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Department of
Agriculture



Forest Service



United States
Department of
the Interior



Bureau of Land
Management

Interior Columbia Basin Ecosystem Management Project

Interior Columbia Basin Supplemental Draft Environmental Impact Statement

*Appendix 8b -
Tribal Background
Information, Part B*

March 2000

Interior Columbia Basin Ecosystem Management Project Supplemental Draft Environmental Impact Statement

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ICBEMP Supplemental Draft EIS

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Introduction

Appendix 8 contains information about the American Indian tribes that have reservations, ceded lands, and areas of interest within or bordering the Interior Columbia Basin Ecosystem Management Project (ICBEMP) project area. Twenty-two federally recognized tribes have worked with the project staff, providing information about their respective tribe and concerns.

Appendix 8b is presented in five sections: Federal Court Cases with Applications for Multiple Tribes; General Information Sheets; Chronology of Legal Status of American Indian Tribes; Tribal Employment Rights Ordinance (TERO) contacts; and Ethno-habitats. Appendix 8a (attached to the ICBEMP Supplemental Draft EIS) provides a summary of the general information sheets; information on evaluating habitat and harvestability, and addressing American Indian Rights and Interests; and a detailed discussion of government-to-government consultation. The complete Appendix 8 (Parts A and B) gives 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.

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 Yakama Indian Nation, 249 U.S. 194 (1919)

Shoshone Tribes v. United States, 299 U.S. 476 (1937)

United States v. Klamath & Modoc Tribes, 304 US 119 (1938)

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

Klamath v. Modoc 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)

Washington v. Washington State Comm. Passenger Fishing Vessel Association, 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. Yakama 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 Yakama Indian Nation v. State of Washington, 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 denied, 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. vs. 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 P2d 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. Baldrige, 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)

General Information Sheets for Affected Tribes in the ICBEMP Project Area

Blackfeet Tribe of the Blackfeet Indian Reservation of Montana

Tribes and Bands

The Southern Peigan, Bloods (Kainah), Siksika (Blackfoot), Northern Peigan.

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; Bill Old Chief, Chairman; Roger Running Crane, Vice-Chairman; George Heavy Runner, Tribal Secretary; Council members: Ken Talks About; Carl Kipp, Jr.; Rock Gobert (Chair, Lands Board); Bernard St. Goddard; Hugh Monroe; Howard Doore.

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 850, Browning, MT 59417; Phone: 406-338-7276; Fax: 406-338-7530.

Mark Magee, Lands Director; Rick Ollinger, Tribal Forester; Ira NewBreast, Fish & Wildlife; Natural Resources Department Phone: 406-338-5525.

Rock Gobert, Councilman and Landboard Chairman; Phone: 406-338-7276.

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

BIA Agency Contact

Ross Denny, Actg. Superintendent Blackfeet 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 - second weekend in July.

Burns Paiute Tribe

Tribes and Bands

Northern Paiute: Wada Tika, Hunipui, Walpapi, Koa'agai and Kidu.

Basis for Legal Status

(Inherent sovereignty) Members of the Walpapi band of the Northern Paiute signed the Treaty with the Snake in 1865. The Tribe signed a treaty with the U.S. Government December 1868; Congress failed to ratify it. Executive Order of March 1872 established the Malheur Indian Reservation and recognized the Burns Paiute Indians. However, in 1883 another Executive Order dissolved the reservation and the tribe lost federal recognition. Federal recognition of the tribe was restored in 1968.

Basis for Off-Reservation

Interests/Rights

(Inherent sovereignty, socio-economic well-being on their reservation.) Public law 92-488 recognized the Burns Paiute Tribe and their reservation.

Relevant Federal Court Cases

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.

Land Base

Pre-treaty: The original homeland of the Northern Paiute encompassed approximately 250 square miles of southeastern Oregon, northern Nevada and southwestern Idaho, northeastern California, and northern Nevada; March, 1872: Executive Order assigns Northern Paiute bands 1,778,560 acre Malheur Indian Reservation; 1875: Malheur Reservation increased to 1.8 million acres; 1876: Large portions of the reservation had been encroached upon and settled by non-Indians. 1878: Shoshone-Bannock War in Silver Creek

Valley; 1879: 500 Paiutes marched to Fort Simcoe, Washington on Yakama Indian Reservation; 1883 Executive Order: The Malheur Indian Reservation was terminated and land made public domain; 1887 Indian Allotment Act: Allowed for 160 acres to each head of household. Today's reservation: 771 acres and 11,786 acres of 71 scattered allotments; Of the current 771 acre reservation, ten reservation acres are known as "Old Camp." This was the first property owned following the loss of their Malheur Reservation. It was given to the tribe by the local Eagan Land Company. The larger portion of the current reservation was purchased by the tribe in 1935; 1972: The United States transferred title to 762 acres over to the Burns Paiute and established the Burns Paiute Reservation through public law 92-488; 1983/1984: An additional two 160 acres land parcels were acquired from Jesse James Toolies estate. These two land blocks are located adjacent to approximately 11,785 acres of land scattered over four townships in eastern Harney county. They are held in Trust and administered by the BIA for the Tribe.

Tribal Headquarters

Burns Paiute Tribe; HC 71, 100 Pasigo Street, Burns, Oregon 97720; Phone: 541-573-2088; Fax: 541-573-2323; Office Hours: M-F, 7:30am-4:30pm.

Tribal Populations

1991: 356 (215 living on the reservation); 1995: 274.

Cultural Affiliation

Great Basin Cultural Region: The northern division of the Paiute peoples. The original homeland of the Northern Paiute peoples included southeast Oregon, most of northwestern Nevada, and a portion of southwest Idaho. Northern Paiute associated with the Burns Indian Reservation include the remnants of the Wadaika, the Hunipui, the Walpapi, the Tagu, and the Kidu bands. Northern Paiute associated with the Burns Indian Reservation include the remnants of the Wadatika band (Wada Eaters who historically were centered around Malheur and Harney lakes); the Hunipui (Juniper-Deer Eaters of the Crooked River area); the Walpapi (Elk Eaters of the upper John Day River area); Tagu (Salmon Eaters of the Owyhee River area); and the Kidu (Ground Hog Eaters of the Fort Bidwell area). An early attempt was made to relocate some members of the Guinidiba from the Fort McDermitt area on the Malheur Reservation.

Religions

Traditional beliefs and Christian denominations.

Languages

English and Northern Paiute.

Governance

The Burns Paiute Tribal Council was formed in 1938 through the Indian Reorganization Act. Secretary of the Interior approves the Burns Paiute Business Constitution and By-Laws. The Tribal Council was established in 1988 by the Tribe. The Tribal Council consists of seven elected members. The tribe is self-governing.

Pre-Treaty Economy

A hunter-gatherer economy depended on annual subsistence rounds among regional subsistence areas.

Tribal Enterprises

Farm (110 acre); a small Tribal Casino is in operation.

Tribal Private Sector

Ranching.

Tribal Newspaper

The Tu Kwa Hone Newsletter; information for members on tribal government activities.

Tribal Programs (off-reservation involvement)

Youth opportunities; Law enforcement; Cultural

Tribal Fisheries/Gathering Areas

John Day, Powder, Silvies, Crooked, Malheur, Blitzen, and Owyhee Rivers; Harney and Malheur Lakes. The

BLM has cooperatively worked with the tribe and protected a biscuitroot root field area on BLM land and provided it special management.

Tribal Contact

Linda J. Reed-Jerofke; Phone: 541-573-7108. Fax: 541-573-2422.

BIA Contact

Gordon Cannon, Superintendent on Warm Springs Agency, BIA; P.O. Box 1239, Warm Springs, OR 97761-0277. Phone: 541-553-2411. Fax: 541-553-2426.

Significant Events and Dates

Socio-cultural: Unanticipated obligations (for example, funerals, illnesses) may affect tribal meeting schedules.

Government: Two council members are elected each year for two consecutive years and three members in the third year. Nominations are in June and Council elections are held in August of each year. Tribal Council typically meets weekly.

Tribal Council

Wanda Johnson; Lillian Maynard; Ruth Lewis; Julie Tooke; Albert Teeman; Terry Hoodie; and Dean Adams. Council positions have yet to be determined as of this publication (August 1999).

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. Tribal Council meets twice a year in the months of January and June. Special Council meetings may be held as warranted by Tribal issues.

Tribal Committees

Election; Enrollment; Housing; Culture; Parent, Child Protection Team; Farmland.



Burns Paiute Tribe Area of Interest

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: 406-675-2806; 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 Confederated Salish and Kootenai Tribes of the Flathead Reservation are a sovereign government composed of a confederation of the Salish (Flathead), Kootenai, and Upper Pend d'Oreilles people. The Tribes adopted a constitution and corporate charter in 1935 pursuant to the Indian Reorganization Act of 1934. The Tribal Council governs the Tribes.

The Tribes entered into a treaty agreement with the United States on July 16, 1855 in the Treaty of Hellgate (12 Stat. 975, 1859). Pursuant to that Treaty, the Tribes ceded aboriginal territory of some 23 million acres to the United States in return for certain guarantees. Among these were the use and enjoyment of natural resources situated within this territory, comprising in part all of Montana west of the continental Divide and portions of Idaho and Canada. Also, the Flathead Reservation was established as the Tribes permanent homeland. The Reservation includes an area of approximately 1.3 million acres comprising the lower quarter of the Flathead River Basin, and encompasses the south half of Flathead Lake and the Lower Flathead River.

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, 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: 406-676-3755; Fax: 406-675-2713.

Rhonda Swaney, 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

D. Fred Matt, Actg Chairman and Vice-Chairman; Carole Lankford, Secretary; Wm. Joseph Moran, Treasurer; Donald Dupuis; Mary Lefthand; Michael Durglo, Jr.; Jami Hamel; Elmer "Sonny" Morigeau; Lloyd Irvine.

Contact: Fred Matt, Chairman 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.



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

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

Tribes and Bands

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

Basis for Legal Status

(Inherent sovereignty) In 1867, President Andrew Jackson signed an Executive Order establishing a Reservation for the Coeur d'Alene, Kalispel, Spokane, Pend Oreille, Sanpoil, and Colville bands. The Coeur d'Alene never accepted this reservation. In 1873, President Ulysses S. Grant signed an Executive Order establishing a 592,000 acre reservation for the Coeur d'Alene tribe. In 1887 an agreement was signed to strengthen the commitment of the U.S. Government. The Spokane, Kalispel, Colville, and Pend Oreille tribes agreed, with the consent of the Coeur d'Alene's, to move to this reservation. In 1889, an Executive Order reducing the reservation land base and ceding all homeland of the tribe, in addition to the forty percent of reservation agreed to in 1887. In 1894, Congressional action 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; 1999: 1,646.

Cultural Affiliation

Plateau Cultural Region Religions: Traditional and Christian denominations.

Languages

Interior Salish and English.

Governance

Coeur d'Alene Tribal Constitution approved September 2, 1949 and amended in 1960, amended in 1984. The Constitution provides for a General Council and seven member elected council. Council members are elected to three year staggered terms. The Council delegates authority for implementation of the Council's legislative actions to the Administrative Director.

Pre-Treaty Economy

Hunting, Fishing, farming, cattle, and gathering with local and regional trade.

Tribal Enterprises

Coeur d'Alene Tribal Planning/Development; Tribal Farm; Benewah Market; Benewah Auto Center; Coeur d'Alene Tribal Casino; Benewah Medical Center;

Tribal Private Sector

Indian smoke shops, Arts and Crafts, etc.

Museum

The Coeur d'Alene Tribe maintains historical archives. An Interpretative Center is located and co-managed 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

Tribal Administration; Personal, Property and Supply; Finance; Planning; Natural Resource Department; Fish, Water and Wildlife; Forestry; NRDA Basin Project; Environmental Programs; Education and Career Development; TERO; Housing; Law Enforcement; Lake and River Management.

Tribal Fisheries

Off Reservation agreement signed with the State of Idaho for ceded areas, including Lake Coeur d'Alene, St Joe and St Maries Rivers.

Tribal Contact

Alfred M. Nomee, Director, Natural Resources Department; Coeur d'Alene Tribal Headquarters; Plummer, ID 83851-9704; Phone: 208-686-1009; Fax: 208-686-8600.

Non-policy contacts: Janel McCurdy, Forest Manager; Phone: 208-686-2345,

Kelly Lillengreen, Fish, Water & Wildlife Mgr. Phone: (208) 686-6803.

BIA Contact

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

Significant Events and Dates

Socio-cultural: Memorial Day, Good Friday and Easter Sunday, 3rd weekend in July, July-amsh Powwow, Post Falls, ID; August 15th, Feast of the Assumption, Cataldo, Mission; 4th Friday in September; National American Indian Day; 4th Friday in October; Water Potato Day.

Tribal Council

Ernest Stensgar, Chairperson; Norma Peone, Vice-Chair; Richard Mullen, Secretary and Treasurer; Council members: Chuck Matheson, Frank SiJohn, Valerie Fast Horse. Tribal Council meets each Thursday of the week. The general membership meets quarterly to provide Council with direction on tribal issues as warranted, with the option to hold special meetings as necessary.

Cultural History Information

The Coeur d'Alene peoples had intermittent contact with the Hudson Bay and French fur traders long before permanent contact with Euroamericans; this contact began in 1842 with the coming of the Blackrobes, Father Pierre DeSmet, established the first Catholic Mission on the St. Joe River near St. Maries, Idaho. References: Ye Galleon Press, 1970, *The Coeur d'Alene Reservation*, Connolly, Thomas E., 1990, *A Coeur d'Alene Indian Story* and 1990, *Saga of the Coeur d'Alenes*; Boas and Teit, 1985, *Coeur d'Alene, Flathead, and Okanogan Indians*. Further information contact Richard Mullen, Cultural liaison at (208) 686-1553.



**Coeur d'Alene Tribe of the Coeur d'Alene
Reservation, Idaho Area of Interest**

Confederated Tribes of the Colville Reservation, Washington

Tribes and Band

Methow, Sanpoil, Lakes (Senijextee), Colville (Sweelpoo), Entiat (Pisquouse), Nespelam, Chelan (Kow-was-say-ee), Columbia (Senkaiuse), Chief Joseph band of the Nez Perce, Wenatchi (Wenatchapum/Pisquouse), Southern Okanogan (Sinkaietk), Snake River Palus (Palouse).

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 north-eastern 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 reestablished 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, Nespelam, 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, Nespelem, 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, Nespelem, Sanpoil, Wenatchee, Chelan and Methow Rivers; Lake Chelan; Crab and Entiat Creeks; Rock Island, Cabinet, and Gualquil 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).

BIA Contact

William E. (Gene) Nicholson, Superintendent, Colville Indian Agency, BIA; P.O. Box 111, Nespelam, 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 Area of Interest**

Confederated Tribes of the Umatilla Reservation, Oregon

Tribes and Bands

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 intertribal 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; Cooperative 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, preschool; 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

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 Area of Interest**

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); Sohapp 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

Brad Nye, 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; Eugene Greene Sr., Off-Reservation Fish and Wildlife

Committee, Sr. Policy Planner, Natural Resources Department; Robert A. Brunoe, General Manager, Natural Resources Dept.; Louie Pitt Jr., Director, Governmental Affairs and Planning; staff support to Tribal Council; Secretary-Treasurer: records management, tribal code, and intergovernmental relations.

BIA 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

Olney Patt Jr., Chairman, Tribal Council of CTWSR; Garland Brunoe, Vice-Chair; Zane Jackson, Agency District; Bernice Mitchell, Agency District; Raymond Calica Sr., Simnasho District; Joseph Moses, Seekseequa District; Earl Squiemphen, Simnasho District; Brenda Scott, Seekseequa District; Delvis Heath, Sr., Chief (Warm Springs); Vernon Henry, Chief (Paiute); Nelson Wallulatum, Chief (Wasco).

Tribal Committees and Boards

Culture and Heritage Committee (Viola Kalama, Chair); Education Committee; Fish and Wildlife Committees (on and off-reservation - Eugene Greene Sr., Chair); Health and Welfare Committee; Land Use Planning Committee (Phillip Florendo, Chair); Range, Irrigation, and Agriculture Committee; Timber Committee (Reginald Winishut, Chair); Administrative Service Center Staff.



**Confederated Tribes of the Warm Springs
Reservation Area of Interest**

Fort Bidwell Indian Community of Paiute Indians of the Fort Bidwell Reservation, California

Tribes and Bands

The Fort Bidwell Paiute are part of the Northern Paiute or Gidutikad Band of the Great Basin. The Fort Bidwell community is primarily composed of Northern Paiute whose homelands were primarily in the Surprise Valley and Warner Valley region of northern California and southern Oregon, and adjacent area of Nevada westward to the northeastern shore of Goose Lake. In addition to Northern Paiute, who settled in the McDermitt and Bidwell areas along the southern Oregon state line following the 1868 Snake Wars, others joined the settlement after release from the Yakama Reservation in 1883.

Basis for Legal Status

(Inherent sovereignty) The Fort Bidwell Paiute Tribe is one of the 18 Tribes in California that do not have a ratified treaty with the US government. A joint resolution of January 30, 1879 authorized the Secretary to use the abandoned Fort Bidwell Military Reserve for an Indian Training School. An Act of January 27, 1913 granted land to the People's Church for a cemetery and right-of-way over the fort Bidwell Indian School Reservation, the Indians to have right of internment therein (37 Stat. 652, c. 15). Executive Order 2679 of August 3, 1917 enlarged the Reservation.

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-settlement: million acres in eastern Oregon, northern California, and western Idaho and Nevada. The (1-30-1897) reservation included 3,335 acres. Today's reservation: Total area: 4,629 acres; Tribal owned: 3,335 acres; Allotted: 1,294.

Tribal Headquarters

Fort Bidwell Indian Community Council; P.O. Box 129, Fort Bidwell, CA 96112; Phone: 916-279-6310, 279-2192; Fax: 916-279-2233. Business Office Hours: 8:00am- 5:00pm, M-F

Tribal Population

There is a total of 217 enrolled tribal members of the Fort Bidwell Paiute Reservation.

Languages

English and Paiute.

Governance

The Tribe is governed under the an Indian Reorganization Act; the Constitution and By-laws were approved in 1936 and amended in 1940 and 1942. The members of the governing body are elected each Nov.to staggered 2-yr. terms.

Tribal Enterprises

Fort Bidwell Cattleman's Association; beading group, (jewelry and moccasins).

Tribal Contact

Mr. Ralph DeGarmo, Tribal Chairperson and Barbara Rutherford, Tribal Administrator at 916-279-6310 or 916-279-2192. FAX: 916-279-2233.

Agency Contact

Dan Meza, Tribal Liaison; Modoc National Forest; 800 W. 12th St. Alturas, CA 96101; Phone: 916-233-5811.

Significant Events and Dates

Socio-cultural: Northern Paiute: Great Basin Traditional Powwow, first weekend of August (annually), Fort Bidwell, California.

Government

The Tribal Council meets once a month. General elections are held twice a year in the months of April and November, usually the second weekend of the month.

Tribal Council–Fort Bidwell Indian Community Council

Ralph DeGarmo, Chairman; Lucinda Lame Bull, Vice-Chair; Mariallen Sam, Secretary; Denise Pollard, Treasurer; Council members: Merle DeGarmo, Cecilia Phoenix, Eugene Arnett, Beatrice Pollard, and Teresa Contreras.

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.



**Fort Bidwell Indian Community of Paiute
Indians Area of Interest**

Fort McDermitt Paiute and Shoshone Tribes

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.

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
Area of Interest**

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 Aqulispil’em, 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 Slate’ise, 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 Washing-

ton. 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.

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 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

Admin. & Business; Community Services and Development; Natural Resources; Planning, Educ. & Research.

References

"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 Area of Interest

Klamath Indian Tribe of Oregon

Tribes and Bands

Klamath, Modoc, and Yahooskin Band of the Snake Paiutes.

Basis for Legal Status

(Inherent sovereignty) Treaty with the Klamath Nation, October 14, 1864, ratified February 15, 1870; Agreement of June 1901; Klamath Termination Act 14 as amended, August 13, 1954; re-recognized by U.S. Government; restored to Federal and State legal status and recognition, August 27, 1986.

Basis for Off-Reservation Interests/Rights

NAGPRA, NARFA, NEPA, NFMA etc. are applicable to the original 22 million acres in the ceded lands and aboriginal area. All land management practices that affect Treaty resources, both within and adjacent to the Klamath Treaty Rights area, are subject to consideration through interpretation and application of the Treaty of 1864. Also, Kimball vs. Callahan has affirmed the Klamath Tribes' treaty rights and federal responsibility for protection of Treaty resources. Recent court decisions have further affirmed the Tribes' position as land management consultants in order to protect Treaty rights.

Relevant Federal Court Decisions

U.S. v. Klamath & Moadoc Tribes, 304 U.S. 119 (1938); Kimball v. Callahan, 590 F.2d 768 (CA9), cert. denied, 444 U.S. 826 (1979); United States v. Adair, 723 F.2d 1394 (9th Cir. 1984); Oregon Fish and Wildlife Dept. v. Klamath Tribe, 473 U.S. 753 (9th Cir. 1985) “. . . the Ninth circuit has held that the language of the 1864

Treaty also served to reserve for the Tribes a right to hunt and trap game within the reservation, as well as the rights to fish and gather.”; Klamath Tribes v. United States of America, Div. No. 96-381-HA (D.Or., October 2, 1996), Opinion and Order preliminarily enjoined seven timber sales on former Klamath reservation lands challenged on Treaty and trust responsibility grounds; court held that the Forest Service cannot go forward with these sales “without ensuring, in consultation with the Klamath Tribes on a government-to-government basis, that the resources on which the Tribes treaty rights depend will be protected.” Id. @ 25; 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 an Indian reservation.

Land Base

Pre-treaty: About 22 million acres. Today: 350 plus acres in Trust, non-reservation status; Oct. 14, 1864: Reservation boundaries are set at 1.9 million acres; 1871 boundary survey: An erroneous survey for reservation boundaries excludes over 617,000 acres of land; June 17, 1901: A portion of the Klamath Reservation established in 1864 is relinquished (621,824 acres); 1954: Klamath Reservation is terminated by Congress under the Termination Act; August 1986: Tribe reinstatement; Area of ceded rights: 1.2 million acres in south-central Oregon.

Tribal Headquarters

Klamath Executive Committee; Box 436, Chiloquin, OR 97624; Phone: 541-783-2219; Office hours M-F, 8:00am-5:00pm.

Tribal Population

1977: 2,133; 1996: 3,096.

Cultural Affiliation

Plateau: Klamath and Modoc; Great Basin: Yahooskin Band.

Religions

Christian influence, Indian Shaker, and individual and family traditional beliefs and practices.

Languages

English, Klamath-Modoc, and Northern Paiute.

Governance

The tribe accepted the Indian Reorganization Act of 1934 and adopted a Constitution and By-laws in 1954. Recently revised in 1992. Ordinances and codes provide further Tribal regulation.

Tribal Enterprises

The Tribes' fish hatchery is for research purposes. The Klamath Tribes Economic Development Corporation is in the incubation processes. Tribal gaming is to begin in the second quarter of 1997.

Tribal Private Sector

Individual Tribal members own businesses in ranching, logging, lumber milling, retail sales, construction, computer sales and service, commercial art, jewelry making, hand crafts, etc.

Tribal Newspaper

Klamath News; The Klamath Tribe, P.O. Box 436, Chiloquin, OR 97624; Phone: 541-783-2219; Published bi-monthly.

Tribal Programs (off-reservation involvement)

Klamath Tribe National Resources Department: Cultural and Heritage Program; Fish and Wildlife Management Plan: Provide direction for operations of the Klamath Tribe Natural Resource Department.

Tribal Fisheries

Williamson, Sprague, Wood, and Klamath Rivers, Klamath Lake, Crooked Creek, Spring Creek, Seven and Three Mile Creeks, and a dozen or so more smaller creeks not listed here.

Tribal Contacts

Tribal Government: Allen Foreman, Chairman, The Klamath Tribes, 541-783-2219 / Tribal Administration of Programs: Terence O'Connor, General Manager, 541-783-2219 / Klamath Tribes Natural Resource Department: Elwood Miller Jr., Director, Natural Resource Department; Tribal Chief Biologist, 541-783-2095 / Culture and Heritage Department: Gordon Bettles, Director, Culture and Heritage Department, 541-783-2095.

Agency Contact

Greg C. LaFrance, Chiloquin Subagency, BIA; Chiloquin, OR; Phone: 541-783-2189.

Significant Events and Dates

Socio-cultural: Unanticipated obligations, such as funerals or illnesses, may affect tribal meeting schedules. First Sucker Ceremony, typically held during the last weekend in March. Restoration Celebration, usually held during third weekend in August.

Government

The General Council membership 18 years or older elects the Executive Committee to two year terms. The last general election was on March 13, 1995. Ten member Executive Committee is elected together for 2 year terms by the General Council. The Executive Committee also serves as General Council officers. General Council convenes quarterly and can overturn Executive Committee decisions.

Executive Committee

Membership for 1995–1997 terms. Jeff Mitchell, Chairman; Modesta Heminez, Vice-Chair; Barbara Kirk, Secretary; Jackie Galbreath, Treasurer; Executive Committee members: Nadine Hatcher, Orin Kirk, Joe Hobbs, Rosemary Treetop, Mary Gentry, Will Hatcher. Meets at least once a week, although the meetings have been averaging twice of week.

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 quarterly.

Tribal Committees

Culture Committee; Culture and Heritage Committee; Water Committee; Housing; Fish and Wildlife; Klamath Indian Game Commission: Meets at least once a month. Committee membership is typically a mix of selected Executive Committee members and Tribal department staff.

References

Alatorre, Barbara, 1994; "Wocus is Dying" Klamath News November/December 1994, p. 9.



Klamath Tribe of Oregon Area of Interest

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 2,010 acres.

Tribal Headquarters

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

Tribal Population

1999: 125 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.

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 Area of Interest

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 nine 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.

BIA 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 Area of Interest

Pit River Tribe of California

Tribes and Bands

Eleven autonomous bands: Ajumawi, Aporige, Astarawi, Atsugewi, Atwamsini, Hammawi, Hewisedawi, Illmawi, Itsatawi, Kosealekte, Madesi.

Basis for Legal Status

(Inherent sovereignty) 1987 Executive Order: The Pit River Tribe, as presently organized, received official federal designation in 1987. This most recent federal designation came about as a result of the consolidation of several Rancherias within Pit River traditional territory. Tribal lands consolidated include three formerly independent Rancherias in Shasta County: Montgomery Creek (72 acres); Big Bend (40 acres); Roaring Creek (80 acres); two in Modoc County: Likely, which is a 1.3 acre cemetery, and Lookout (40 acres); two other parcels of land, including 7 acres purchased with a HUD grant near the town of Burney on which a health clinic has been constructed; XL Ranch: a 9,254 acre site in Modoc County was restored to tribal jurisdiction in 1975.

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-1855: greater than 3,000,000 acres. Today: XL Ranch Reservation: Approximately 10,000 acres. Total area is 100 square miles, including but not limited to the XL Ranch, Rancheria and Rancheries.

Tribal Headquarters

Pit River Tribe of California; P.O. Drawer 70, Burney, CA 96013; Phone: 916-335-5421; Fax: 916-335-3140.

Tribal Population

1995: Approximately 1800 members.

Religions

Each band has its own religion.

Languages

English; Native languages: Ajumawi and Atsugewi.

Governance

The Pit River Tribal Constitution was approved by the Assistant Secretary of Interior on December 3, 1987. There are 11 autonomous bands that make up the Pit River Tribal Council. The term "autonomous" refers most particularly to each band's tribal community. Each band has a distinct cultural heritage.

Band Heads

Ajumawi Band: Andy James, P.O. Drawer 1570, Burney, CA 96013; Aporige Band: Anna Barnes, P.O. Box 361, Fall River Mills, CA 96101; Astarawi Band: Patricia Preston, P.O. Box 824, Alturas, CA 96101; Atsugewi Band: Beverly Winn, Rt. 2, Box 755, Hat Creek, CA; Atwamsini Band: Wally Preston, P.O. Box 1315, Alturas, CA 96101; Hammawi Band: Susan Alvarez, P.O. Box 863, Alturas, CA 96101; Hewisedawi Band: No representation; Illmawi Band: Melvin Wolfin; Itsatawi Band: Vivian Martinez; Kosealekte Band: Delores DeGarmo, P.O. Box 1286, Alturas, CA 96101; Madesi Band: June Avelar, P.O. Box 52, Montgomery Creek, CA 96065.

Tribal Programs (off-reservation involvement)

Cultural Resources.

Tribal Economy

Pit River Indians in the four county area are affected greatly by the fluctuations of the area's economy, because most families do not live on the federal trust land of the Rancheries and other tribally owned lands. Most employment opportunities are seasonal in nature. The unemployment rate is traditionally high among tribal members often exceeding 60 percent. The major industry for this areas is lumber and wood products. Government is a large employer. Outdoor recreation is a significant industry as well as tourism.

Tribal Contact

Laurence D. Cantrell, Tribal Chairman; Phone: 916-335-5421.

Agency Contact

Dan Meza, Tribal Liaison; Modoc National Forest; 800 W. 12th, Alturas, CA 96101; Phone: 916-233-5811; Fax: 916-233-4886.

Significant Events and Dates

Socio-cultural: Generally speaking, Tribal members often participate in sports events such as softball and basketball tournaments: Pit River annual softball and basketball tournament.

Government

Tribal elections are held annually in August. The Tribal Chairman is elected for a two year term and the other Tribal Council members are elected for a one year term. The last election for the Chairman was in August 1995. Elections are held in August. Tribal Council meetings held on the second Friday of the month.

Tribal Council

The Pit River Tribal Council; P.O. Drawer 70, Burney, CA 96013; Phone: 916-335-5421.

Laurence D. Cantrell, Chairman; Sarah Harris, Vice-Chairman; Diane Taylor, Secretary; Gwen Wolfen, Treasurer; Steven Gemmil, Sergeant at Arms; Rosemarie Wilson, Recording Secretary.

Quartz Valley Indian Community of the Quartz Valley Reservation of California

Tribes and Bands

Shasta and Karuk Tribes.

Basis for Legal Status

(Inherent sovereignty) In 1851 a treaty between the Indians in Scott Valley and the United States of America established a territory for the Indians. The Indians living in Scott Valley included Shasta, Karuk, Modoc and others. The Indian Reorganization Act (IRA) of 1934, as amended (49 stat. 378) established the Quartz Valley Indian Community and a basis for the adoption of a tribal Constitution and By-Laws. The Quartz Valley Indian Community adopted a Constitution and By-Laws on June 15, 1939. The Tribe was terminated in 1948 as a part of the California Rancheria Act. Then, on August 3, 1983 in *Tillie Hardwick v. U.S.* (CA-79-1716-SW) a stipulated agreement was entered, the agreement reinstated the trust responsibility of the federal government and reinstated the Constitution and By-Laws and Corporate Charter of the reservation. The Quartz Valley Indian Reservation was a class member of *Tillie Hardwick v. U.S.*, in part, because four families were able to maintain ownership of original Quartz Valley Indian Reservation 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 701 (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel*, 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligation when their actions may adversely affect the water quality/quantity, air quality, or property of Indian reservations.

Land Base

Original Homelands: 1 million acres. 1951: The Quartz Valley Indian Reservation was established under the 1934 Indian Reorganization Act (IRA) and comprised 604 acres. The California Rancheria Act terminated the Quartz Valley Indian Reservation and disbursed Tribal land to Tribal members, thus the tribe had no land. In 1983, *Tillie Hardwick v. U.S.* restored the federal trust relationship to the tribe, however, did not provide for the restoration of the tribal land. The Tribe remained landless until 1994, when the Tribe purchased 12 acres of former reservation land. In 1995, the Tribe purchased an additional 130 acres of land within or contiguous to the original reservation. The reservation totals 142 acres of land.

Tribal Headquarters

Quartz Valley Indian Reservation; 11219 Highway 3, Suite J, Fort Jones, CA 96032; Phone: 916-468-5409/5907; Fax: 916-468-5908; Office Hours: M-F, 9:00am-5:00pm.

Tribal Population

Pre-treaty: 2,000 plus [est.]; 1906: 121, Shasta and Karuk; 1963: 36, Shasta and Karuk; Currently 28 adults enrolled. Potentially eligible, approximately 250 adults. Children are enrolled under an adult member.

Culture Affiliation

Northwest Coast Cultural Region.

Religions

Traditional religions and other western faiths.

Languages

English, Karuk, and Shasta languages.

Governance

Self-governing under an approved Tribal Constitution. Governing body is the General Community Council, the General Community Council elects a Business Council and committees.

Pre-Treaty Economy

Hunting, fishing, gathering, and trade with other Tribes. QVIR traded with the Modoc Indians for Obsidian, with the Chiloquin Indians for Elk and Otter, with the Yurok Indians for dentillium, and with the Hoopa and Yurok Indians for Fish.

Tribal Enterprises

Current: Tribal Arts & Crafts Gift Shop. Future: Tribal Forestry Department.

Museum

No Tribal museums. A small museum is nearby in Fort Jones, California.

Tribal Programs (off-reservation involvement)

Co-operative agreement with the Forest Service for forest restoration.

Tribal Fisheries

Currently none. Planning for future fisheries program.

Tribal Contact

Edward Lee Sanderson Jr., Tribal Chairman; Phone: 916-468-5409/5907.

Agency Contact

Virgil Akins, Superintendent, BIA; Phone: 916-246-514; Fax: 916-246-5167;

Barbara Holder, Forest Supervisor, Klamath National Forest. Phone: 916-842-6131;

Jim Rock, Forest Archeologist and Tribal Liaison. Phone: 916-842-6131.

Significant Events and Dates

Socio-cultural: Some community gatherings. Cultural gathering throughout the year.

Quartz Valley Business Council

Elected by the General Council by secret ballot. Consists of Chairman, Vice-Chairman, Secretary, Treasurer and other officers as needed. Current council: Chairman Edward L. Sanderson Jr., Vice-Chairperson Peggy Bennett, Secretary Everett Super, and Treasurer Roy Lincoln. Council member, Patrick Case.

General Council

Enrolled tribal members, 18 years of age or older. Meets once a month on the second Saturday, and is the governing body of the Quartz Valley Indian Reservation.

Tribal Committees

Housing Committee, Constitution committee and other committees as needed.



Quartz Valley Indian Community Area of Interest

Northwestern Band of Shoshone Nation of Washakie Utah

Tribes and Bands

The subsistence range for some of the Northwestern Shoshone 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 Shoshone Indians and received federal recognition in 1980.

Basis for Legal Status

Treaty of Box Elder, June 30, 1863; Treaty with the Eastern Shoshone, July 2, 1863; 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 Sheepstealers 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

Northwestern Band of Shoshone Nation; 31 West Bridge, P.O. Box 637, Blackfoot, Idaho 83221; Phone 208/785-7401. Fax: 208/785-2206; Brigham City office: 108 East Forest St., Brigham City, UT 84302; Phone: 435-734-2286; Fax: 435/734-0424.

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: Bruce Parry, Executive Director (Natural Resources Director); Phone: 208-785-7401; Dessie Fonohema, Secretary and Receptionist; Phone 208/785-7401; Vacant, Cultural Natural Resource Specialist, 208/785-7401; Health: Jackie Edmo, CHR generalist; Phone: 208-785-7302. Fax: 208-785-2206; Trema Washakie, Child Care.

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, Tribal Environmental Protection Specialist; 31 W. Bridge St, P.O. Box 637, Blackfoot, Idaho 83221. Phone: 208/785-7401. Fax: 208/785-2206. Email: ktimbana@micron.net.

Significant Events and Dates

January 29, 1863 is a day of remembrance for the people of the Northwestern Band of Shoshone. On

this day, 250-275 Shoshone men, women, and children were killed in an attack of their village along the banks of the Bear River in Southeastern Idaho. The site is near present day Preston, Idaho and the event is known as the Bear River Massacre.

Tribal Council

NW Band of the Shoshone Nation: Gwen Davis, Tribal Chair; Leland Pubigee, Vice-Chairman; Council members: Guy Martinez, Secretary; Shane Warner, Treasurer; Helen Timbimboo, Ivan Wongon, Tommy Pachecho. *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.

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.

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 (Warraekas) including the Boise and Bruneas; the Mountain Lemhi Shoshone including the Tukuerukas (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

Lionel Boyer, Tribal Fisheries Department; P.O. Box 306, Fort Hall, ID 83203; Phone: 208-238-3758; Fax: 208-238-3742.

BIA 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: Duane Thompson, Chairman; Claude Broncho, Vice-Chairman; Keith Tinno, Secretary; Billie A. Appenay, Administrative Secretary; Blaine Edmo, Treasurer; Jesse James Wadsworth, Sergeant at Arms; Larry Bagley, Michael Dann. Council members were elected and inducted and are accurate as of August, 1999.



**Shoshone-Bannock Tribes (Fort Hall Indian
Reservation) Area of Interest**

Shoshone-Paiute Tribes of the Duck Valley Reservation

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.

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

Marvin Cota, 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) Area of Interest**

The 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

Sant 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.

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.

The Spokane Tribe of the

Spokane Reservation, Washington

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

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

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, gathering 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. Elected members were sworn in on June 30th. 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; SIRTTP Enterprise; Gaming Enterprise/bingo; Tribal Road Construction; Credit; Election; Wildfire; IRMP Steering; Indian Child Welfare.

Summit Lake Paiute Tribe of Nevada



Spokane Tribe Area of Interest

Tribes and Bands

The Paiute Tribe has long lived throughout much of what is now the state of Nevada.

Basis for Legal Status

(Inherent sovereignty) The Summit Lake Reservation was created on the old Camp McGarry Military Reserve in 1913.

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

Today's reservation: Tribally owned lands cover 10,506 acres in Humboldt County at Summit Lake.

Tribal Headquarters

Summit Lake Paiute Tribe; P.O. Box 1958, Winnemucca, NV 89445; Phone: 702-623-5151; Fax: 702-623-0558.

Tribal Population

1992: 16 on reservation. Total tribal membership was 112.

Governance

The Tribe adopted the Indian Reorganization Act of 1934. They operate through an Article of Incorpora-

tion. Tribal Council members are elected to a three year term. The last election was held in 1994.

Tribal Enterprises

Fishing revenues, land leases, and grazing permits.

Tribal Programs (off-reservation involvement)

None.

Tribal Contact

Robert Sam, Chairman; Phone: 702-623-5151

Tribal Council

Summit Lake Paiute Tribe; 655 Anderson Street, Winnemucca, NV 89445; Phone: 702-623-5151. Robert Sam, Chairman; Thomas Cowan, Vice-Chairman; Robyn Burdette, Secretary/Treasurer; Council members: Jerry Barlese; William Cowan. Tribal Council meetings held on the 3rd Saturday of the month.

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 twice a year in the months of May and October.

Yakama Nation, Washington

Tribes and Bands

Klickitat, Klinquit, Li-ay-was, Kow-was-say-ee, Ochechotes, Palouse, Shyiks, Pisuose, 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; Sohapp 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. Wash-

ington (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; 1999: 9,184.

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; Legends Casino; and Yakama Forest Products.

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. Sin-Wit-Ki: Fish and Wildlife newsletter.

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 (lcarlson@Yakama.com)
Meredith Bruch, Attorney
Carol Craig, Fish and Wildlife Public Information Manager (ccraig@yakama.com)

BIA 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

William Yallup, Sr., Chairman; Ross Sockzehigh, Vice-Chair; Lonnie Selam, Sr., Secretary; Randy Settler, Assistant Secretary; Ray C. James, Sergeant at Arms; Council members: Clifford Moses, Harris Teo, Jr.; Patsy Martin, Duane Clark, Jack Fiander, Jerry Mininick, Russell Billy, Fred Ike, Sr., and Arlen Washines.

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. All enrolled members of the Yakama Nation.

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 of the and Bands of the
Yakama Indian Nation Area of Interest**

Chronology of Legal Status of American Indian Tribes

Introduction

This section 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 in the beginning of this Appendix.)

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 occu-

pancy, 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 Unites 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 Indiana 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 and 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 Percés 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. Section 31 of the amendment 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 Secre-

tary 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 a 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 the 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 that 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 (P.L. 103-344).

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 recog-

nizes 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 on sacred sites in accordance with existing legislation.

1997 ~ Secretarial Order of June 5, 1997 (S.O. 3206). Applicable to Departments of Interior and Commerce agencies when actions taken under the authority of the ESA and associated implementing regulations affect, or may affect, Indian lands, tribal trust resources (defined as both on and off reservation), or the exercise of American Indian tribal rights. Requires these agencies to consult with and seek participation of affected tribes to the maximum extent practicable. Describes consultation as including "providing affected tribes adequate opportunities to participate in data collection, consensus seeking, and associated processes". Requires utilization of tribal conservation and management plans that both govern activities on Indian lands and address conservation needs of listed species. Identifies requirements for conservation restrictions of tribal actions and provides for the availability of information to tribes as well as the protection of information, and other purposes.

1998 ~ Executive Order of May 14, 1998 (E.O. 13084). Acknowledges the unique relationship the federal government has with Indian tribal governments, Indian tribal sovereignty and self-government, and the U.S.'s desire to work on a government to government basis to address issues concerning Indian tribal self-government, trust resources, and Indian treaty and other rights. Requires federal agencies to have an effective process for tribal officials to provide meaningful and timely input on development of regulatory policies/practices; reduces the imposition of unfunded mandates on Tribal government; and streamlines the application process for, and increases availability of, waivers to Indian tribal governments.

Tribal Employment Rights Ordinance (TERO) Contacts

Blackfeet Tribe	Don White Box 850 Browning, MT 59417	406-338-7887
Burns Paiute Tribe	Ervin Peck HC-71 100 Pasigo St. Burns, OR 97720	541-573-2088
Coeur d'Alene Tribe	Frank Sijohn 850 A Street P.O. Box 408 Plummer, ID 83851	208-686-1273
Cofederated Tribes of the Colville Indian Reservation	Lee Adolph P.O. Box 150 Nespelem, WA 99155	509-634-2716
Ft. Bidwell Paiute	(No TERO) Denise Pollard, Chairperson P.O. Box 129 Ft. Bidwell, CA 96112	1-800-576-3132
Ft. McDermitt Tribes	(No TERO) Helen Snapp, Chairperson P.O. Box 457 McDermitt, NV 89421	702-532-8259
Kalispel Tribe	Michael Jones P.O. Box 39 Usk, WA 99180	509-445-1147
Klamath Tribes	(No TERO) Jeff Mitchell Box 436 Chiloquin, OR 97624	541-783-2219
Kootenai Tribe of Idaho	Steve Garwood P.O. Box 1269 Bonners Ferry, ID 83805	208-267-3519
Nez Perce Tribe	Judy Oatman P.O. Box 365 Lapwai, ID 83540	1-888-637-8376
NW Band of Shoshone Nation	(No TERO) Ivan Wongon, Chairman 695 So. Main #6 Brigham, UT 84302	435-734-2286

Pit River Tribe (XL Ranch Reservation)	(No TERO) Laurence Cantrell, Chairman P.O. Drawer 70 Burney, CA 96013	530-335-5421
Quartz Valley Indian Community	Roy Lincoln, Chairman P.O. Box 24 Ft. Jones, CA 96032	530-468-5907
Confederated Salish & Kootenai Tribes	Sheila Matt Box 278 Pablo, MT 59855-0278	406-675-2700 x1044
Shoshone Tribe of the Wind River Reservation	Shaun Murray P.O. Box 538 Ft. Washakie, WY 82514	307-332-7618
Shoshone-Bannock Tribes	Donna Miller Ft. Hall Indian Reservation P.O. Box 306 Ft. Hall, ID 83203	208-238-3847
Shoshone-Paiute Tribes	Deanna Able Duck Valley Indian Reservation P.O. Box 219 Owyhee, NV 89832	775-757-3211 x227
Spokane Tribe	Larry Brown P.O. Box 100 Wellpinit, WA 99040	509-258-4581
Summit Lake Paiute	(No TERO) Robert Sam, Chairman 655 Anderson St. Winnemucca, NV 89445	702-623-5151
Confederated Tribes of the Umatilla Indian Reservation	Randy Minthorn P.O. Box 638 Pendleton, OR 97801	541-278-5324
Confederated Tribes of the Warm Springs Reservation Oregon	Amelia Tewee P.O. Box C Warm Springs, OR 97761-0078	541-553-3262
Yakama Indian Nation	Randy Olney P.O. Box 151 Toppenish, WA 98948	509-865-5121

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 and the passing on of their culture. Those aspects of a peoples' world and culture, which contribute to this end, are especially important to their overall community well being. Ultimately, the dependence upon and relationship a people have with their world 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 project area'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 today.

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. Examples might include a mud flat, lake or 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 may 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. They are identifiable, in part, by the culturally significant life forms or groups found there by tribal people. 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 harvest and/or processing facilities. Ethno-habitats are defined by the cultural knowledge and ordinary experiences (past and present) of traditional users. Further, the well being of these places/areas 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 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 within a given forest. 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 recognizing the relationships between these resources/places with their corresponding human uses. 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 interrelationships 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 the way they use their cultural and biological expertise.

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), but such assessments are estimates and fluctuate dependent on a myriad of factors. These factors (natural fluctuations in biological systems, habitat conditions, climatic influences, and available commercial markets, and other influences) must be considered 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 interconnected 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 sub-basin, 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. 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.

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 accomodation of cultural uses. The commitment by decision makers to provide habitat capable of supporting culturally significant species at sustainable/useable levels will help federal land managing agencies address their trust responsibility toward tribes, meet the intent of statutes that encourage dialogue between agencies and concerned public land users, and allow for American Indian life ways to continue their interrelationship with the lands and resources.