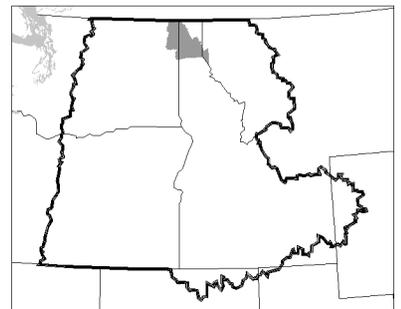
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Kalispel Tribe of Indians Court of Claims
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# Kootenai Tribe of Idaho

## **Tribes and Bands**

The Kootenai were composed of two groups: Upper and Lower. Like the more plains-like Upper Kootenai bands, the Lower bands relied predominantly on fisheries and other aquatic and terrestrial resources similar to other Columbia Basin groups. Two of the three bands of Lower Kootenai now reside in Canada.

## **Basis for Legal Status**

(inherent sovereignty) Treaty with the Flathead, Kootenai, and Upper Pend d'Oreilles, July 16, 1855. Treaty with the Flatheads, Kootenai, and Upper Pend d'Oreilles, 1855; Article 3: *"The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land."*

## **Basis for Off-Reservation Interests/Rights**

(inherent sovereignty, and socio-economic well-being on their reservation.) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect water quality/quantity, air quality, or property of Indian reservations.

## **Land Base**

Pre-contact: The Kootenai occupied a large (greater than 1 million acres) area of the Upper Columbia Basin in northern Idaho, northwest Montana and southeast British Columbia. Some Lower Kootenai of northern Idaho, living in the vicinity of the Canadian border near Bonner's Ferry and Creston, British Columbia did not move to the Flathead Reservation in Montana. A group of families near Bonner's Ferry were recognized by the U.S. Government in 1894. Primarily through the allotment process in 1890s, a small land base of 135 acres was established. 1972 reservation: 2,683 acres; today's reservation: approximately 1300 acres.

## **Tribal Headquarters**

Kootenai Tribal Council; P.O. Box 1269, Bonners Ferry, ID 83805; Phone: 208-267-3519; Fax: 208-267-2960.

## **Tribal Population**

1995: 110 enrolled members. The size of the reservation population fluctuates as people move freely between Kootenai settlements in Idaho and British Columbia.

## **Religions**

Christian denominations and Traditional beliefs.

## **Languages**

English, and Kitunahan dialects.

## **Governance**

The Tribe adopted a Constitution in 1947. The Tribe has proposed a revision of their Constitution, but has yet to be approved by the Secretary of the Department of Interior. In addition to the Constitution, the Tribe is regulated by a code of conduct.

**Pre-Treaty Economy**

Traditional fishing, hunting and gathering, etc.

**Tribal Enterprises**

Best Western Kootenai River Inn; Tribal Gaming Resort.

**Tribal Programs (off-reservation interests)**

The Tribe operates a fish hatchery for Threatened and Endangered, White Sturgeon and cultural resource program.)

**Tribal Fisheries**

Kootenai River.

**Tribal Contact**

Preston Kinne, Environmental Project Coordinator; Kootenai Tribal Council; P.O. Box 1269, Bonners Ferry, ID 83805; Phone: 208-267-3519; Fax: 208-267-2960.

**Agency Contact**

Elaine Zieroth, District Ranger, Bonners Ferry Road, Idaho Panhandle National Forest, Bonners Ferry, ID 83805; Phone: 208-267-2512.

**Significant Events and Dates**

*Socio-cultural:* 2nd week in June, Kootenai Tribe of Idaho Pow Wow holiday, Bonners Ferry, Idaho.

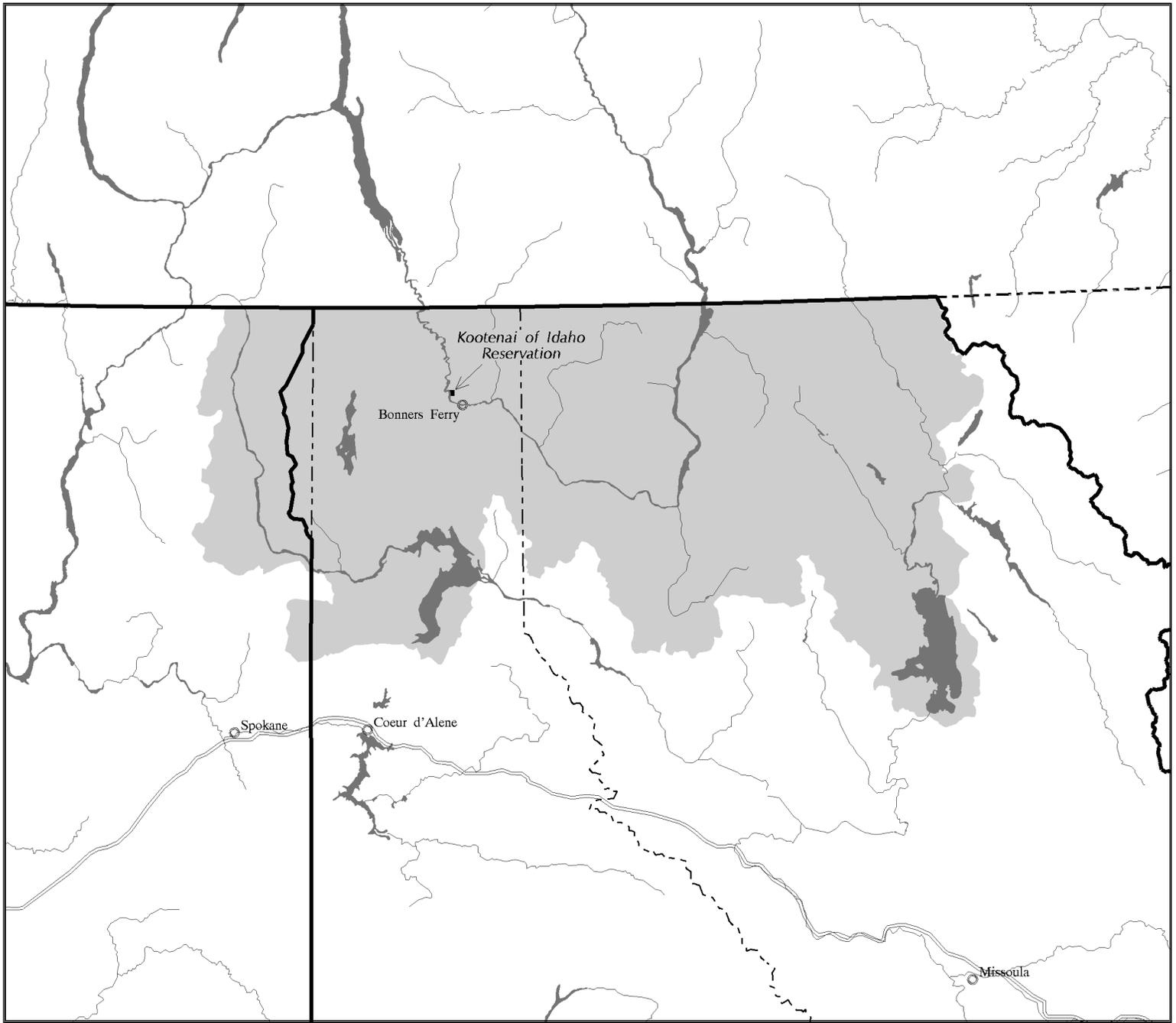
*Government:* Tribal Council meetings are held regularly; General Council meetings are held quarterly; District meetings are held monthly. Tribal Council members are elected from four reservation districts by the General Council. The Tribal Council is elected for four year terms. The last election for the entire Tribal Council was held in October 1995. The reservation is divided into four districts; three districts have two Tribal Council positions each, and the fourth district has one position.

**Tribal Council**

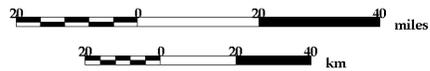
Velma Bahe, Chairperson; Bernadine Boy Chief, Vice-Chair; Ileen Wheaton, Secretary; Myuk, Treasurer; Council members: Dixie Abraham; Amy Trice; Diane David. Kootenai Tribal Council: Phone: 916-335-5421 or 800-305-5551.

**General Council**

Enrolled tribal members, 18 years of age or older, meet at least once a year to address tribal business and help provide direction to the General Council. General Council meets at least once a year in May and may convene special meetings as warranted by Tribal issues.



**Kootenai Tribe of Idaho  
Map 1.  
Area of Interest**

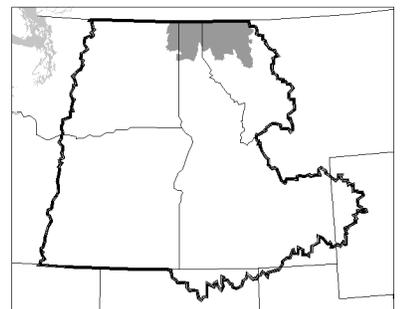


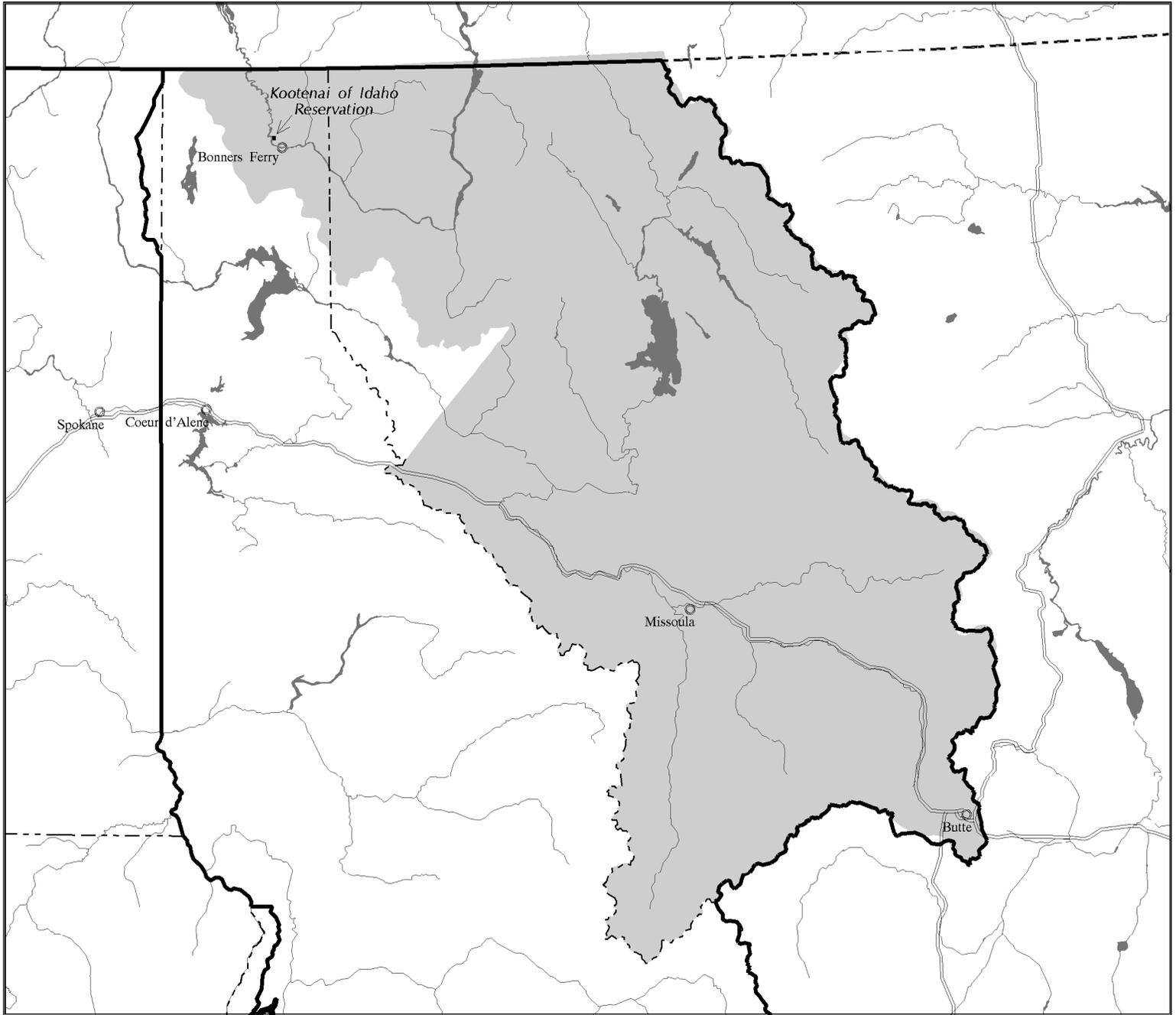
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996

-  Kootenai Tribe of Idaho Area of Interest
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border





**Kootenai Tribe of Idaho  
Map 2.  
Ceded Lands**

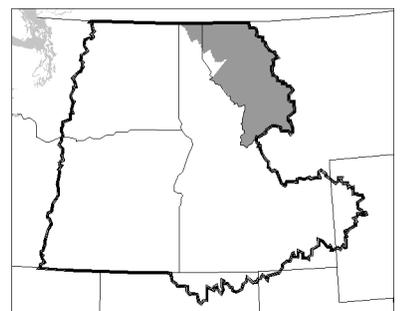
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Flathead Treaty
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# Nez Perce Tribe of Idaho

## **Tribes and Bands**

Nez Perce Tribe and bands.

## **Basis for Legal Status**

Treaty with the Nez Perce Tribe, June 11, 1855; Nez Perce Treaty, June 9, 1863; Act, March 3, 1863; Treaty with Nez Perce Tribe, August 13, 1868; Agreement with Nez Perce, May 1, 1893; Proclamation, February 8, 1887; Proclamation, November 8, 1895; Act of Congress, February 6, 1909.

## **Basis for Off-Reservation Interests/Rights**

(inherent sovereignty, socio-economic well-being on their reservation and reserved rights) Treaty with the Nez Perce of 1855, Article 3: “The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.” Treaty with the Nez Perce of 1863, Article 8: “The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians.”

## **Relevant Federal Court Decisions**

(Nez Perce as party to case) *Oregon v. Green*. *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981) and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations.

## **State Cases**

*State v. Arthur*, 261 P.2d 135, 74 Idaho 251; *State v. McConville*.

## **Land Base**

Pre-treaty: 13 million acres in central Idaho, northeastern Oregon, and southeastern Washington; June 9, 1855: Reservation established encompassing 7.7 million acres; 1858: Allotted 180,270 acres—2,170 acres reserved for church and cemetery, and 32,020 acres for a timberland reserve; June 9, 1863: Relinquish reservation and re-establish one with 780,000 acres in western Idaho between Snake and Clearwater Rivers; May 1, 1893: Ceded and sold to U.S. Government all unallotted lands on the reservation with exception of “the boom”; today’s reservation: 750,000 acres; approximately 90,000 acres owned by the Tribe.

## **Tribal Headquarters**

Nez Perce Tribe; Beavergrade Road and Main, Lapwai, Idaho 83540; Phone: 208-843-2253; Office hours: M-F, 8:00am–4:00pm.

## **Tribal Population**

Pre-treaty: 7,000 [est.]; 1995: 3,170 enrolled members.

## **Cultural Affiliation**

Plateau Cultural Region.

**Religions**

Christian denominations, Seven Drums, and Indian Shaker.

**Languages**

English and Sahaptian: Nez Perce language dialects.

**Governance**

Rejected Indian Reorganization Act in 1935 by tribal referendum. Established 9 member Nez Perce Executive Council under a Constitution with By-laws in 1927; concentrated authority under a 1948 Constitution, which was adopted in 1948 (revised in 1961). The tribe is self-governing.

**Pre-Treaty Economy**

Hunting, fishing, and gathering; trade from Great Plains areas westward down the Columbia River; horse breeding.

**Tribal Enterprises**

Tribal convenience stores: Nez Perce Express I and II; Nez Perce Forest Products Enterprises; Nez Perce Limestone Enterprises; Nez Perce Clearwater Casino.

**Tribal Private Sector**

Farming; ranching; fishing; Appaloosa horse breeding; arts and crafts; retail trade; and other commercial services; The Nez Perce Express; Fireworks & Tobacco Sales.

**Museum**

Nez Perce National Historical Park Visitor Center (11 miles east of Lewiston, Idaho); Franklin C. Walker, Park Superintendent; Highway 95, Spalding, Idaho 83551; Phone: 208-843-2261.

**Tribal Newspaper**

Tots Tatoken, P.O. Box 365, Lapwai, ID 83540; Phone: 208-843-7375. Published monthly.

**Tribal Programs (off-reservation involvement)**

Cultural Resources; Salmon Youth Corps.; Fisheries; Environmental Protection; Water Quality/Quantity Restoration.

**Tribal Fisheries**

Clearwater Forks, Grande Ronde, Imnaha, Payette, Powder, Rapid, Salmon, Lower Snake, Lochsa Selway, North Fork Salmon, and Columbia Rivers. This is to be understood to include all those tributaries and water bodies originating on the reservation and fisheries in the tribes area of interest, and all the tribe's usual and accustomed fishing grounds and stations.

**Tribal Contact**

Allen Pinkham; P.O. Box 365, Lapwai, Idaho 83504; Phone: 208-843-2253; Fax: 208-843-7371. DG- A.Pinkham:R01F05A.

**Agency Contact**

Elliot Moffet, Superintendent, Northern Idaho Agency, BIA; P.O. Drawer 277, Lapwai, ID 83540-0277; Phone: 208-843-2300; Fax: 208:843-7142.

**Significant Events and Dates**

*Socio-cultural:* There are a number of socio-cultural events (for example, annual basketball tournament, Root and Salmon Feasts, Pow Wow dances) and unanticipated events (funerals, memorials, illnesses) that may obligate extended families during the year that could affect meeting schedules.

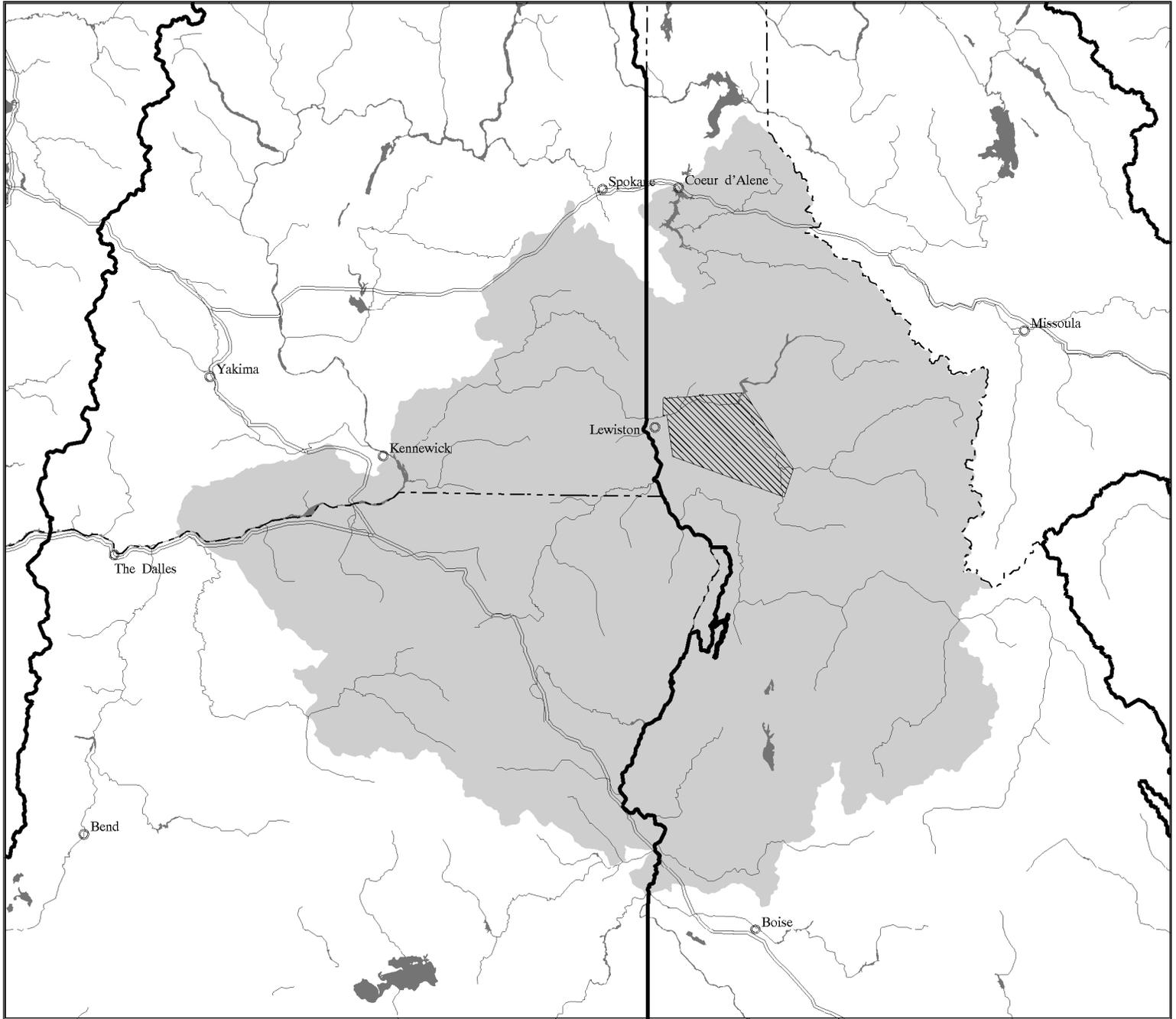
*Government:* The Nez Perce Tribal Executive Committee (NPTEC) meets on the 2nd and 4th Tuesdays of every month. The NPTEC subcommittees meet during the two weeks prior to the general meetings. The General Council of tribal members elects three of the nine members every year in the 1st full weekend in May. NPTEC elects its own officers each year after the General Council elections in May.

### ***Executive Committee***

Nez Perce Tribal Executive Committee, NPTEC; P.O. Box 305, Lapwai, ID 83540; Phone: 208-843-2253; Samuel N. Penney, Chairman; Wilfred A. Scott, Vice-Chairperson; Tonia Garcia, Secretary; Jaime A. Pinkham, Treasurer; Arthur Taylor, Jr., Assistant Secretary/Treasurer; Carla Higheagle, Chaplin; Members: Julie A. Davis, Della Wheeler Cree, Del T. White.

### ***General Council***

Enrolled tribal members, 18 years of age or older, meet at least once a year to address tribal business and help provide direction to the General Council. The General Council meets two times annually to conduct elections and business. The Nez Perce constitution does not provide for special General Council meetings. The General Council elects its officers in September.

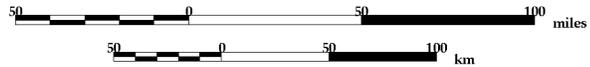


**Nez Perce Tribe  
Map 1.  
Area of Interest**

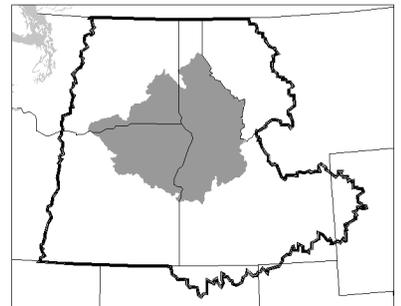
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

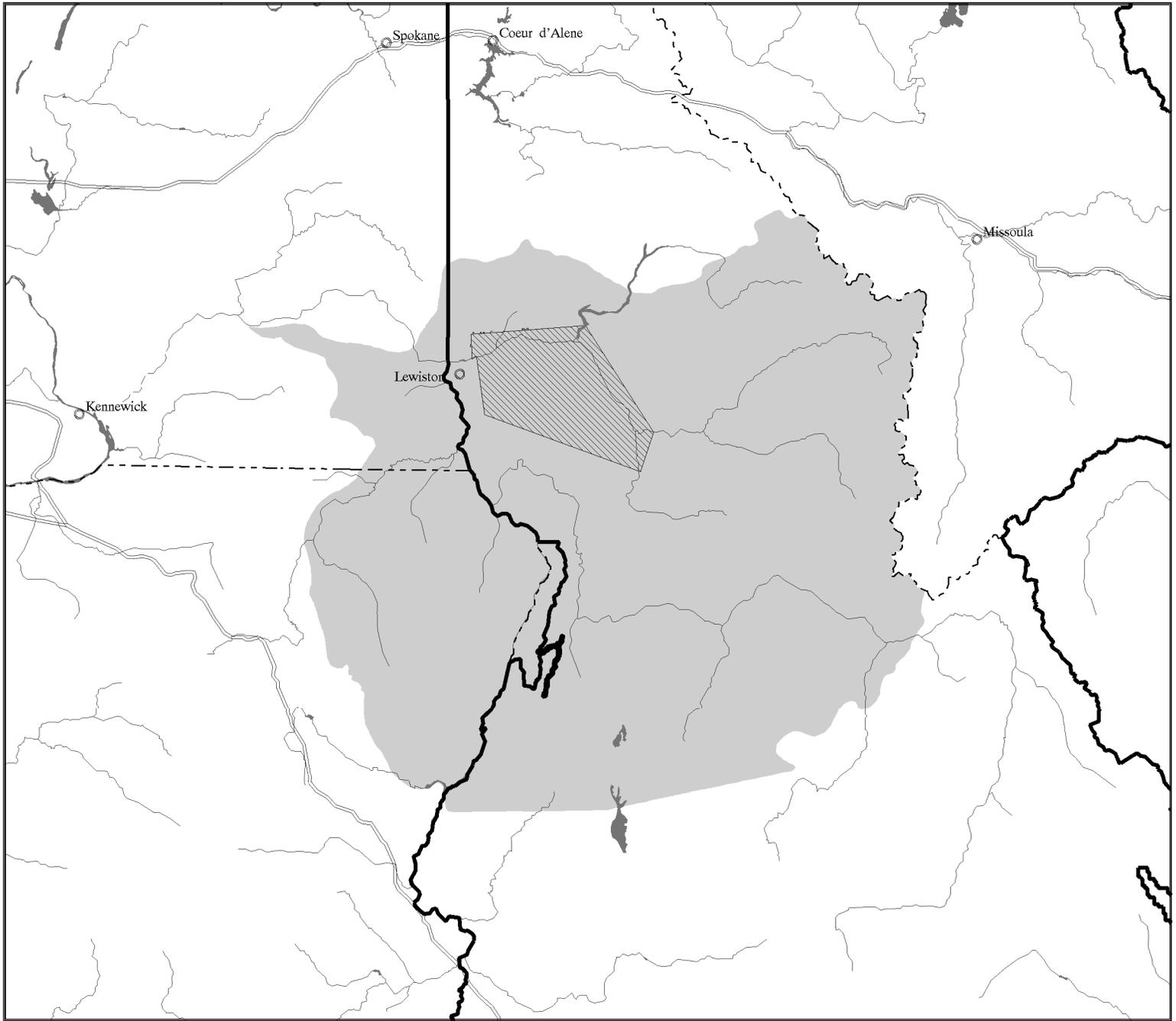
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Nez Perce Tribe Area of Interest
-  Nez Perce Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



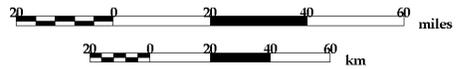


**Nez Perce Tribe  
Map 2.  
Ceded Lands**

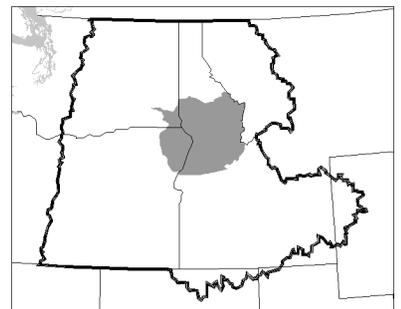
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Nez Perce Treaty
-  Nez Perce Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# ***Northwestern Band of the Shoshoni Nation of Utah (Washakie)***

## ***Tribes and Bands***

The subsistence range for some of the NW Shoshoni peoples, whose core homeland is in northern and western Utah, included the southeast corner of Idaho. Several bands signed the Box Elder Treaty of 1865, and by 1900, many resided on the Fort Hall Reservation. The NW Band of Shoshoni Indians and received recognition in 1980.

## ***Basis for Legal Status***

Treaty of Box Elder, June 30, 1863; Treaty with the Eastern Shoshoni, July 2, 1863; Treaty with the Eastern Band Shoshoni and Bannock, July 3, 1868; Act to Ratify an Agreement with the Eastern Shoshoni, September 26, 1872, ratified December 15, 1874; Act to Ratify an Agreement with the Shoshones, Bannocks, and Sheepeaters of the Fort Hall Reservation, May 14, 1880, ratified February 23, 1889; Act to Ratify an Agreement with the Shoshone and Bannock Tribes at Fort Hall, July 18, 1881, ratified on July 3, 1882.

## ***Basis for Off-Reservation Interests/Rights***

(inherent sovereignty, socio-economic well-being on their reservation) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have a trust obligation when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations.

## ***Land Base***

In 1989 the L.D.S. church gave the Tribe 187 acres of land that constitutes the Tribe's reservation. Nearby there are additional lands held in trust by the Bureau of Indian Affairs.

## ***Tribal Headquarters***

NW Band of the Shoshoni Nation; 695 S. Main #6, Brigham, UT 84302; Phone: 801-734-2286; Fax: 801-734-0424.

## ***Tribal Population***

In 1996 there were 383 enrolled members in Idaho and Utah.

## ***Religions***

Traditional religions and Christian denominations.

## ***Languages***

Shoshone.

## ***Governance***

They have an approved constitution as August 24, 1987. They did not accept the Indian Reorganization Act of 1934. The Tribe has a self-governance form of government.

*Administration in Blackfoot Office:* Roderick Ariwite, Executive Director; Phone: 208-785-7401; Health: Jackie Edmo, CHR generalist; Phone: 208-785-7302. Fax: 208-785-2206.

*Administration in Brigham City Office:* Patty Timbimboo-Madsen, Office Manager; Phone: 801-734-2286; Vacant, Secretary/Receptionist; Phone: 801-734-2286. Robin Troxell, Billing Specialist (Health), Phone: 801-734-2286; Jon Warner, Chairman - Housing Authority, Phone: 801-734-2286.

### ***Pre-Treaty Economy***

Hunting, fishing, gathering, and trading.

### ***Tribal Contact***

Kenneth Timbana, Environmental Protection Specialist; 695 So. Main #6, Brigham City, UT 84302; Phone: 801-734-2286.

### ***Agency Contact***

Paul Nordwall, Forest Supervisor, Caribou National Forest; 250 S. 4th, Suite 282, Pocatello, ID 83201; Phone: 208-236-7500; Fax: 208-236-7503.

### ***Significant Events and Dates***

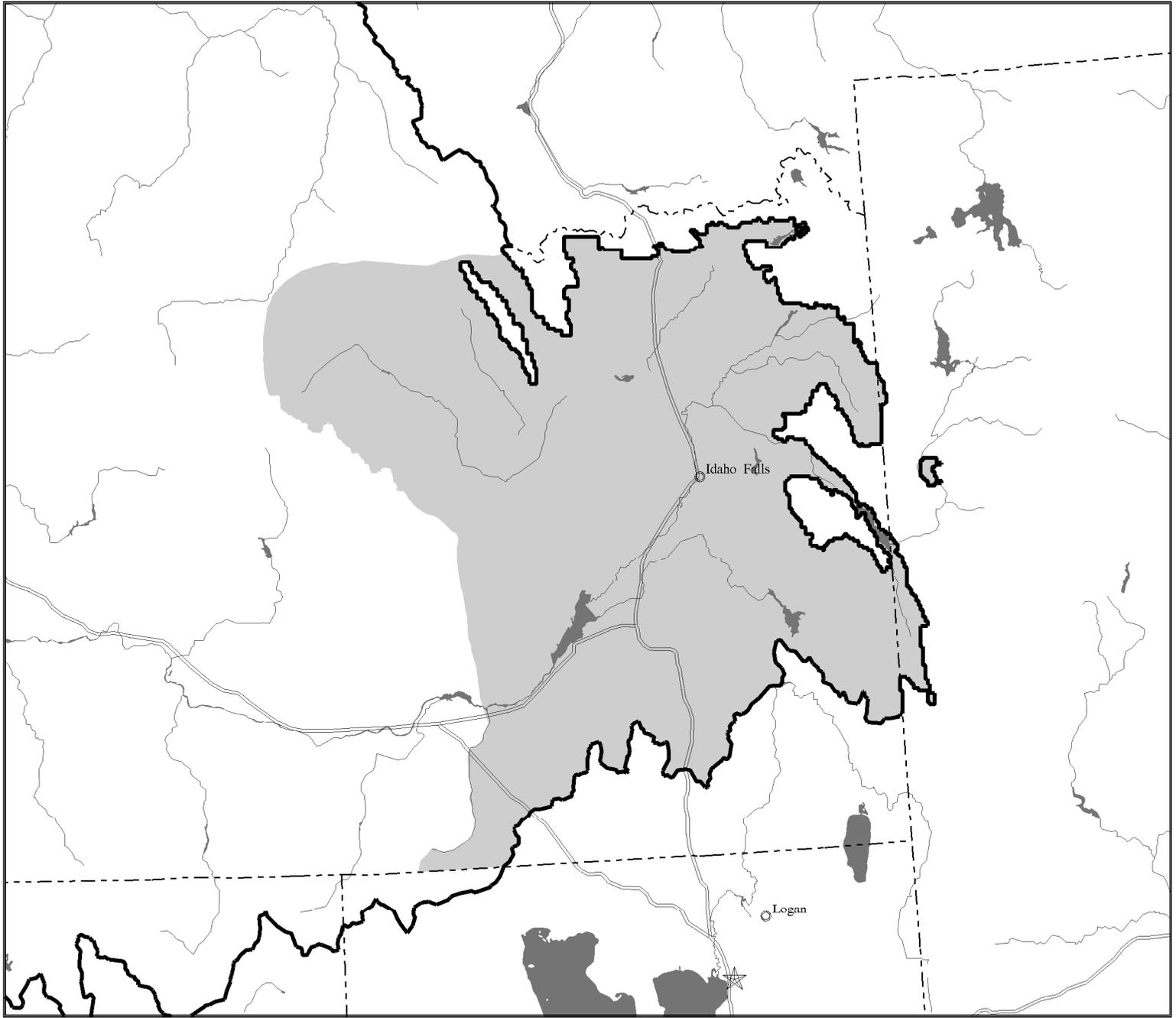
*Government:* The Tribal Council typically meets once a month. The Tribal Council elections are held in December. Officials are elected to four years; the Council elections are staggered with three positions being filled one year and four positions being filled the following year. This was last done in December 1993 and 1994.

### ***Tribal Council***

NW Band of the Shoshoni Nation: vacant, Chairman; Tommy Pacheco, Vice-Chairman and Acting Chairman; Council members: Ivan Wongon, Secretary; Elva Schramm; Leland Pubigee; Sandra Heaton; Wallace Zundel.

### ***General Council***

Enrolled tribal members, 18 years of age or older, meet at least once a year to address tribal business and help provide direction to the Tribal Council.

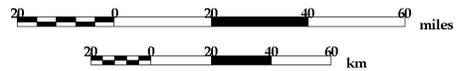


**NW Band of the Shoshoni Nation  
Map 2.  
Treaty Aboriginal Lands**

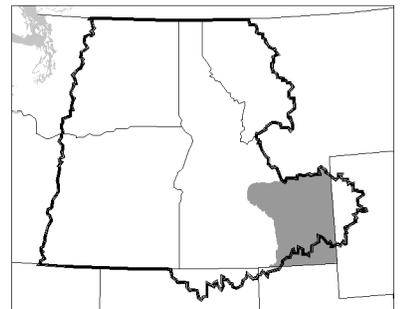
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Fort Bridger Treaty (shown within EIS area only)
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border
-  NW Shoshoni Tribal Headquarters



# Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho

## **Tribes and Bands**

The Shoshone-Bannock Tribes compose one federally recognized tribe that includes two distinct groups, the Northern, or Snake River Shoshone, and the Bannocks. The four Northern Shoshone Band divisions include the Western Shoshone (Warræekas) including the Boise and Bruneas; the Mountain Lemhi Shoshone including the Tukuërukas (Sheepeaters) and the Agaidikas (Salmon eaters); the Northwestern Shoshone including the Bear Lakes, Cache Valley, Bannock Creek and Weber Ute; the Pohogue (Fort Hall) Shoshone.

## **Basis for Legal Status**

Treaty with the Eastern Shoshoni Tribe, 1863; Treaty with the Eastern Band of Shoshoni and Bannocks, 1868 at Fort Bridger; Act to Ratify an Agreement, 1874; Act to Ratify an Agreement, 1889; Act to Ratify an Agreement, 1882; Act to Ratify an Agreement, 1888; Act to Ratify an Agreement, 1889; Act to Ratify an Agreement, 1900.

Treaty with the Eastern Band Shoshoni and Bannock, 1868, Article 4: “. . . *but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.*”

Agreement of February 5, 1898, ratified June 6, 1900, Article IV: “*As long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefore, to cut timber for their own use, but not for sale, and to pasture their livestock on said public lands, and to hunt thereon and to fish in the streams thereof.*”

Agreement Article VIII: “*The water from streams on that portion of the reservation now sold which is necessary for irrigation on land actually cultivated and in use shall be reserved for the Indians now using the same, so long as said Indians remain where they now live.*”

## **Basis for Off-Reservation Interests/Rights**

(Inherent sovereignty, socioeconomic well-being on their reservation.) Aboriginal rights reserved under the Fort Bridger Treaty of 1868; extended to unoccupied federal lands off-reservation in *State v. Tinno* (497 P.2d 1386; 1972. *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have a trust obligation when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations.

## **Relevant Federal Court Decisions**

*U.S. v. Shoshone Tribe*, 304 U.S. 111 (1938).

## **Land Base**

Pre-treaty: Unknown but extensive; Treaty reservation: 1.8 million acres; Today’s reservation: 544,000 acres in southeast Idaho adjacent to Caribou National Forest. Fee land is less than 3 percent.

## **Tribal Headquarters**

Shoshone-Bannock Tribes, Fort Hall Indian Reservation; P.O. Box 306, Fort Hall, ID 83203; Phone: 208-238-3802; Fax: 208-237-0797.

## **Tribal Population**

Pre-1855: See Madsen, B.D., 1980. *The Northern Shoshoni*; Total enrollment: 1992: 3528; 1995: 3955 members. About 75 percent live on the reservation.

**Religions**

Native American Church, Traditional, and Christian denominations.

**Languages**

English, Shoshone, Bannock and 5-7 dialects in addition to family groups.

**Governance**

*Traditional:* See Madsen, B.D., 1980. *The Northern Shoshoni*; *Contemporary:* Fort Bridger Treaty of 1868; Constitution and By-laws, February 3, 1977; Land Use Ordinance; Big Game Code; Law and Order Code; aboriginal and inherent rights, customs, traditions, etc.

**Pre-Treaty Economy**

Trading and commercial harvesting. Buffalo were hunted on the Snake River plain of south Idaho until 1840. The Snake River was the focus of the Shoshoni-Bannock population, providing fishing, camas on the plains, pasture lands in the upper reaches, and good winter habitation locations in the bottoms. Salmon were available below Shoshone Falls on the Snake River, and trout, perch, and other fish were available throughout their territory. Grasses and edible roots were abundant in the higher elevations, and pine nuts were collected in northwest Utah.

**Tribal Enterprises**

The Shoshoni-Bannock tribes income derives from leases, mineral rights, and some agriculture. The tribes developed 30,000 acres of irrigated farmland in the 1930s. Tribal Industries include a Trading Post and Bannock Peak groceries; Cloth Horse; Tee Pee Gas; construction enterprise, a 1,500 acre farm and agricultural enterprise, an open-pit phosphate mine, and the 20,000 acre Fort Hall Irrigation Project. In 1991 the tribes negotiated the Fort Hall Water Rights Agreement with the State of Idaho and private parties concerning Snake River water rights. *Contact:* Enterprise Personnel Office, Economic Planners Office.

**Tribal Newspaper**

Sho-Ban News; Phone: 208-238-3701; Fax: 208-238-3802. Published once a week.

**Tribal Programs (off-reservation involvement)**

Cultural Resources; Fisheries; Fish and Game and Law enforcement.

**Tribal Fisheries**

Snake, Blackfoot, and Portneuf Rivers; Spring Creek and Fort Hall River.

**Tribal Contact**

Shaun Robertson, Environmental/Rights Protection Coordinator; P.O. Box 306, Fort Hall, ID 83203; Phone: 208-238-3758; Fax: 208-238-3742.

**Agency Contact**

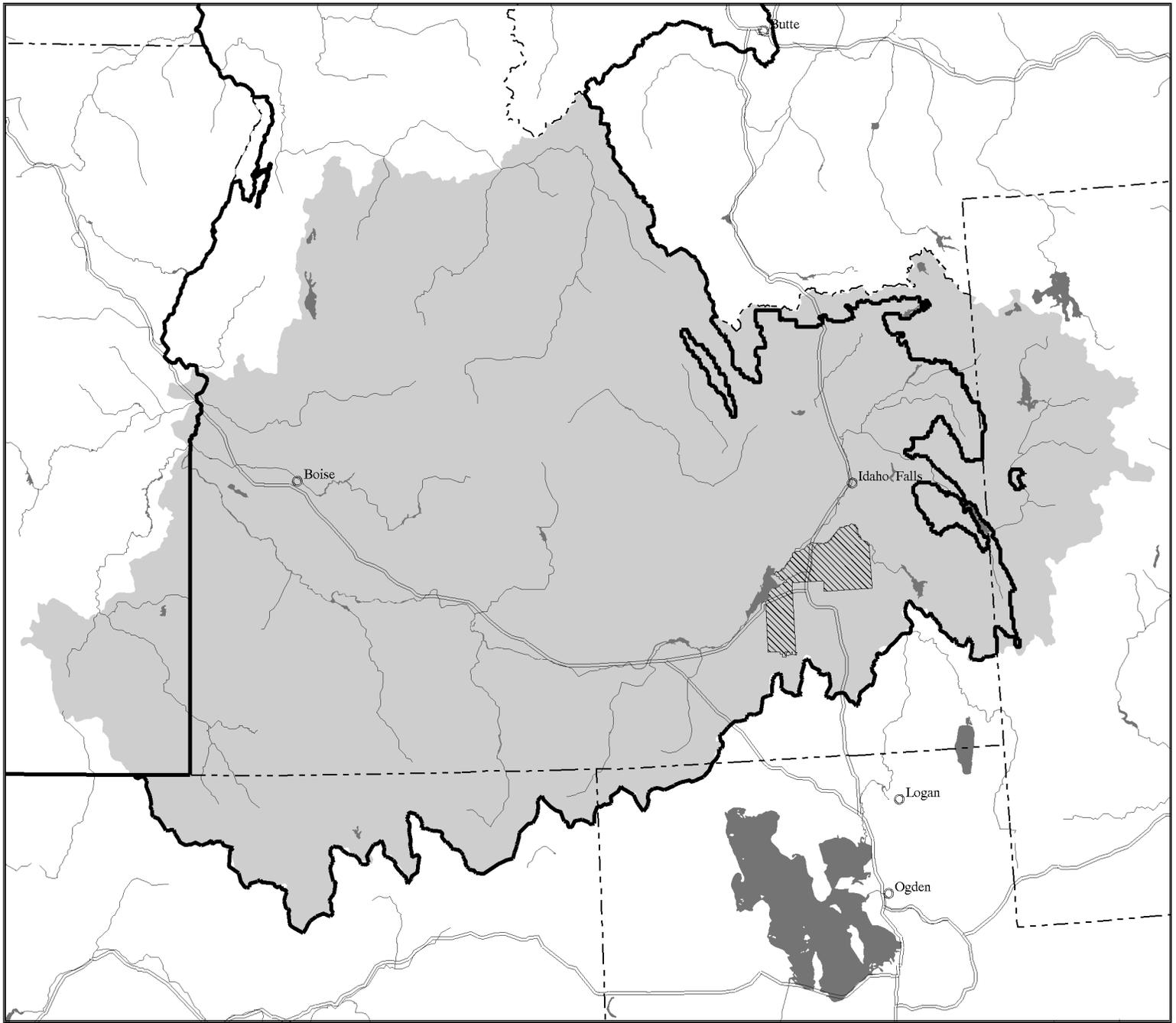
Dennis Whiteman, Superintendent, BIA; Phone: 208-238-2301/02; Fax: 208-237-0466.

**Significant Events and Dates**

*Socio-cultural:* August: Shoshone-Bannock Indian Festival, Fort Hall, Idaho; April 20-22: Gathering of the Nations Pow Wow; Albuquerque, NM.

**Fort Hall Business Council**

The Shoshone-Bannock Tribes: Delbert Farmer, Chairman; Keith Tinno, Vice-Chairman; Billie A. Appenay, Administrative Secretary; Mary Washakie, Secretary; Loretta Edmo, Treasurer; Larry Bagley, Sergeant at Arms; Fredrick Auck; Claude Broncho. Elections took place May 31, 1996. Swearing in was approximately June 11, 1996.

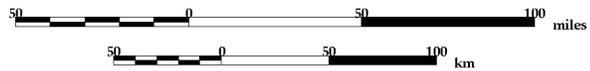


**Shoshone-Bannock Tribes  
(Fort Hall Reservation)  
Map 1.  
Area of Interest**

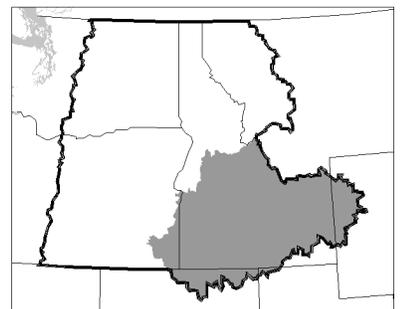
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

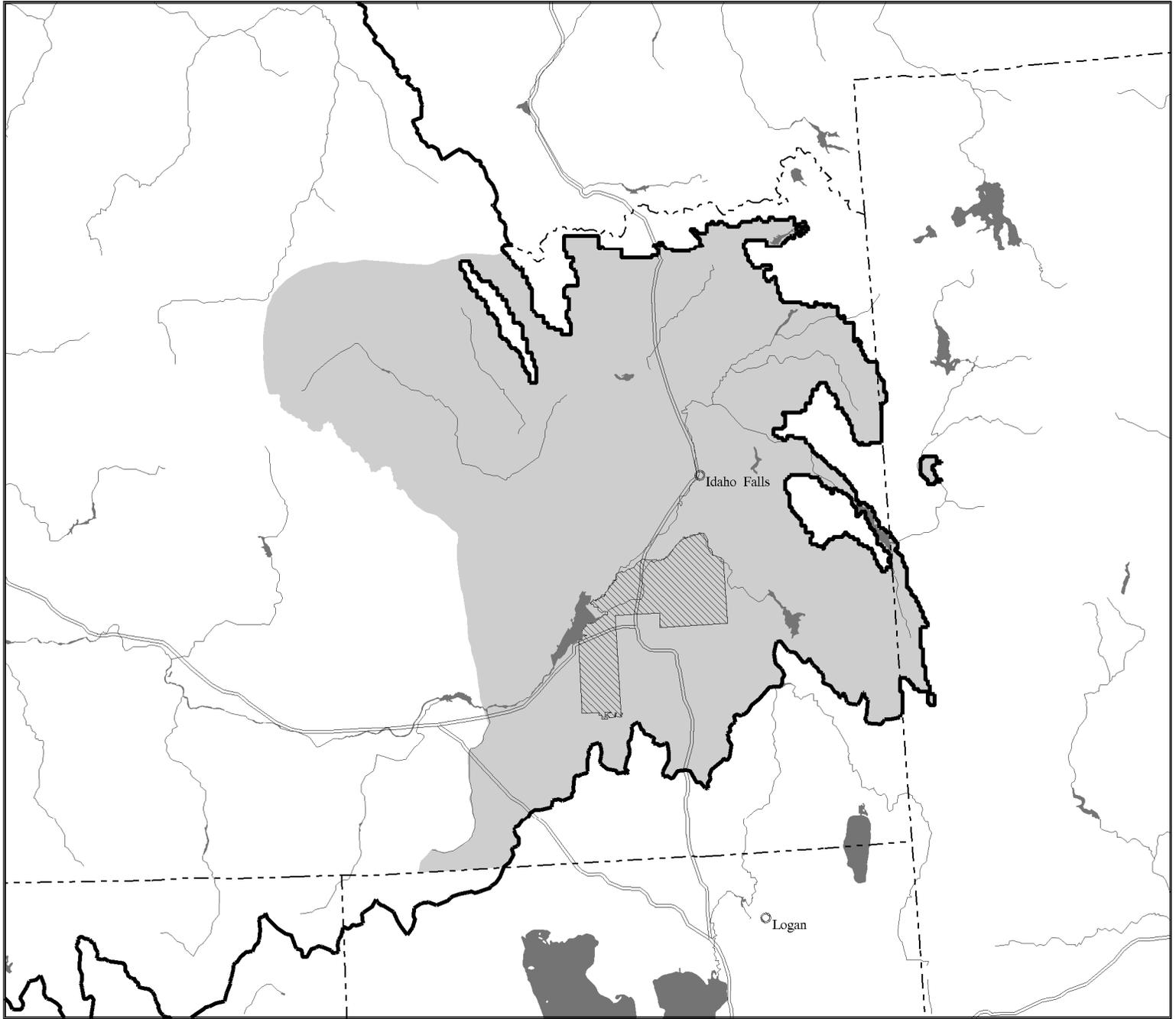
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Shoshone-Bannock Tribes Area of Interest
-  Fort Hall Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border





**Shoshone-Bannock Tribes  
(Fort Hall Reservation)  
Map 2.  
Treaty Aboriginal Lands**

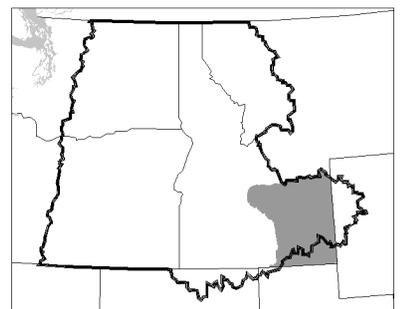
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Fort Bridger Treaty (shown within EIS area only)
-  Fort Hall Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# **Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada**

## **Tribes and Bands**

Western Shoshone, Northern Paiute, and Northern Shoshone/Bannock.

## **Basis for Legal Status**

Executive Order of April 16, 1877 set aside the Duck Valley Reservation for several Western Shoshoni bands who traditionally lived along the Owyhee River of southeastern Oregon, southwestern Idaho, and the Humboldt River of northeastern Nevada. Later they were joined by Paiute from the lower Weiser country of Idaho and independent Northern Paiutes from Fort McDermitt, Camp Harney, and Quinn River areas and from the Owyhee region of southwestern Idaho, and both settled on the reservation to take up farming and ranching. The reservation was expanded on the north side by an Executive Order in 1886 to a half million acres to include a Northern Paiute group (Paddy Cap's Band), who arrived in 1884 released from the Yakama Reservation.

The creation and subsequent expansion of the Duck Valley Indian Reservation relocated bands of Northern Paiute, Northern Shoshone and Bannock people. All available anthropological and historical literature indicates that the Northern Paiute and Northern Shoshone/Bannock groups, in varying degrees of admixture, were the primary aboriginal inhabitants of this region (ie. prior to the disturbances associated with EuroAmerican contact), with the Western Shoshone primarily inhabiting the Humboldt River drainage. The core subsistence areas of the the Northern Paiute/Northern Shoshone-Bannock and the Western Shoshone were separated by the high ground dividing the Snake and Humboldt river drainage. Formerly each group travelled throughout different, yet overlapping regions. Most if not all enrolled tribal members have ancestors in more than one of the aboriginal groups, and many individuals are multilingual. Individuals therefore, normally maintained interests in the territories of more than one group. The aboriginal Northern Paiute territory includes portions of southwestern Idaho, eastern Oregon, and northwestern Nevada. Nevertheless, the aboriginal Northern Shoshone-Bannock territory includes mainly southern Idaho; the aboriginal Western Shoshone territory includes mainly northern Nevada.

## **Basis for Off-Reservation Interests/Rights**

(inherent sovereignty, socio-economic well-being on their reservation) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect water quality/quantity, air quality, or property of Indian reservations.

## **Land Base**

Pre-treaty: Unknown. The tribes were originally located on three reservations: Walker River, Pyramid Lake, and Malheur; April 16, 1877: Executive Order Reservation: 150,000 acres [est.]; 1886: Increased the reservation side on Idaho side due to the arrival of Paddy Cap's band. Reservation: 294,242 acres between Idaho and Nevada state lines and adjacent to Humboldt National Forest. All reservation lands are tribal properties and contiguous in a square block.

## **Tribal Headquarters**

Shoshone-Paiute Tribes; P.O. Box 219, Owyhee, NV 89832; Phone: 702-757-3211; Fax: 702-757-2219.

## **Tribal Population**

Pre-European: 500; Late 1800s: 1000s; 1992: 1700.

### **Cultural Affiliation**

Great Basin Language: Dialects of Paiute, Shoshonean, and English.

### **Religions**

Traditional beliefs and Christian denominations.

### **Governance**

The Tribe adopted a Constitution in 1936 in conformance with the Indian Reorganization Act 1934. The Tribe is one of the original 17 tribes that sought self-governance.

### **Pre-Treaty Economy**

Hunting, fishing, and harvesting grass and seed.

### **Tribal Enterprises**

Rec Hall Cafe; The principal sources of revenue are farming and ranching. Other business establishments include a motel, general store, laundromat, and service station. The main source of income is the selling of permits to anglers at the two reservoirs. Business leases, land leases, and grazing permits also provide income to the tribe.

### **Tribal Programs (off-reservation involvement)**

Department of Natural Resources; Heritage Preservation (cultural resources).

### **Tribal Contact**

Herman Atkins, Administrator; Phone: 702-757-3211. Terry Gibson, Director; Phone: 702-757-3211.

### **Agency Contact**

William Reed, Heritage Program Leader; Boise National Forest; 1750 Front St., Boise, ID 83702; Phone: 208-364-4158. DG-W.Reed:R04F02A.

### **Significant Events and Dates**

*Socio-cultural:* September: Indian Day Pow Wow, Owyhee, Nevada; Veteran's Day, Veteran's Day Pow Wow, Owyhee, Nevada; 4th of July, Annual 4th of July Rode, Owyhee, Nevada.

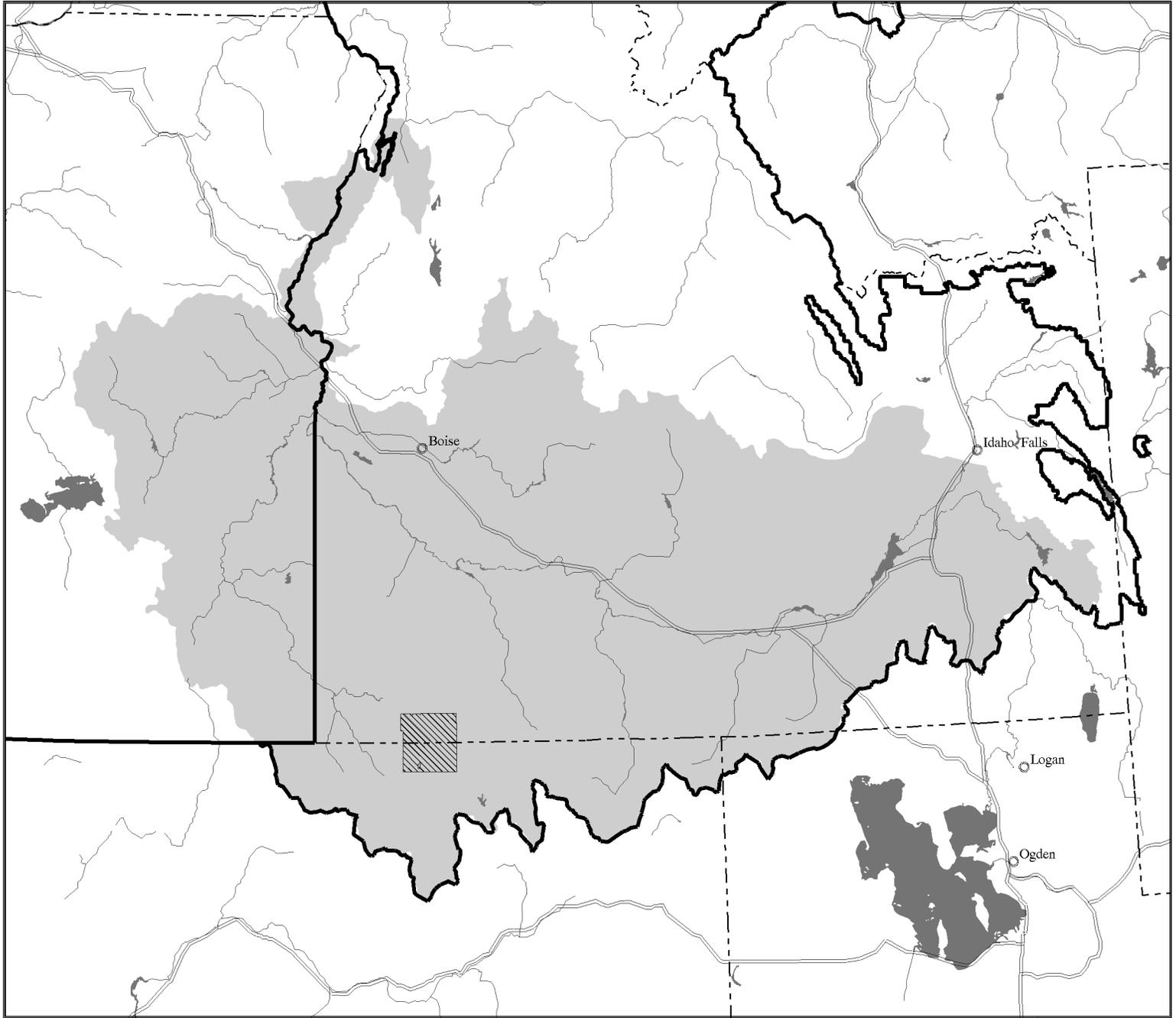
*Government:* Elections are held every year in April. Two council members are elected each year for three year terms. Tribal Council meets once a month or as needed.

### **Business Council**

James Pavia, Chairman; Dennis Smith, Vice-Chair; Business Council members: Louise George, Helen Hernandez, David Jones, Reginald Soap, Eloy Thatcher, and Elwood Thomas. Phone: 702-757-3211; Fax: 702-757-2219.

### **General Council**

Enrolled tribal members, 18 years of age or older, meet at least once a year to address tribal business and help provide direction to the General Council. General Council meets at least once a year and may have special meetings as warranted by tribal issues.

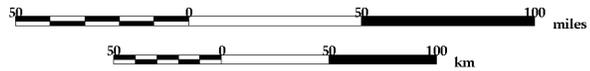


**Shoshone-Paiute Tribes  
(Duck Valley Reservation)  
Map 1.  
Area of Interest**

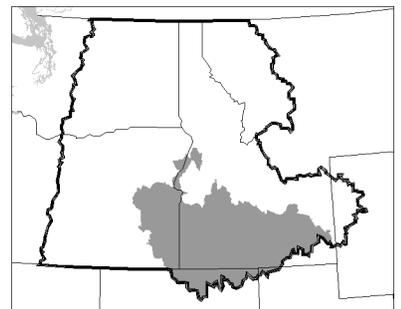
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Shoshone-Paiute Tribes Area of Interest
-  Duck Valley Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# ***The Spokane Tribe of the Spokane Reservation, Washington***

## ***Tribes and Bands***

Upper Spokane (Snxwemi'ne: people of the steelhead trout place); Middle Spokane (Sqasi'lni: fishers, after a village name); Lower Spokane (Sineka'lt: rapids, after a village name) and Chewelah groups.

## ***Basis for Legal Status***

(inherent sovereignty) Executive Order of January 18, 1881; Agreement, March 18, 1887; Act, June 20, 1940.

## ***Basis for Off-Reservation Interests/Rights***

(inherent sovereignty, socio-economic well-being on their reservation) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have a trust obligation when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations.

## ***Land Base***

Pre-treaty: 153,600, unallotted acres; today: 137,002 total acres: (102,441 acres owned by Tribe, 34,522 acres allotted, 38 acres government owned); 1881: Spokane Indian Reservation established in northeast Washington by Executive Order; 1887: The Spokane gave up title to all land outside of the reservation in Idaho and Washington Territories and agreed to move to the Coeur d'Alene Reservation; 1940: Land reclamation for construction of Grand Coulee Dam.

## ***Tribal Headquarters***

Spokane Tribe, The Alex Sherwood Memorial Center; P.O. Box 100, Wellpinit, WA 99040; Phone: 509-258-4581; Fax: 509-258-9243; Office Hours: M-F, 7:30am-4:00pm.

## ***Tribal Population***

Pre-treaty: 725; 1972: 58; 1995: 2,121.

## ***Cultural Affiliation***

Northern Plateau: Most closely affiliated with the Kalispel, Pend d'Oreilles, Sematuse, and Flathead/Salish.

## ***Religions***

Christian denominations, primarily Catholic.

## ***Languages***

English and Interior Salish.

## ***Governance***

A Constitution was approved in May 1951, establishing a Business Council of three elected tribal councilmen. On August 10, 1972, an amendment established a five member Business Council. Council members are elected to 3 year, 2 year, and 1 year terms. The tribe is self governing.

## ***Pre-Treaty Economy***

Fishing, hunting, and gathering was based on a subsistence economy with established local and regional trade networks.

## ***Tribal Enterprises***

Spokane Indian Reservation Timber Enterprise; Southwest Region Recreational Resort Project; Tribal Trading Post; Spokane Tribal Fish Hatchery; Spokane Tribal Wood Products; McCoy's Marina; Eagle Feather Sawmill; Spokane Tribal Gaming Commission; Two Rivers Casino.

**Tribal Private Sector**

Lil Chief's Casino Ford; Double Eagle Casino.

**Museum**

A museum is planned at the Pow Wow grounds off the Sherwood Loop Road on the reservation. It will be called the Spokane Tribe Cultural Learning Center.

**Tribal Newspaper**

The Rawhide Press; P.O. Box 100, Wellpinit, WA 99040; Phone: 509-258-775. Published monthly by the Tribe and printed by Garland Press in Spokane, Washington.

**Tribal Programs (off-reservation involvement)**

Spokane Tribal Fish Hatchery and cultural resources program.

**Special Environmental Designations**

Spokane reservation was designated Class 1 airshed at the request of the tribe, approved and regulated by EPA.

**Tribal Fisheries**

Spokane, Little Spokane, and Columbia Rivers; Chamokane Creek.

**Tribal Contact**

Mary Verner, Natural Resource Coordinator; Phone: 509-258-9042; Fax: 509-258-9243.

**Agency Contact**

Bob Gilrein, Acting Superintendent of Spokane Agency, BIA; P.O. Box 389, Wellpinit, WA 99040-0389; Phone: 509-258-4561; Fax: 509-258-7542.

**Significant Events and Dates**

*Socio-cultural:* August 25-27, 1995, 6th Annual Spokane Falls Northwest Indian Encampment and Pow Wow; August 31-September 4: Spokane Indian Days Pow Wow are examples of social events well attended by the tribe. These and other unanticipated events such as funerals, illnesses, and memorials may affect tribal meeting schedules especially if they involve extended family obligations.

*Government:* Elections took place June 1, 1996. Normally, Council reorganization would take place within 10 days after an election unless interrupted by the 4th of July celebrations as in 1995. The Business Council's five members are elected to 3 year terms by the General Council. General Council members are elected for 2 year terms.

**Business Council**

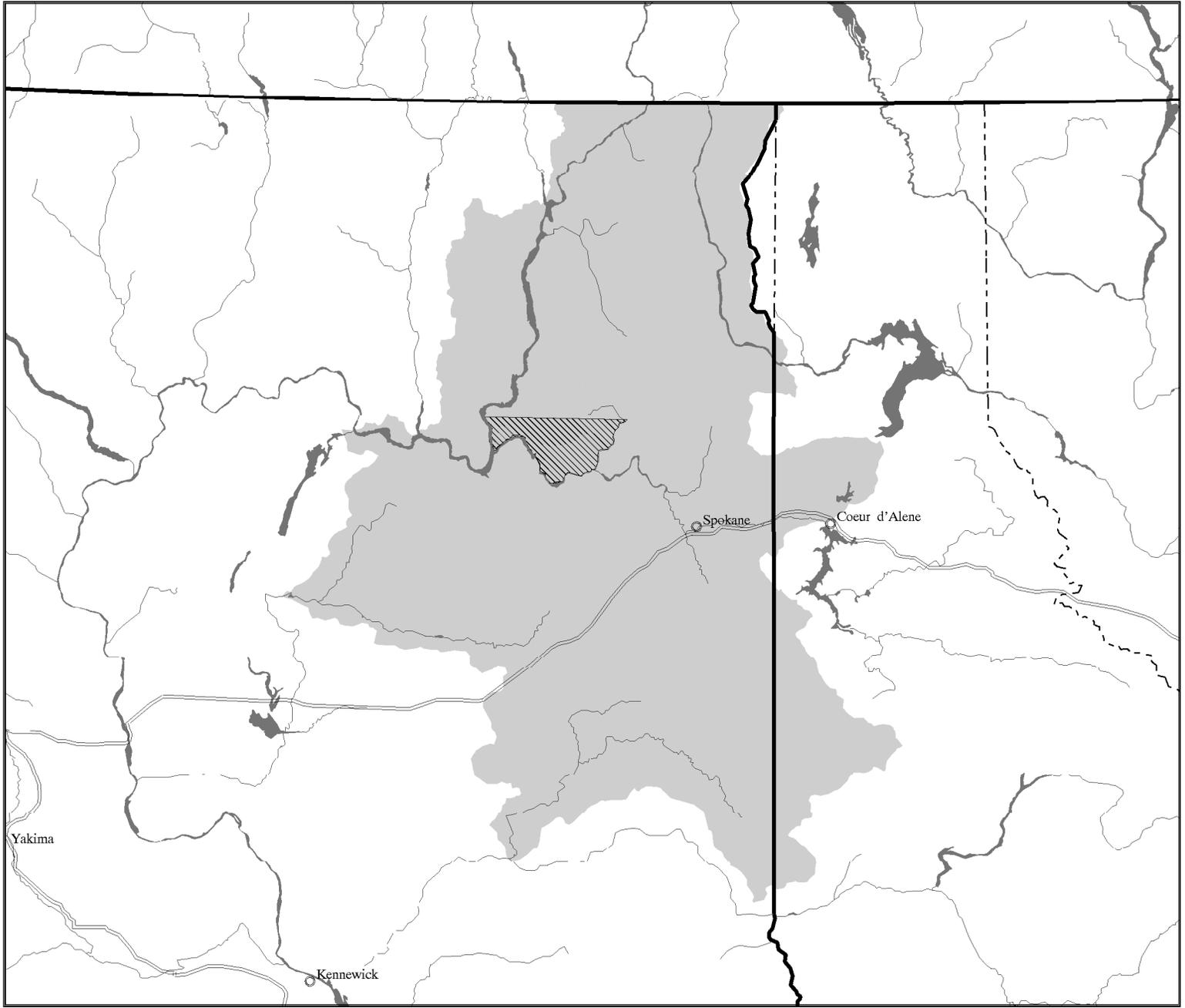
Bruce Wynne, Chairman; John Keiffer, Vice-Chairman; David Wynecoop, Secretary; Council members: Alfred Peone, Jim Sijohn.

**General Council**

Enrolled tribal members, 18 years of age or older, meet at least once a year to address tribal business and help provide direction to the General Council. The General Council meets quarterly, but may have special sessions held periodically throughout the year to address tribal business. The General Council can override the Business Council decisions.

**Committees, Boards and Commissions**

Education; Housing; Tribal Employment Rights Office; Tribal Finance; Senior Citizen; SIRTP Enterprise; Gaming Enterprise/bingo; Tribal Road Construction; Credit; Election; Wildfire; IRMP Steering; Indian Child Welfare.

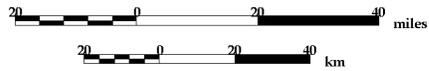


**Spokane Tribe  
Map 1.  
Area of Interest**

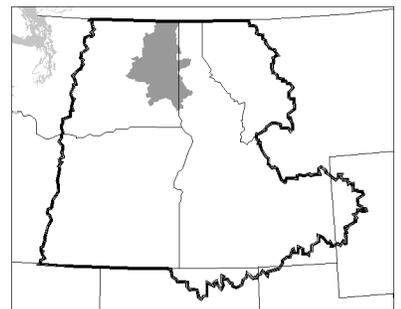
*Displayed interest area is subject to consultation with tribes.  
Shaded interest area follows 4th HUC boundaries.*

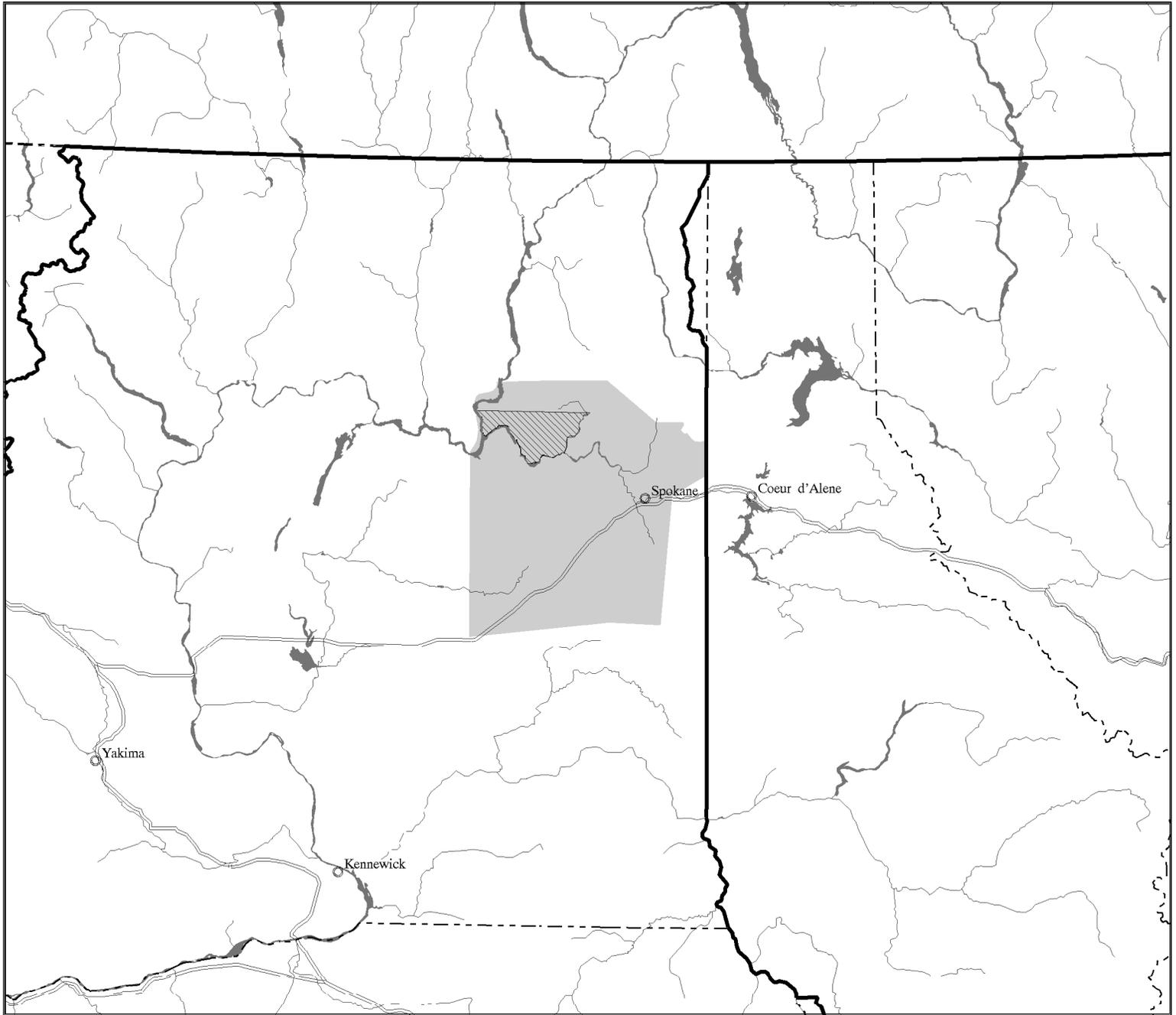
**INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT**

Project Area  
1996



-  Spokane Tribe Area of Interest
-  Spokane Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border





**Spokane Tribe  
Map 2.  
Court of Claims**

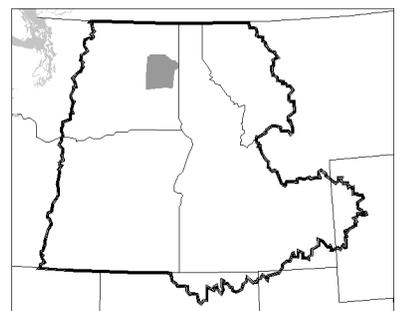
Source: Dept. of Interior, Portland Area BIA Jurisdiction, Indian Treaty Boundary Map, April, 1983.

INTERIOR COLUMBIA  
BASIN ECOSYSTEM  
MANAGEMENT PROJECT

Project Area  
1996



-  Spokane Tribe Court of Claims
-  Spokane Reservation
-  Water
-  Major Rivers
-  Major Roads
-  State Borders
-  EIS Area Border



# ***Shoshone Tribe of the Wind River Reservation, Wyoming***

## ***Tribes and Bands***

Eastern Shoshone of the Shoshoni Tribe and the Arapahoe Tribe.

## ***Basis for Legal Status***

The Treaty with the Eastern Band of Shoshone and Bannock Tribes, 1868; The ratified Agreement with the Eastern Band of Shoshoni of September 26, 1872; An Executive Order 1887 established Fort Washakie; An Agreement 1896 ceded all rights and interest in the Big Horn Hot Springs area (about 1 square mile); An Executive Order 1906, General Orders 191 removed the 8th Cavalry, abolished the Wind River Military Reservation, and returned the land to the jurisdiction of the Department the Interior.

## ***Basis for Off-Reservation Interests/Rights***

(inherent sovereignty, socioeconomic well-being on their reservation and reserved rights) The Eastern Band Shoshoni and Bannock, 1868, Article 4: “. . . *but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace persists among the whites and Indians on the borders of the hunting districts.*”

## ***Relevant Federal Court Decisions***

(Wind River Shoshone party to case) *United States v. Cutler*, 37 F. Supp. 725 (1941). *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1973), *Nance v. E.P.A.* 645 F.2d 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have a trust obligation when their actions may adversely affect the water quality/ quantity, air quality, or property of Indian reservations.

## ***Land Base***

Through the July 2, 1863 Fort Bridger Treaty a 44,672,000 acres reservation was established that encompassed parts of Colorado, Utah, Idaho, Montana, and Wyoming. The second Treaty of Fort Bridger of July 3, 1868 established the reservation in its current location at 3, 054,182 acres. In 1938 the Shoshone Tribe awarded monetary compensation for one half undivided interest of the reservation largely occupied by the Arapahoe Tribe, based on a 1938 federal court judgement. Today's reservation is approximately 2.2 million acres.

## ***Tribal Headquarters***

Eastern Shoshone Tribe; P.O. Box 538, Fort Washakie, WY 82514; Phone: 307-332-3532; Fax: 307-332-3055; Office hours: M-F, 8:00am – 4:45pm.

## ***Tribal Population***

1995: 3,024 Shoshone and 6,012 Arapahoe enrollment.

## ***Cultural Affiliation***

Great Basin.

## ***Religions***

Christianity, Traditional beliefs, and Sun Dance.

## ***Languages***

English, Shoshoni, and Arapahoe.

### **Governance**

The Shoshone Tribe is self-governing. Resource use is regulated by customs, traditions, codes, and ordinances. Both tribes have a Business Council. Both councils make up the Joint Business Council.

### **Pre-Treaty Economy**

Hunting, fishing, gathering, and trade network with Great Basin and Plains tribes.

### **Tribal Enterprises**

Oil and gas revenue is a major basis of the tribal economy; R.V. Greeves Art Gallery; Warm Valley Arts and Crafts; Shoshone Tribal Services.

### **Reservation Education Institutions**

Saint Stephen's Indian School; Wyoming Indian Elementary School; Wyoming Indian High School; Fort Washakie Elementary School.

### **Museums**

Eastern Shoshone Cultural and Resource Center, Building 31 (White House), Fort Washakie, Wyoming; Phone: 307-332-9106; Open year-round, M-F, 9:00am–4:00pm.

St. Steven's Indian Mission, The Center for Native Arts and Humanities; 30 St. Stevens Road, 3.5 miles south of Riverton, Wyoming; Director, Bob Spoonhunter; Phone: 307-856-8664; Opens May 1996; M-F, 9:00am–4:00pm.

### **Tribal Newspaper**

Wind River Journal, Jan Meeks, circulation; P.O. Box 900, Lander, WY 82520; Phone: 307-332-2323 or 800-656-8762; Fax: 307-332-9332. Published weekly.

### **Tribal Programs (off-reservation involvement)**

Cultural Resources; Shoshone Tribal Fish and Game.

### **Primary Tribal Fisheries**

Wind River.

### **Tribal Contact**

Ivan Posey, Tribal Council member; Phone: 307-332-3532.

### **Tribal Representatives**

Medicine Wheel Alliance/Associated; P.O. Box 776, Fort Washakie, WY 82514; Phone: 307-332-7436; Fax: 307-332-3055; This Northern and Eastern Shoshone group has acted as mediators for tribal interest to the Forest Service.

### **Agency Contact**

Perry Baker, Superintendent, Wind River Agency, BIA; Shoshone and Arapaho Tribes, Fort Washakie, WY 82514; M-F, 8:00am–4:45pm; Phone: 307-332-7810; Fax: 307-332-4578.

### **Significant Events and Dates**

*Socio-cultural:* Treaty Day Recognition and Shoshone Indian Days Rodeo and Pow Wow in June and the Shoshone-Bannock Indian Festival in August are some of the summer events well attended by the Shoshone Tribe. Events usually begin on Fridays and last over the weekend. Unanticipated events that may obligate extended family involvement, such as funerals and illnesses, could impact tribal meeting schedules.

*Government:* The Shoshone Business Council members are elected every 2 years for a two year term by the enrolled Shoshone General Council. The joint Shoshone-Arapahoe Business Council is comprised of 12 members and together review federal agencies' policies. Special General Council meetings may be held periodically to address tribal business.

***Shoshone Business Council***

John Washakie, Chairman; Vernon Hill, Co-Chair; Ivan Posey, Mike Lajuennesse, Alfred McAdams Jr., John Wadda.

***Tribal Committees and Commissions***

Culture Board; Fish and Wildlife; Environmental Quality Commission, Tribal Water Engineers, Oil and Gas Commission.

# Chronology of Legal Status of American Indian Tribes

## Introduction

This paper shows the evolution of the legal status and involvement of American Indian Tribes in the planning and decision making process for resource decisions on lands administered by the Bureau of Land Management and the Forest Service. It lists the appropriate laws, executive orders and other key legal concepts that provide the present national policy and direction. Selected Treaties and Agreements that recognize off-reservation rights and interests of the affected ICBEMP tribes are also included. (See also the Introduction to the General Information Sheet section of Appendix C.)

**1500s.** Spain's Francisco de Victoria advised that since "Indians" had title or right to the land, their consent was required before lands could be taken. De Victoria's position was widely accepted by 16th, 17th, and 18th century authorities on international law.

**Pre-Constitutional.** Prior to the U.S. Constitution, other countries, except England, signed treaties with Indian nations. The British Crown issued doctrines describing the relationship it held with Indian nations as a political relationship. The King of England further defined areas west of the Appalachians as Indian territory. England recognized Indian tribes as sovereign nations.

The Courts have established that discovery gave European colonial powers fee simple ownership of the domain they discovered, subject to the Indians' right of occupancy and use or "Indian title." This fee title passed to the United States on independence subject to treaty rights or conditions reserved by or for the Indians and by subsequent actions by Congress or the Executive to abrogate or condition treaties, laws, and agreements.

**Aboriginal Rights.** Aboriginal rights were based on aboriginal title, original title, or Indian title which is the possessory right to occupy and use the area of land that they had traditionally used. Such rights or title could be extinguished by Congress at will through treaty or other actions. Individual aboriginal rights were based on continuous actual possession by occupancy, inclosure, or other actions establishing a right to the land to the exclusion of adverse claimants. As to National Forest lands, such possession must predate the establishment of the National Forest.

**1787 ~ Northwest Ordinance.** Once lands northwest of the Ohio River were opened for settlement, the Continental Congress passed the Northwest Ordinance (1 Stat 51), in part to have at hand, some representation of law and order as settlers encountered Indian nations. It gave recognition of sovereignty to tribal groups and stipulated that only the Federal Government could negotiate treaties for cession of lands.

**1789 ~ U.S. Constitution.** Acknowledged sovereign rights of Indian nations. Although Indians are specifically mentioned three times in the Constitution, the main source of federal authority over Indians is the Commerce Clause. Under it, Congress is authorized to "regulate commerce with foreign Nations, and among the States, and with the Indian Tribes." The Commerce Clause, Treaty Clause, and Supremacy Clause, have been determined by the courts to be the primary basis for the national government's exclusive authority to provide for the management of Indian matters. The specific Clauses pertaining to Indians follow:

*Article 1, Section 8, Clause 3:* Power under Commerce Clause was limited to recognized tribes. Congress "shall have the power to regulate Commerce with . . . the Indian Tribes."

*Article 1 and 14th Amendment:* Indians were not to be taxed.

*Article 2, Section 2, Clause 2, The Treaty Clause:* “. . . the president shall have the power to make treaties, provided two-thirds of the senators present concur . . .” This was the principal foundation for federal power over Indians.

*Article 1, Section 8 Clauses 1, 11, 12, 15-17:* At least during the first century of U.S. national existence, national defense powers of the Constitution provided for administration of Indian affairs. During this period Indian affairs were more of a military and foreign policy matter than a matter to be handled under domestic or municipal laws.

*Article 4, Section 3, Clause 2, The Property Clause:* The Property Clause states: “The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or Property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.” The Property Clause has been considered as an additional source of authority over Indian affairs with power over U.S. property exclusively committed to Congress. Under this Clause, executive order reservations have been sustained on the basis of the longstanding acquiescence of Congress in this matter. An historical argument has been made that technically, since lands held under “Indian title” were also “property of the U.S.,” they were subject to the Property Clause. Public lands owned by the U.S. are administered by the federal agencies under the Property Clause for public purposes. These federal lands are distinct from lands held by the U.S. in trust for the benefit of the Native American Indians.

*Article 6, Clause 2:* “This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” This clause confirmed that states of the union have no jurisdiction over Indian nations or their treaties.

## Laws and Treaties

**Non-Intercourse Act of 1790.** Gave the Federal Government authority over Indian matters and provided a foundation for U.S. Indian policy.

**1803 ~ Treaty with France for Louisiana Purchase.** Ceded the Mississippi drainage to the U.S. bringing the territory and its inhabitants under U.S. rule and protection.

**1814 ~ Treaty of Peace and Amity.** Commonly referred to as the Treaty of Ghent, this treaty was between the United States and Great Britain. A provision of the treaty, in response to Great Britain’s pressure to have rights restored to its allies during the War of 1812, pledges the United States government to restore to such American Indian Nations all the possessions, rights and privileges that they enjoyed or were entitled to before the war. In addition, both treaty nations transferred the role of guardian to all Indian Nations while acknowledging all aboriginal rights to use of land, sea and air in the New World. The treaty also excluded non-Indians from Indian territories until and unless the United States had secured the land from the Indians by valid, just and humane treaties. In sum, Great Britain served its duty as a guardian of American Indian Nations it was responsible to by securing a promise from the United States to assume the same guardian/protective relationship.

1823–1831; Marshall Trilogy

- 1) *Discovery Doctrine* stated that only the Federal Government has preemptive right to procure Indian land.
- 2) *Trust Responsibility* of the Federal Government meant that Indian tribes as sovereign, domestic dependent nations rely on the US government for protection of their interests and have no power to make treaties with foreign nations.
- 3) *Supremacy Clause* stated that treaties take precedence over state laws.

**1830 ~ Indian Removal Act, (4 Stat. 411; 25 U.S.C. S 174).** Enabled the President to negotiate with tribes east of the Mississippi. The act formally established the removal policy of exchanging

federal lands west of the Mississippi for lands held by Indian Tribes in the east. The act required the exchanges be voluntary, payment be made to individuals for relinquished property improvements and guarantees made for suitable new homes.

**1830 ~ Treaty of Dancing Rabbit Creek.** Dissolved tribal territory and assimilated Indian peoples into U.S. society.

**1831 ~ Government-Tribal Relationship.** Chief Justice John Marshall observed in *Cherokee Nation v. Georgia*, 30 U.S. (5 pet.) 711 (1831), “the condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence . . . The relation of the Indians to the United States is marked by peculiar and cardinal distinctions that exist no where else.” The Federal/tribal relationship is based upon broad but not unlimited federal constitutional power over Indian affairs, often described as “plenary.” The relationship is also distinguished by special trust obligations requiring the United States (the President) to adhere to fiduciary standards in its dealings with Indians. The inherent tension between broad federal authority and special federal trust obligations has been instrumental in developing a unique body of law, generally referred to as Indian Law.

**1834 ~ Indian Trade and Intercourse Act.** Established treaty-making policy and the reservation system under the assertion that land and other property would not be taken from Indians without their consent. The Constitution gave Congress expressed power over Indian tribes and provided a new definition of Indian country by recognizing American Indian “title” throughout most of the U.S. west of the Mississippi River. Gave the Federal Government authority over Indian matters and provided a foundation for U.S. Indian policy.

**1846 ~ Treaty with Great Britain.** Ceded Northwest Territory to the United States and brought its inhabitants under U.S. rule and protection.

**1848 ~ Organic Act.** Created the Oregon Territory. Extended the Northwest Ordinance’s confirmation of Indian title to land in the new U.S. territory and recognized the treaty process, stating that lands not expressly ceded by ratified treaty constituted Indian country. This act also established the superintendent of Indian affairs position.

**1848 ~ Treaty with Mexico.** Ceded the southwest territory (including the homeland of the Shoshone tribe) who’s American Indian nations were recognized by the United States as under the rule and protection of the Mexican government prior to the 1848. The treaty legally permitted the US government to protect this region and its residents from European intervention.

**1850 ~ Act of June 5.** Created a Treaty Commission and extended the Indian Trade and Intercourse Act to the Oregon Territory.

**1850 ~ Oregon Donation Act.** Contradicted the Act of June 5, 1850. Ultimately provided rights to land totaling 2.8 million acres to new settlers of the territory, beginning prior to the ratification of any treaties of land cession in the Pacific Northwest.

**1853 ~ Act of March 2.** Created the Washington Territory from part of the Oregon Territory, which extended the Donation Act and encouraged settlers to dispossess long established Indian communities.

**1855 ~ June 9 Treaty with Yakama, (12 Stat. 951 et seq).** The treaty applies to 14 bands and tribes now formally located on the Yakama and Colville Indian Reservations. Ratified and proclaimed in 1859. Treaty Article 3 in part states, “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.”

**1855 ~ June 9 Treaty with Walla Walla, Cayuse, and Umatilla, (12 Stat. 945 et seq).** Ratified and proclaimed in 1859. Treaty Article 1 states in part, “That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them.”

**1855 ~ June 11 Treaty with Nez Perce, (12 Stat. 957).** The treaty was ratified and proclaimed by Congress in 1859. Article 3 in part states, “The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places in common with citizens of the territory; and of erecting temporary buildings-for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.”

**1855 ~ June 25 Treaty with the Tribes of Middle Oregon, (14 Stat. 751).** The treaty was ratified and proclaimed in 1867. Treaty Article 1 in part states, “That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them.”

**1855 ~ July 16 Treaty with the Flatheads, Kootenais, and Upper Pend d’Oreilles, (12 Stat. 975).** Ratified and proclaimed by Congress in 1859. Treaty Article 3 reads in part, “The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses an cattle upon open and unclaimed land.”

**1863 ~ Treaty with the Nez Perce, (14 Stat. 647).** This treaty supplemented and in part amended the treaty of 1855 between the Nez Perce Tribe and the US government. Ratified and proclaimed in 1867. It pertains to those lands reserved for “use and occupation” of the tribe in the Nez Perce Treaty of 1855, which were in turn relinquished by the tribe to the Federal government through this 1863 treaty. Treaty Article 8.. “The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians.”

**1864 ~ October 14 Treaty with the Klamaths, Moadocs, and Yahooskin Band of Snakes, (10 Stat. 707 et seq).** In Article 1 of the treaty it states, “The exclusive right of taking fish in the streams and lakes, included in said reservation and of gathering edible roots, seeds, and berries with its limits, is hereby secured to the Indians.” Federal recognition and the tribes’ reservation were terminated in 1961. The courts determined that the rights to fish, hunt, and gather were not extinguished when the treaty and tribes were terminated.” The reservation in large part became the eastern portion of the Winema National Forest, where reserved treaty rights continue to be exercised. Federal recognition of the tribes was restored in 1986.

**1868 ~ Treaty with the Eastern Band of Shoshoni and Bannock, July 3, 1868 (15 Stat. 673).** The treaty was ratified and proclaimed by congress in 1869. Treaty Article 4 “. . . but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.”

**1868 ~ Treaty with the Nez Percés, (15 Stat. 693).** This treaty in part amended the Nez Percés treaty of 1863. This treaty was ratified and proclaimed by Congress in 1869. It pertains to those

lands set apart for the exclusive use and benefit of the Nez Perces Tribe, which were ceded to the US government thereby diminishing the size of their reservation. Treaty [Article 1](#) reads in part, "... and it is further agreed that those now residing outside of the boundaries of the reservation and who may continue to so reside shall be protected by the military authorities in their rights upon the allotments occupied by them, and also in the privilege of grazing their animals upon surrounding unoccupied lands."

**1871 ~ Appropriation Act of May 3, 1871, (16 Stat.544, 566 and 25 U.S.C. S 71).** The Appropriation Act's rider effectively ended the treaty era by withdrawing congressional appropriation funds to support the treaty making process. Subsequent tribal land cessions were accomplished by Agreements negotiated with tribes and approved by Congress.

**1885 ~ Major Crimes Act.** The act extended the criminal jurisdiction to Indian country.

**1887 ~ General Allotment Act (Dawes Act), as amended.** Led to dramatic reductions and elimination of some reservations. Provided for the allotment of lands to Indians on various reservations and public domain and extended the protection of laws of the United States and Territories over Indians. This was an attempt at assimilation by the cessation of Indian tribal holdings and relations: Indians were to be treated as individuals by dividing of lands to establish homes, by developing their lands, and becoming a part of American society. The Act also made the offer of U.S. citizenship to any individual applying for an allotment. Resulted in transfer of over 80 million acres of Indian lands into private ownership. The act was amended in 1910. In its section 31 of the amendment, it provided for lands to be allotted to American Indians found occupying, living on, or having improvements on National Forest land.

**1891 ~ Agreement of 1891, Article 6.** An Agreement between the Federal government and the Confederated Tribes of the Colville Reservation recognized tribal reserved right to water power and sources belonging to or connected with Indian allotments. Also, "...the right to hunt and fish in common with all other persons on lands not allotted to said Indians shall not be taken away or otherwise abridged."

**1892 ~ Intercourse Act of 1892.** The act prohibited intrusions by non-Indians on Indian lands.

**1897 ~ Organic Administrative Act of June 4, (30 Stat. 11, as amended; 16 U.S.C. 473 et seq).** Secured "unoccupied" federal land for management by the Forest Service. This Act directed that National Forests shall be established only to improve and protect the forest therein, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for use and necessities of the citizens of the U.S. Also the Secretary of Agriculture was elected to make rules and establish such service as will assure the objects of the reservation, namely, to regulate their occupancy and use and preserve the forest thereon from destruction.

**1898 ~ Agreement of February 5, 1898.** Ratified July, 1900, this Agreement between the US government and Shoshone-Bannock Tribes of the Fort Hall Reservation ceded lands once apart of their reservation as provided by the 1868 Treaty at Fort Bridger. [Article 4](#) states, "As long as any of the lands ceded, granted, and relinquished under this treaty remain apart of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without charge therefore, to cut timber for their own use, but not for sale, and to pasture their livestock on said public lands, and to hunt thereon and to fish in the streams thereof. [Article 8](#) states, "The water from streams...which is necessary for irrigating on land actually cultivated and in use shall be reserved for the Indians now using the same, so long as said Indians remain where they now live."

**1906 ~ Antiquities Act of 1906, (34 Stat. 225 ;P.L.59- 209) as amended.** Provided for the preservation and protection of federal land historic and archeological sites and artifacts. It was the precursor to the Archeological Resources Protection Act of 1979.

**1908 ~ Winters Doctrine.** Indian water rights defined by Federal law and water regulations must be sufficient to meet the purposes of the reservation. The doctrine also stated that any ambiguity in interpretation of treaties must be resolved in the favor of the tribes.

**1910 ~ Buy Indian Act, (36 Stat. 861; 25 U.S.C. 47; and C.431, section 23).** Authorizes the Secretary of Interior to contract directly for employment of Indian labor and purchase products of Indian Industry. Indian owned businesses must be certified by the USDI Bureau of Indian Affairs before they can compete with other Indian enterprises for Interior Department contracts. (The Competition in Contracting Act requires competition between like businesses.) If no Indian businesses are qualified for a contracting bid, the application process is opened to non-Indian enterprises.

**1910 ~ Indian Allotments Act of June 25, (36 Stat. 855; 25 U.S.C.337).** Authorized the Secretary of Interior to establish allotments within the national forests in conformance with the general allotment laws for any Indian person occupying, living on, or having improvements on land included within a national forest and not able to acquire an allotment by other usual allotment authorities. Grazing and agricultural uses of such land parcels were emphasized in the act.

**1911 ~ The Weeks Law, (36 Stat. 961; P.L.61-435).** Secured public lands at the consent of States for management by the Forest Service. Authorized and directed the Secretary of Agriculture to acquire forested, cut over, and denuded lands within watersheds of navigable streams that were necessary for the regulation of the flow of navigable streams or for timber production. Under this Act the lands were permanently reserved, held, and administered as National Forests.

**1918 ~ Migratory Bird Treaty Act of July 3, (40 Stat. 755; P.L. 65-186, as amended 16 U.S.C 703).** Implemented the Migratory Bird Treaty of August 16, 1916 (39 Stat.1702, T.S. No. 628; 16 U.S.C. S 703 et seq) between the US government and Great Britain. The implications of this act concerning American Indian acquisition of bird parts for traditional use has been addressed in some federal court cases, e.g. Supreme Court case *Andrus v. Allard* 444 U.S. 51 (1979).

**1924 ~ Indian Citizen Act.** Granted U.S. citizenship and voting privileges to Indian peoples.

**1934 ~ Indian Reorganization Act, (25 U.S.C. 461 et seq).** Encouraged tribes to organize themselves as governments and receive formal recognition from the Federal Government. Tribes could form corporations for their own economic development. Separate allotments were ended and the Secretary of Interior was given authority to acquire lands for Indians, inside or outside of reservations. The law is often referred to as IRA.

**1937 ~ Bankhead-Jones Act, (50 Stat. 522; P.L 72-210).** Authorized and directed the Secretary of Agriculture to develop a program of land conservation and utilization, correct maladjustments in land use to control soil erosion, reforestation, preserve natural resources, protect fish and wildlife, develop and protect recreation facilities, mitigate floods, conserve surface and subsurface moisture, protect watersheds of navigable streams, and protect public lands and public health and welfare.

**1940 ~ Eagle Protection Act, (45 Stat. 1222; P.L. 70-770, as amended 76 Stat. 1246, 86 Stat. 1064),** Provided for the protection of eagles and made it unlawful to take, possess, sell, purchase, barter, offer to sell, purchase, barter, offer to sell, transport, export or import such birds or bird parts. The act was amended in 1962. The implications of this act concerning American Indian acquisition of bird parts for traditional use has been addressed in some federal court cases, e.g. Supreme Court case *Andrus v. Allard* 444 U.S. 51 (1979).

**1944 ~ Sustained Yield Forest Management Act, (58 Stat. 132; P.L. 78-273).** Provided authority to the Secretary of Agriculture and the Secretary of Interior to establish cooperative sustained units with private and other federal agencies in order to provide for a continuous and ample supply of forest products and to secure the benefits of forest in maintenance of water supply, regulation of stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife. Under Section 7, trust or restricted Indian land, whether tribal or allotted, could be included in such units with the consent of the Indians concerned.

**1946 ~ Indian Claims Commission Act.** The Indian Claims Commission (ICC) was established in 1946 to resolve (1) claims in law or equity arising under the Constitution, laws, treaties of the United States, and executive orders of the President; (2) all other claims in law or equity, including torts; (3) claims which would result if treaties, contracts, and agreements between claimant and the United States were revised because of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact; (4) claims arising from the taking by the United States, whether as the result of a treaty of cessation or otherwise, without payment of compensation agreed to by the claimant; (5) claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity.

A majority of the claims filed were land cases centered on the issue of whether adequate or any compensation had been paid when the Indians ceded territory to the United States or were forcibly removed. The rest of the claims were for government accountability, under the trust relationship, for mishandling, mismanagement, and misfeasance of tribal funds, for the most part directed at the Secretary of the Interior. Payment of compensation for land claims approved by the ICC extinguished aboriginal or Indian title to such lands. Rights and interest reserved by or for the Indians by treaty were not affected unless specifically identified in the ICC decision.

**1952 ~ McCarran Amendment Act of July 10, (66 Stat. 549 ; 43 U.S.C. S 666).** The act waives the sovereign immunity of the United States by permitting it to join in suits involving water rights of a river system or other [water] sources where the US government appears to be the owner or in the process of acquiring water rights. An important policy of the McCarran Amendment is to avoid piecemeal adjudication of water rights in a river system. The amendment has been interpreted in court to apply to both state and federal court case interests and encompass water rights, which the United States holds in trust for Indians and Tribes

**1953 ~ House Concurrent Resolution No. 108 of 1953.** The resolution stated National Policy, which led to the congressional termination acts of tribes.

**1953 ~ Termination Act, (P.L. 83-280, as amended).** The law was passed by congress in 1953. The termination policy enacted was actually implemented by a series of acts that terminated specific tribes from 1954 to 1967. During this time period a total of 109 federally recognized tribes and bands were terminated and their reservations dissolved. Associated Indian allotments and certain tribal rights were retained despite the termination process. The act significantly diminished tribal sovereignty in selected reservations and states, including California, Oregon and Washington. In 1968 the Termination Act was amended to require consent of a Indian nation before states could assume jurisdiction of Indian Reservations. Tribes were given the opportunity to terminate sovereignty; none have opted to do so.

**1955 ~ Clean Air Act, (42 U.S.C.A.. S 7401-7642, as amended in 42 U.S.C.A. S 7474 (c)).** The amendment to the act provided that only the tribal councils can redesignate Indian reservation lands to allow lower air quality. The EPA Administrator is allowed through 42 U.S.C.A. S 747(e) to resolve disputes between tribes and adjoining local governments. In 1978, the 1971 Code of Federal Regulation 40 C.F.R. S 52.21, which already provided the Clean Air act did not broaden authority over Indian reservations was amended by to give express recognition to Indian rights,( 40 C.F.R. S 52.21, 1978).

**1960 ~ Multiple Use Sustained Yield Act, (74 Stat. 215; P.L. 86-517).** Confirmed the policy of the Congress that National Forests were established and administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. Authorized and directed the Secretary of Agriculture to develop and administer the renewable resources for multiple use and sustained yield of services and products obtained therefrom. Authorized the Secretary of Agriculture to cooperate with interested state and local governmental agencies and others in the development and management of the National Forests.

**1960 ~ Fish and Wildlife Conservation Act, (96 Stat. 1322; P.L. 96-366).** Provided for coordination of the Departments of Interior and Agriculture in cooperation with states to develop,

plan, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game, including but not limited to specific habitat improvement projects and protection of threatened or endangered species.

**1960 ~ Reservoir Salvage Act of 1960, (P.L. 86-523, as amended by P.L. 93-291).** The act provide for consideration of cultural resources and archeological site protection from federal reservoir undertakings. The law helped form the basis for the National Historic Preservation Act of 1966.

**1966 ~ National Historic Preservation Act, (P.L. 89-665, as amended by P.L. 91-423, P.L. 94-422, P.L. 94-458 and P.L. 96-515).** Explicitly incorporated tribal involvement with the Section 106 Process and allowed for traditional properties without physical remains to be considered eligible for listing in the National Register of Historic Places. Several National Register Bulletins provide guidance for conformance with this act, i.e. Bulletin 38 dealing with Traditional Cultural Properties. The law is often referred to as NHPA and was last amended in 1992.

**1966 ~ Tribal Federal Jurisdiction Act, (80 Stat. 880, 28 U.S.C. 1362).** Permits tribes to take steps independent of the Federal government to protect and assert their constitutional, statutory, and treaty rights. Granted tribes treatment similar to that of the United States had it sued on their behalf.

**1968 ~ Indian Civil Rights Act, (U.S.C. SS 1301 et seq/P.L. 90-284).** Limited the power of tribal government by applying some of the language of the Bill of Rights to Indian Tribes, including the equal protection and due process clauses. There, however, is no comparable First Amendment clause. Tribal courts are also limited to judgements no greater than six months confinement and a five hundred dollar fine. This act also repealed section 7 of Public Law 280, which had allowed states unilaterally to assume jurisdiction over Indian lands and provided that states could only do so with the consent of affected tribes.

**1969 ~ National Environmental Policy Act, (83 Stat. 852; 42 U.S.C. 4321 et seq/P.L. 91-190).** Established a framework for public and tribal involvement in land management planning and actions. The law also provides for consideration of Historic, Cultural, and natural aspects of our national heritage.

**1971 ~ Executive Order 11593 Protection and Enhancement of Cultural Environment.**

**1973 ~ Endangered Species Act, (P.L. 93-205, Amended by P.L. 93-325 and P.L. 94-359).**

**1974 ~ Forest and Rangeland Renewable Resources Planning Act, (88 Stat. 476, et seq).** Directed and authorized the Secretary of Agriculture to make an assessment of the renewable resources and to determine the ways and means needed to balance the demand for and the supply of these renewable resources, benefits, and uses for meeting the needs of the people of the United States. Assured that National Forest plans provide for multiple use, determine harvesting levels, and determine the availability and suitability for resource management. It also specified procedures to ensure that plans are in accordance with NEPA requirements. The act is referred to as RRA.

**1974 ~ Archeological and Historic Preservation Act, (P.L. 93-291).**

**1974 ~ Federal Noxious Weed Act, (81 Stat. 2148; 7 U.S.C. 2801/P.L. 91-629, as amended).** Recognizes that the import or distribution of noxious weeds in interstate commerce often allows for their growth and spread. This in turn can interfere with the growth of useful plants, clog waterways, interfere with navigation, cause disease, or other adverse effects upon people and the environment. Prohibits knowing actions or activities, which might further encourage noxious weeds.

**1975 ~ Indian Self-Determination and Education Assistance Act, (88 Stat.2203, 25 U.S.C. SS 450-450n,455-458e/P.L. 93-638, as amended).** Declared congressional commitment ...”to the maintenance of the unique and continuing relationship with an responsibility to Indian people

through the meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for the services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services”, 88 Stat at 2203. The act was amended in 1994, expanding tribal authority to assume responsibilities for tribal services formerly provided by agencies.

**1975 ~ American Indian Policy Review Commission, (88 Stat. 1910 et seq).** Congress established this commission, “ to conduct a comprehensive review of the historical and legal developments underlying American Indian’s unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs to benefit Indians”, 88 Stat. 1910. Its Final Report to congress is dated May 1977.

**1975 ~ Dept. of Interior Treaty Fishing Regulations, (25 C.F.R. SS 255.1-10; 256.1-10; 258.1-7).** This series of Code of Federal Regulations provides what exists for regulation of Indian treaty fishing rights by the Secretary of the Interior, at certain locations such as the Klamath River and the in lieu sites on the Columbia River. It also includes rules for the identification of Indian fisherman and their nets, and other detailed regulations of specific fisheries.

**1976 ~ Federal Land Policy and Management Act. (43 U.S.C. SS 1702(e)(2), 1712(b), 1712(c)(9)).** Directed the Secretary of Agriculture to coordinate National Forest land use plans with the land use planning and management programs of Indian tribes. The law is often referred to as FLPMA.

**1976 ~ National Forest Management Act, (90 Stat. 2949, et seq; 16 U.S.C. 1601-1614).** Amended the Forest and Rangeland Renewable Resources Act of 1974. The law is often referred to as NFMA.

**1977 ~ Safe Drinking Water Act Amendments, (91 Stat. 1393; 42 U.S.C. S 300j-6(a)/P.L. 95-190.** Provides that the Public Health Service Act should not alter or affect the status of American Indian lands or water rights or waive any sovereignty over Indian lands guaranteed by treaty or statute.

**1978 ~ Federal Recognition Regulations.** Established procedures for non-federally recognized tribes/traditional Indian communities to gain federal recognition of their status and reservation lands.

**1978 ~ American Indian Religious Freedom Act, ( P.L. 95-341, as amended).** Required agencies to evaluate their actions regarding any restrictions on access to sacred areas. The law was amended in 1994.

**1978 ~ Indian Mineral Development Act.** Provided authority to tribes to regulate and develop tribal mineral resources, and enter into joint agreements and leases.

**1979 ~ Archaeological Resources Protection Act (93 Stat. 721; P.L. 96-95, as amended).** The act (P.L. 96-96 and 96-95) required tribal notification and consultation in regard to proposed excavation of archeological sites and/or removal of artifacts by permit from public lands. Also, provides that federal excavations follow the permit protocol to consult with concerned tribes. The law is often referred to as ARPA.

**1983 ~ Presidential Statement on American Indian Policy (19 weekly Comp. Doc. 98-102).** President Reagan’s statement dated January 24, 1983 provided direction on treatment of American Indian tribes and their interests.

**1990 ~ Native American Graves Protection and Repatriation Act of 1990, (25 U.S.C. 3001-3013/P.L. 101-601).** Recognized Indian control of human remains and certain cultural objects when found on public lands and required consultation with appropriate tribes concerning federal finding or possession of Native American human remains and human burial objects. The law is often referred to as NAGPRA.

**1990 ~ National Indian Forest Resources Management Act, Title III (104 Stat. 4532; P.L. 101-630).** Provides comprehensive direction for Secretary of Interior in Forest management and protection in concert with tribes. Clarifies role of the Department of Interior. Provides for education in Indian Forest management, funding of Tribal Forest programs and trespass issues.

**1993 ~ Religious Freedom Restoration Act, (P.L. 103-141).** Established a higher standard for justifying government actions that may impact religious liberties.

**1993 ~ Executive Order 12866 – Regulatory Planning and Review.** Enhanced planning and coordination concerning new and existing regulations. Made regulatory process more accessible and open to the public. Agencies directed to seek views of tribal officials before imposing regulatory requirements the might affect them. Sought to harmonize federal regulatory actions with other governmental functions.

**1993 ~ Executive Order 12875 – Enhancing the Intergovernmental Partnership.** Reduced the imposition of unfunded mandates on other governments. Developed an effective process to permit other representative governments to provide timely input in the development of unfunded mandates.

**1993 ~ Interior Secretarial Order No. 3175.** Established responsibility of all bureaus and agencies to carry out trust responsibilities of the Federal Government and assess the impacts of their actions on Indian trust resources: Required consultation with tribes when impacts are identified.

**1994 ~ Executive Order on Environmental Justice.** Required increased effective participation of minorities and low economic groups in proposed project environmental assessments.

**1994 ~ State Law SB61.** Placed tribes in a stronger role for protecting sites on state and private lands in Oregon.

**1994 ~ White House Memorandum for the Heads of Executive Departments and Agencies.** Emphasized the importance of government to government relations with tribal governments and to consult with tribes prior to taking actions that may affect tribal interests, rights, and trust resources.

**1994 ~ Amendment to the American Indian Religious Freedom Act (PL103-344).**

**1995 ~ Government to Government Relations.** The US Justice Department, Attorney General issued and signed a policy statement on government to government relations on June 1, 1995. It includes references to tribes' sovereignty status and federal government's trust responsibility to tribal governments.

**1995 ~ Federal Advisory Committee Act Amendment.** The act provides for tribal state and county governments to be exempt from the Federal Advisory Committee Act, which prohibits federal agencies to form advisory committees that might affect its decision making process. This amendment recognizes these governments as performing already existing roles on an operational basis to represent people they are responsible to within their jurisdiction to other government bodies including the federal government. Thus federal agencies are free to consult with these type of governmental bodies and seek their advice on agencies planning activities/federal actions.

**1996 ~ Executive Order of May 24, 1996.** Acknowledges the role of federal agencies to protect and preserve the religious practices and places of federally recognized tribes and enrolled tribal members. Requires federal agencies to consult with federally recognized tribes to learn of tribal concerns for sacred sites on public lands, and report finding to the President within one year of the executive order. Ensures access to religious places and avoidance of adverse effects to sacred sites in accordance with existing legislation.

# ***Evaluating Habitat, Harvestability, and Meeting American Indian Needs***

## ***Introduction***

A primary concern of the Indian tribes in the Interior Columbia River Basin is the availability of the resources to which they have an interest. At issue is the availability of resources in sufficient quantities to allow harvest. A harvestable level would be one which would allow harvest or utilization of resources in sufficient quantities to satisfy the ceremonial, subsistence, and commercial needs of tribes at levels, while still providing the conservation needs of the species. Specific questions of those tribal or conservation needs have not been determined and it is outside the scope of this project to make any such determination. As noted in Chapter 2, it is recognized that differences exist in the meaning of harvestability in regard to U.S. case law and tribal desires for future socio-cultural conditions.

Inasmuch as it a legal responsibility of the Federal agencies to consult with the tribes and to take into account their needs in the decision making process. This paper describes the method used to classify habitat rankings or viability outcomes to indicate trends in viability; the relationship of harvestability to viability, and using this relationship to indicate the habitats ability to support harvestable resources.

## ***How Harvestability Can Be Evaluated***

The ICBEMP uses trends in habitat status or viability outcomes to measure the habitat's capability to sustain viable populations. Using the concepts developed for viability, we can also predict trends in habitat conditions for sustaining resources of interest to the tribes at harvestable levels. At this scale of assessment, the data will only support trends in relative habitat conditions.

The **Aquatics assessment** used population status and distribution to indicate trends in viability. The current status calls for key salmonid species at the 6th field Hydrologic Unit Code (HUC) and followed the criteria below:

### **Present-strong**

All life history forms present.

Population stable or increasing with local population likely to be half or more of its historical size or density.

Population or meta-population probably contains at least 5000 individuals or 500 adults.

### **Present-depressed**

A major life history component has been eliminated.

Population is declining with numbers less than half of historical capability.

Population or meta-population is less than 5,000 total fish or 500 adults.

### **Absent**

Key salmonid is not present. It is either extinct or never occupied the watershed. The watershed is within the natural range and colonization was or is possible.

### **Present-unknown**

The key salmonid is present, but there is no reliable information to judge the current status.

Present-migration/overwintering

Migration corridors are portions of the watershed that do not support spawning or rearing, and function solely as routes or staging and wintering areas for migrating fish.

### **Unknown**

There is no information regarding the current presence or absence of the species.

These determinations were made using all available information and using biologists with local knowledge making the status call. Simultaneously, the same biologists made a status call of all fish species in the 5th field HUC to characterize fish communities. This status call used only two criteria: present or absent.

The status call of present-strong for the key species will be displayed by 6th field HUC. This status, while not accounting for population levels related to viable or harvestable does provide an indication that a “harvestable” population may exist based solely on the status call of “present-strong”. This status can then be tracked through the modeling of scenarios and alternatives to determine if a disturbance or group of disturbance mechanisms will reduce or maintain that population at that status call through time thereby assuring that a “harvestable” population may continue to exist.

At that point it would be appropriate to go to the next level or fine scale and determine the relative population that does exist and if it exists within a larger meta-population or sub-population. This level of detail is too fine for the Scientific Assessment of the ICBEMP and will need to be conducted by field units utilizing this data assessment as a starting point for context. It would still be necessary to determine site-specific fish population status and habitat conditions before any viable or harvestable levels could be defined in a finite manner.

We can predict trends in status, on a broad scale, based on the affects of a proposed action. If a species stays in a present-strong status then we may presume the species will remain harvestable. By assessing the effects of the proposed action we can predict whether the status will change, reflecting a trend in harvestable levels.

The *Terrestrial Ecology* chapter of the *Assessment of Ecosystem Components* measured the effects of alternatives on species, particularly the degree to which habitat conditions contribute to the long-term maintenance of plants and animals. The evaluation provided a reasoned series of judgements about projected amounts and distributions of habitat and the likelihood that such habitats would allow populations to persist over 100 years. These outcomes followed the criteria below:

- Outcome 1** Habitat is broadly distributed across the planning area with opportunity for continuous or nearly continuous occupation by species and little or no limitation on population interactions.
- Outcome 2** Habitat is broadly distributed across the planning area, although gaps exist within this distribution. Disjunct patches of habitat are typically large enough and close enough to other patches to permit species dispersal among patches and to allow species to interact as a metapopulation (local populations linked by migrants, allowing for recolonization of unoccupied habitat patches after local extinction events).
- Outcome 3** Habitat exists primarily as patches, some of which are small or isolated to the degree that species interactions are limited. Local subpopulations in most of the species’ range interact as a metapopulation, but some patches are so disjunct that subpopulations in those patches are essentially isolated from other populations.
- Outcome 4** Habitat is typically distributed as isolated patches, with strong limitation in interactions of populations among patches and limited opportunity for dispersal among patches. Some local populations may be extirpated, and rate of recolonization will likely be slow.
- Outcome 5** Habitat is very scarce throughout the area with little or no possibility of interactions among local populations, strong potential for extirpations, and little likelihood of recolonization.

Outcome 1 indicates that a habitat to sustain a harvestable population exists. This outcome can then be tracked, as with the aquatic status, through the modeling of scenarios and alternatives to

determine if a disturbance or group of disturbance mechanisms will maintain that habitat in the outcome ranking through time, thereby assuring a “harvestable population”. By assessing the effects of the proposed action we can predict whether the Outcome will change, reflecting a trend in harvestable levels.

These approaches to this project’s assessment of harvestability relative to the Federal Government’s trust responsibilities. This should only be used as a starting point for continued consultation between field units and individual tribes in further defining harvestable populations and the contribution habitat provides for the culturally, spiritually, and religiously important plants, animals, and fish species of the tribes in the project area.

## ***Ethno-Habitats~ A Bridge in Understanding Tribal Issues***

### ***Introduction***

People of all cultures relate to and interact with their world in ways necessary to sustain life and provide for their life ways. Those aspects of a peoples’ world and culture, which contribute to this end usually become especially important to their overall community well being. Ultimately, the dependence upon and relationship a people have with their world must rely on meaningful cultural divisions of their environment and all it contains, fostering concepts of places, habitats, life forms, objects and their groupings. The sum of socially and/or traditionally significant relationships a people have with their world (for example, through land uses) and its parts provide a context for understanding the useful nature of their environment and what makes it, and its culturally significant components important.

The Basin’s native Indian peoples have continued their long held interest and reliance on regional ecosystems even as their cultures change, employing both traditional and non-native ways of relating to their homelands and interest areas (lands where a tribe(s) have traditionally ranged to sustain their life way). Public lands serve to help sustain modern Indian peoples’ way of life, cultural integrity, social cohesion and socio-economic well being. This occurs in part because these lands encompass large areas of traditional Indian homelands, places, habitats, resources, ancestral remains, spirits, cultural symbols and cultural heritage, which are still respected, visited, or used.

Federal agencies have become increasingly aware of how public land management has and continues to play an important role in providing for or influencing tribal interest, rights, needs, and cultural practices. Providing opportunities for traditional American Indian land uses and resource acquisition as a goal, requires that habitats and species (including life forms socially and/or traditionally significant) must be present and available year after year. The presence of healthy habitats is fundamental to the achievement of both useable and harvestable levels of resources significant to Indian peoples as well as to healthy ecosystems.

### ***Description of Ethno-Habitats***

Habitat as a concept is often defined in biological sciences as a place that supports the life of an organism, or species community including a site, locality or local environment type, for example, a mud flat, lake and upland wetland. The proper functioning condition of a habitat and its current ability to support its potential natural plant and animal community are biophysical elements that can be assessed to help describe the relative health of an ecosystem. Appropriate scientific

measures of habitats and their corresponding relationships to larger ecosystem components are useful indicators of a species' potential well-being in a given geographical area. However, this information alone would be insufficient to address the biophysical health of socially and traditionally important places (ethno-habitats).

Ethno-habitats are places, defined and understood by groups of people, within the context of their culture, identifiable in part by the culturally significant life forms or life form groups found there by cultural participants. In a general sense ethno-habitats may be thought of as “folk categories” of places and may even be defined using criteria similar to that used by ecologists or biologists to define a landscape. However, the concept is based in Anthropology and Geography and refers to the ways a culture classifies and organizes its landscapes. They are places of culturally familiar features, unique biological resources and usually have spatial conditions that facilitate harvests and often processing facilities. Ethno-habitats are defined by the cultural knowledge and ordinary experiences of traditional users, their well being is often known by these same people.

As a type of habitat, they typically have subsets of places where useable and adequate quantities of culturally significant life forms (species) may be acquired. These are somewhat analogous to ecological constructs such as a species'/species group's community, habitat and biochore. In fact, biophysical specialists may themselves understand ethno-habitats through correlates in their own profession's concepts of landscape elements, or cultural perceptions, for example, timber stands. Recognition and understanding of culturally significant plants and animals has traditionally been within the context of native taxonomic systems, developed by each indigenous culture. Although invariably different from Euro-American taxonomic systems, many similarities in how life form categories are recognized are common between the various taxonomic systems. However, differences do exist, which support different conceptual paradigms of life form categories, for example, life form classifications recognized by finer or more general divisions, or based on different structures or attributes.

Places such as fishing grounds and stations, hunting districts, berry patches, root fields, tree groves (western red cedar, pinion, white bark pine etc.) and medicine sites may all be examples of ethno-habitats. They can also be thought of as components to larger units such as traditional cultural places, aboriginal homelands or areas of interests, including both specific areas where traditional uses/activities are most likely to occur and general areas where harvest related activities may occur. Thus, ethno-habitats may serve as the basic unit for examining or determining whether cultural uses (traditional activities) are being provided for on federal lands.

Understanding what constitutes useable and adequate quantities of resources like culturally significant fish, animal and plant species is dependent on knowing the relationships between human uses, cultural information systems, and biological information. It also involves familiarity with a culture's relationships with species and their habitats, for example, taxonomy systems; ethno-habitat capabilities; human needs and practices; relevant ecosystem patterns and influences; biology of species (life-cycles etc.); and their inter-relationships through time. Practical use and application of the relationships between a culture and natural resources/habitats/landscapes requires understanding the cultural information of a people, and their resource-landscape divisions in which they interact, that is, the way they use their cultural and biological expertise.

The concepts of something being “useable” and “adequate in quantity”, and of landscape divisions creating “places” are made meaningful in the context of the culture, which identifies and maintains these values and creates relationships with familiar landscapes and resources. In the case of American Indian tribes, the useability of resources are largely determined by cultural values like taste, texture, size classes, cultural significance, concentration of a resource, intended use and other cultural (non-biological) information that frequently differs from non-Indian resource values. Furthermore the useability of resources, their accessibility and the cultural significance of a resource place taken together may form the basis for identifying and describing an ethno-habitat.

Similarly, adequate quantities of resources may be determined by social-cultural systems (social reciprocity, native religions) that typically are a part of and help bind together land dependent

Indian communities. A tribe or traditional community may describe adequate quantities of culturally significant species for federal agencies in order to attain a common understanding, for example, number of spring chinook salmon needed annually by a tribe from a primary fishing ground. Of course, such assessments are inherently elastic in nature as people recognize natural fluctuations in biological systems, habitat conditions, climatic influences, and available commercial markets together with a given tribe's cultural and social/economic needs.

The aspect of place as an essential component of an ethno-habitat provides both criteria to help identify landscape division(s) and a basis for protecting, restoring and/or conserving what is culturally significant about the divisions. Inherent in such place types are the full array of cultural connections people have formed with them, and the familiarity and dependence an extended family, community, tribe or tribes may have on their resources. Ethno-habitats are often seen in sets or groups inter-connected and valued within the broader values and activities of Indian communities. As such, ethno-habitats have physical and biological elements which a culture may use to recognize and evaluate them.

For example, a fishing station on a free flowing river system may need to have certain physical features such as a convenient current flow to direct fish under scaffolds; sufficient water quality for human health; the presence of one or more culturally significant fish species in adequate quantities, and adequate access during fishing seasons. Fishing grounds, like the legally recognized "zone 6" of the mid-Columbia River, is a larger scale ethno-habitat type which can be recognizable spatially as a related set of fishing stations with habitat connectivity or influences, and culturally perceived by peoples as one and/or a collective body of significant, and useable places.

Another example of a large scale ethno-habitat is where a complex of scablands, as those located in parts of the North Fork John Day subbasin, are used by people as a place(s) to gather plant foods. They are characterized by extensive lithosols (shallow rocky soils) and known by families located in several Indian communities and reservations as a place or set of resource places. The unique hydrology and geology of the area created numerous geographically discrete habitats for plant communities, which continue to be visited by distant Indian communities. Places in the area are also considered convenient for base camps or temporary camping. Various standard roads and sometimes trails provide access to places recognized as root fields. These root fields are either a component within or coterminous with a scabland area and are valued differently given factors such as species composition, density, accessibility and associations to some Indian families.

The useability of ethno-habitats is also assessed by traditional users and tribes through other cultural criteria such as customary use practices or restrictions; familiarity of a species or habitat; presence of physical, administrative, and social barriers to access; adequate access for people, materials and/or vehicles; and the availability of seasonal resources. Certain families may visit specific root fields at different times of the spring and early summer as the particular plants become ready for harvest, or as family schedules dictate.

All agency units should expect to find they have jurisdiction of lands with ethno-habitats and that some management for tribal rights, interests and/or uses will be required. Still, agency understandings of ethno-habitats is extremely variable and depends largely on meaningful communication with tribes and traditional users. The intent of creating dialogue on ethno-habitats between American Indians and Forest Service and BLM agency units is to help conserve and protect healthy, sustainable, useable and accessible resources for traditional users. Therefore, the identification, management and monitoring of ethno-habitats needs to be conducted in consultation with tribes and involve resource user's knowledge and expertise. Biophysical expertise, often relied upon by federal agencies and tribal governments, can provide an important knowledge base that should be used in concert with the cultural expertise of traditional users to aid agency decisions.

The environmental concerns of tribes involve fine, mid and broad ecosystem management scales, given factors which affect ethno-habitats located within tribes' reservations, ceded lands and areas of interest. At the broad and mid-scale levels, there is less dependance on and influence from

cultural classification systems/values upon ecosystem management and a great influence from scientific paradigms taken from disciplines such as ecology, landscape ecology and geography. In other words, people and their cultures typically function within fine scale landscapes, understanding and creating most of their meaningful world divisions at this spatial level. Thus, larger scale assessments may more freely use scientific templates to frame ethno-habitat needs.

Consideration of ethno-habitats at mid and large scale levels in public land management can be helped by using scientific constructs, that is, terrestrial vegetation communities, potential vegetation groups and subbasin spatial units; large scale assessment techniques; and understandings of the regulation processes, patterns, functions and structures of ecosystem components. Information about current and projected species populations, and habitat distributions can also provide data useful for fine scale assessments of some ethno-habitats and culturally significant species, for example, viability panel assessments for species with identified viability concerns (Appendix K on Viability and the harvestability paper in Appendix C).

Broad and mid-scale landscape assessments can provide a framework for addressing tribal issues concerning American Indian ethno-habitats; however, all ecosystem management scales necessarily require meaningful dialogue with those who would most benefit. Tribal consultation, as an ongoing process, is an essential element in ethno-habitat management to facilitate the conservation and restoration (passive and active) of culturally significant habitat places and allowances for cultural uses. Commitment by decision makers to provide for culturally significant species and their habitats at sustainable/useable levels would help federal land managing agencies address their trust responsibilities toward tribes, meet the intent of statutes that encourage dialogue between agencies and concerned public land users, and allow for American Indian life ways.

