

TECHNICAL EXHIBITS

EXHIBIT E

CONFEDERATED TRIBES OF THE WARM SPRINGS INDIAN RESERVATION

CULTURAL RESOURCE DEPARTMENT

Warm Springs, Oregon 97761 / 503-553-1161



April 29, 1994

Linda Burbach
SOR Interagency Team
Bonneville Power Administration
PO Box 2988
Portland, Oregon 97208-2988

Dear Linda,

Please find enclosed for your information the Cultural Resources Technical Input for the Columbia River Systems Operation Review. This information is provided in fulfillment of BPA contract with the Confederated Tribes of the Warm Springs Reservation, Cultural Resource Department.

I am requesting following the review of the SOR Cultural Resource Appendix that an opportunity to revise and provide supplemental information is made available to the Confederated Tribes of the Warm Springs Reservation. This is for the purpose of insuring adequate participation, coordination and consultation as a member of the Cultural Resource Work Group. An additional request for funding may be needed for this participation.

Thank you for the opportunity to provide this information. I look forward to future participation in the SOR resource evaluation process.

Sincerely,



Scott E. Stuemke
Program Manager

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Enclosure

COLUMBIA RIVER SYSTEM OPERATION REVIEW**CULTURAL RESOURCE TECHNICAL INPUT**

By

Thomas E. Churchill

Submitted in accordance with a contract
between Coastal Magnetic Search & Survey
and The Confederated Tribes of the Warm Springs Reservation of Oregon

April 26, 1994

Coastal Magnetic Search & Survey Report No. 73

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INTRODUCTION

The purpose of this project was to review and comment on the Cultural Resources Appendix D of the Columbia River System Operation Review (SOR) Environmental Impact Statement and to gather additional documentation of traditional, historic and archaeological nature pertinent to the area under examination.

Initially the contract was structured to provide statements on topics presented as chapter headings in the draft appendix written by the Cultural Resources Work Group (CRWG) (e.g. Issues, Affected Environment, Impacts, and Mitigation). However, due to the absence of a complete copy of the draft appendix, at any given time during this contract, it has been difficult to review the entire document at one time. A number of changes and omissions occurred during the formulation of the present draft appendix (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c). These changes have altered several places in the general text and the site-specific analysis discussion of the document.

Also due to untimely events elders of the tribal nation were not interviewed to gather information on the past and present traditional uses of the area as well as tribal views of issues and concerns of the proposed operations. The presence of ritual feasts and another cultural responsibilities have made the elder participants unavailable at this time.

The SOR affects Confederated Tribes of the Warm Springs Reservation (CTWSR) ceded land along the Columbia River from an area known as the cascades upriver to the mouth of Willow Creek (1855 Treaty with the U. S. Government and the Tribes of the Middle Columbia River). This area has been and currently is affected by construction and the operation of three dams (Bonnevile, The Dalles, and the John Day) and their reservoir pools.

The CTWSR have experienced the changes to the Columbia River. The loss of cultural and spiritual resources along the Columbia River have had an immense effect upon the culture and heritage of the Confederated Tribes. The CTWSR feels that "the protection, preservation, and encouragement of tribal and Indian history, culture and tradition and heritage is necessary to ensure the survival of the Confederated Tribes;" (CTWSR - Tribal Code Ordinance 68 Chapter 490). Their greatest concern towards the SOR is the protection of their cultural and spiritual resources.

AFFECTED ENVIRONMENT

The traditional lands occupied by the Wasco and Tenino peoples of the Confederated Tribes of the Warm Springs Indian Reservation included portions of the Columbia River from the cascades of the Columbia River to the mouth of Willow Creek (Berreman 1937, Suphan 1974, Hartmann 1985).

The Wasco inhabited a region of the Columbia River from the cascades of the Columbia River eastward to Ten Mile Rapids. The Wasco occupied three principal areas within this region. The Dalles Wasco occupied three village

sites (Suphan 1974:29). Wasqo village, known as Big Eddy, was located opposite Spedis (Spearfish), Washington. Wotsqs village, "lone pine", was situated at Seufert, Oregon near the present Dalles bridge. Winkxot village was located at the mouth of Mill Creek, The Dalles, Oregon. Known fishing sites associated with the villages included two above Wasqo, five between Wasqo and Wotsqs, and eleven downstream in the direction of Hood River (Suphan 1974:30).

The Hood River Wasco inhabited two village sites (Suphan 1974:30). Ninuhltidih village was located at the mouth of Hood River. A second village was located in the Ruthton/Somy area some five to six miles below Hood River.

The Cascades Wasco occupied both sides of the Columbia River at the cascades. Five village sites have been identified on the north side of the river (Suphan 1974:33). Wahlala village was located opposite Cascade Locks, Oregon. Skamamyak village was situated at the middle cascades. Kihaiagilhum village was located a little distance downstream from Skamamyak village. The village known as Kaiuchikhlqtih was located at the lower cascades. Kamigwaihat village was located a little distance downstream from Kaiuchikhlqtih. Two village sites were identified on the south shore (Oregon side) of the Columbia River (Suphan 1974:33). Waiahih village was located at Cascades Locks and the village known as Swapapani was situated at Eagle Creek.

Roots were gathered along flats of the Columbia River. Several principal camas localities used by the Wasco have been recorded; one area was located at the mouth of White Salmon River and the other locality was at Chenoweth flats just west of The Dalles (Suphan 1974:36).

Prior to 1810-1820, the Tenino (Tygh, Wyam, Tenino, and John Day) were centered along the Oregon shore of the Columbia River between Ten Mile Rapids and the mouth of the John Day River (Berreman 1937:62-63, Toepel, Willingham, and Minor 1979:34-35, Suphan 1974:46-49, and Hartmann 1985:37,38). Their subsistence area ranged into Five Mile, Eight Mile, and Fifteen Mile canyons south of Celilo and north of Tygh Valley, extended along the lower middle reaches of the John Day River, and west along the slopes of Mt. Hood as far south as Clear Lake (Suphan 1974:48,49). Traditional use extended farther east to fishing sites at the mouth of Willow Creek.

The Tenino proper inhabited a summer village four miles east of The Dalles and occupied a winter village six miles inland along Fifteen Mile Creek (Suphan 1974:40).

The Wyam or Lower Deschutes Tenino inhabited a summer village at Celilo and a winter village along the left bank of Deschutes River not far from confluence with Columbia (Suphan 1974:40,41).

Between 1810 and 1820, the Tygh group of the Tenino occupied Molala territory in the Tygh Valley area (Suphan 1974:49). This southern expansion acquired subsistence areas such as Sherar's Bridge (fishing), the vicinity of present day Wapinitia and Tygh Valley (root grounds), and Tygh and Badger creeks and White River areas (hunting) (Suphan 1974:49).

After 1810-1820, the Tenino continued extending their territory south into traditional Paiute lands (Hartmann 1985:38). By the time the reservation was established, the Tenino utilized areas near Ollalie Butte and Mt. Jefferson, Hot Springs, Warm Springs, Seekseekwa, Shaniko, and the entire John Day Valley (Suphan 1974:50-60).

The John Day Tenino occupied both summer and winter villages along the lower John Day River within a few miles of the Columbia River (Suphan 1974:43).

The ethnographic literature indicates an intensive occupation of the area along the Columbia River from between the cascades and Ten Mile Rapids by the Wasco and Ten Mile Rapids to the mouth of Willow Creek by the Tenino. A large number of village sites of both the Wasco and Tenino were scattered along the Columbia River in this area. Numerous fishing sites associated with the villages were dispersed throughout the area. Root and other plant resource localities were also scattered throughout the area. The Columbia River and its' surrounding area provided the Wasco and the Tenino the cultural resources (e.g. fish resources, plant resources, living areas, and burial areas) to sustain their cultural heritage for many years.

Archaeological overviews pertinent to the present project include the work of Wilke, Dalan, Wilde, James, Weaver, and Harvey (1983), Wilde, Dalan, Wilke, Keuler, and Foss (1983), Minor and Beckham (1984), Beckham, Minor, Toepel, and Reese (1988), and Lebow, Pettigrew, Silvermoon, Chance, Boyd, Hajda, and Zenk (1990). The following discussion is a brief overview gleaned from these and other sources.

Archaeological investigations in the region between the Bonneville Dam and Willow Creek began in the mid 1920's with the work conducted in The Dalles-Deschutes area (Beckham, Minor, Toepel, and Reese 1988:32). During the 1930's archaeological work was conducted in the Bonneville area inconjunction with the construction of the Bonneville Dam. An increase of archaeological investigations occurred in the region during the 1950's (Beckham, Minor, Toepel, and Reese 1988:34-37) with the construction of The Dalles Dam. Since the 1960's, in response to a number of federal acts, archaeological investigations in the region have continued (Beckham, Minor, Toepel, and Reese 1988:34-37).

Previous archaeological work conducted in the region consists of inventory surveys (e.g. Wilt 1993; Minor 1991, 1992; Wilke, Dalan, Wilde, James, Weaver, and Harvey 1983; Wilde, Dalan, Wilke, Keuler, and Foss 1983; Minor and Beckham 1984; Loring and Loring 1982; and McClure 1978, 1984), test excavations (e.g. Cole 1965, 1966, 1967; Dunnell and Lewarch 1974), and mitigation projects (e.g. Dumond and Minor 1983; Minor, Toepel, and Beckham 1989). These investigations documented the presence of hundreds of prehistoric sites that include such types as villages, lithic scatters, burials, and rock art localities. The previous work has demonstrated the presence of human occupation in the region for approximately the last 10,000 years (Beckham, Minor, Toepel, and Reese 1988:48-52). Archaeological investigations in the area has revealed some of the earliest known archaeological sites in the region: Fivemile Rapids, and Wildcat Canyon.

CONCERNS AND ISSUES WITH THE SOR CULTURAL RESOURCES APPENDIX

The definitions of terms used to identify cultural resources (e.g. archaeological site, historic property, and cultural resource) throughout the draft appendix have been confusing and in many cases are used incorrectly. Cultural resources, as defined in the glossary of the draft appendix, are "archaeological and historic sites, historic architecture and engineering, and traditional cultural properties." (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a). However, throughout the document when cultural resources are discussed they generally relate to physical archaeological and historic remains. The term historic property is used incorrectly in several of the analysis chapters (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:3-10, 4-1, 4-3). The glossary included in the January draft appendix defines historic property as "an archaeological, historic, or traditional cultural property." (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a). The term historic property means "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource." (National Historic Preservation Act, as Amended Through 1992, Title III, section 301 (16 U.S.C. 470w-5); Classification of Historic Property, ORS358.480).

During the process of writing the Cultural Resources Appendix D draft the number of archaeological sites in the document and specifically in the analytical analysis have changed. The numbers in the text and tables of the draft appendix report don't consistently correlate with the numbers represented in the site lists in the exhibit portion of the report (Table 1).

Twenty-one sites are listed in the Bonneville area in the exhibit section of the January 1994 draft Cultural Resource Appendix D (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a). However, the last four versions of the draft appendix indicates only 20 sites in the text section 2.35 Archaeological Inventory - Lower Columbia River Dams (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993c, 1994a, 1994b, 1994c). Twenty-one sites are listed in Table 3.2-1 of the last three versions of the document (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a, 1994b, 1994c:3-12). Only 14 sites, with no explanation other than the rest of the sites are outside the reservoir pool, are used in the site-specific analysis section of the most recent draft appendix (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c). These omitted sites may be sites that are located downstream from the dam, and are not directly affected by the reservoir pool. However, they are still being effected by the run-off water from the dam, vandalism, and other impacts, and therefore should be included into the analysis.

Table 1. Numbers for Cultural Resources represented in text, table 3.2-1, quantitative analysis from April version of draft (1994c), and site lists in exhibits from January version of draft (1994a).

Reservoir	Text	Table 3.2-1	Q. Analysis	Site List
Bonneville	20	21/14*	14	21
The Dalles	56	54/20	20	57
John Day	224	187/130	130	203

* number of recorded sites/number of recorded sites in pool

Fifty-seven sites are listed in The Dalles area in the exhibit portion of the January 1994 draft of the appendix (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a). Again the last four versions of the draft appendix indicates only 56 in the text section 2.35 Archaeological Inventory - Lower Columbia River Dams (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993c, 1994a, 1994b, 1994c). In the most recent draft of the appendix, 54 sites were listed in Table 3.2-1 with 20 sites located in the reservoir pool area (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:3-12). Then in section 4.4 Site - Specific analysis the number of sites at The Dalles area is stated at 57 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:4-11).

Two hundred and three sites are listed in the John Day area in the exhibit portion of the January 1994 draft of the Cultural Resource appendix (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a). The last four versions of the draft appendix indicates 224 in the text 2.35 Archaeological Inventory - Lower Columbia River Dams (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993c, 1994a, 1994b, 1994c). In the April 1994 draft of the appendix 187 sites were listed in Table 3.2-1 with 130 sites located in the reservoir pool area (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:3-12).

A review of U.S.G.S. Quad maps at the Oregon State Historic Preservation Office and other available archaeological documentation for this project identified an additional 88 known and/or recorded sites in the area from just below Bonneville Dam upstream to the mouth of Willow Creek (27 sites in the Bonneville area, 44 sites in The Dalles area, and 17 sites in the John Day area from just below the dam to the mouth of Willow Creek) (Table 2). Most of these sites were known and/or recorded prior to the 1992 preparatory study conducted by Washington State University for the data base of site numbers (Draper 1992). They were probably available to be included in the study but for some reason were left out.

Table 1. Numbers for Cultural Resources represented in text, table 3.2-1, quantitative analysis from April version of draft (1994c), and site lists in exhibits from January version of draft (1994a).

<u>Reservoir</u>	<u>Text</u>	<u>Table 3.2-1</u>	<u>Q. Analysis</u>	<u>Site List</u>
Bonneville	20	21/14 [*]	14	21
The Dalles	56	54/20	20	57
John Day	224	187/130	130	203

Fifty-seven sites are listed in The Dalles area in the exhibit portion of the January 1994 draft of the appendix (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a). Again the last four versions of the draft appendix indicates only 56 in the text section 2.35 Archaeological Inventory - Lower Columbia River Dams (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993c, 1994a, 1994b, 1994c). In the most recent draft of the appendix, 54 sites were listed in Table 3.2-1 with 20 sites located in the reservoir pool area (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:3-12). Then in section 4.4 Site - Specific analysis the number of sites at The Dalles area is stated at 57 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:4-11).

Two hundred and three sites are listed in the John Day area in the exhibit portion of the January 1994 draft of the Cultural Resource appendix (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a). The last four versions of the draft appendix indicates 224 in the text 2.35 Archaeological Inventory - Lower Columbia River Dams (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993c, 1994a, 1994b, 1994c). In the April 1994 draft of the appendix 187 sites were listed in Table 3.2-1 with 130 sites located in the reservoir pool area (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:3-12).

A review of U.S.G.S. Quad maps at the Oregon State Historic Preservation Office and other available archaeological documentation for this project identified an additional 88 known and/or recorded sites in the area from just below Bonneville Dam upstream to the mouth of Willow Creek (27 sites in the Bonneville area, 44 sites in The Dalles area, and 17 sites in the John Day area from just below the dam to the mouth of Willow Creek) (Table 2). Most of these sites were known and/or recorded prior to the 1992 preparatory study conducted by Washington State University for the data base of site numbers (Draper 1992). They were probably available to be included in the study but for some reason were left out.

Table 2. Additional archaeological sites identified on U.S.G.S. maps located at the Oregon SHPO and other sources.

Bonneville:	The Dalles:	John Day:
35MU4	35SH152	35GM20 (I)
35MU7 (I)	35SH154	35GM21 (I)
35MU8	35WS143	35GM22 (I)
35MU10	35WS247	35SH6 (I)
35MU11	35SH20 (I)	35SH116
35MU12	35SH21 (I)	JDRS48
35MU13	45KL6 (I)	45KL27 (I)
35MU14	45KL29	35MW6
35MU15	45KL41	35SH11
35MU16	45KL42	45KL24
35MU17	45KL62	45KL70
35MU18	45KL63	45KL71 (I)
35MU19	45KL69	45KL76
35MU20	45KL72 (I)	45KL86 (D)
35MU21	45KL73 (I)	45KL88
35MU73	45KL74 (I)	45KL246 (I)
35MU93	45KL77	45KL250 (I)
35HR3	45KL78	
35HR4	45KL79	
35HR14	45KL83	
35HR21	45KL85 (PI)	
35WS15	45KL88	
35WS220	45KL96	
45SA11 (D)	45KL97	
45SA18	45KL99 (I)	
45SA23	45KL220	
Bonneville townsite	45KL221	
	45KL235	
	45KL236	
	45KL242	
	45KL243	
	45KL244	
	45KL269	
	45KL270	
	45KL272	
	45KL273	
	45KL281	
	45KL282	
	Grave Is. (I)	
	Upper Memaloose Is. (PI?)	
	B. Stewart	
	Big Leap	
	Maybe	
	Bead Patch	

(D) - Destroyed
(I) - Inundated
(PI) - Partially inundated

These variations in the number count of cultural resource sites, the omission of a number of previously known and/or recorded cultural resource sites, and the lack of discussion on these matters shows the deficiency of professional work and editing with this project. If these site numbers, taken at face value, are correct then the site-specific analysis only used 58% of the "known" sites for its' study (164 of 281 sites).

These same problems occur with the listing of the known significant cultural resources that are included or eligible for the National Register of Historic Places (NRHP). The number count of significant cultural resource sites have varied throughout the history of this appendix. In addition, the site lists in the exhibit section of the appendix show no known significant cultural resources even though several are mentioned in the text of the appendix (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a).

The last three versions of the appendix mentions three significant cultural resources in the region between the Bonneville Dam area and the mouth of Willow Creek (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994a, 1994b, 1994c). These significant cultural resources include the Bonneville Dam Historic District, the North Bonneville Archaeological District (45SA5, 45SA9, 45SA12, 45SA13, 45SA16, 45SA19, 45SA20, 45SA113, 45SA121H, and 45SA221), and the John Day "Narrows" Archaeological District (35GM88, 35GM89, 35GM90, 35GM92, 35GM94, 35SH113, 35SH114, 35SH117, and 35SH118). All three districts are listed on the National Register of Historic Places.

However, in an earlier version of the appendix an additional seven significant cultural resources were listed in the text (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993b). These include the Cascade Locks Marine Park and the Columbia River Highway Historic District in the Bonneville area; Five Mile Rapids Archaeological Site (35WS4), Indian Shaker Church and Gulick Homestead, Wishram Indian Village Site, and Memaloose Island in The Dalles area; and the Wildcat Canyon Archaeological site (35GM9) in the John Day area (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993b).

The protection of these currently listed NRHP resources needs to be addressed in the draft document in more detail. It appears that none of the significant resources have preservation plans addressing their protection. If so, this is in negligence of legal responsibilities towards these resources.

The Cultural Resources Appendix site-specific analysis section focuses on the "zone of vulnerability, the area extending from 15 feet below Minimum Operating Pool to 20 feet above Maximum Operating Pool." (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:3-7). The analysis therefore omits cultural resource sites that are outside this area that are either above the maximum operating pool level, below the minimum operating pool level, or below the dam. This excludes a number of cultural resource sites that are still being indirectly effected by the operations of the dam system. Problems with these sites may be different than those

associated with the shoreline fluctuation zone but they still need to be addressed in more detail in the appendix. For example, several of the sites in the Horsethief State Park area are above the maximum operating pool level and have been heavily vandalized in the past.

ALTERNATIVES AND THEIR IMPACTS

For the run-of-river reservoirs the potential impacts on known cultural resources by each alternative are generally the same throughout all the possible operation alternatives. The Bonneville and The Dalles dams reservoir operating pool levels remain constant for most of the proposed alternatives. However, under option 1b of alternative SOS1 these dam reservoir pools would have the possibility of fluctuating. The reservoir pool level of the John Day Dam will fluctuate from normal operating pool level to minimum operating pool level and below minimum operating pool level depending upon the proposed alternative (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a, 1994c). The following is a brief summary of each alternative and their potential impact to known cultural resources.

SOS 1: PRE-ESA OPERATION

This alternative has two options. One represents operations as existed from 1983 to 1990-91, before the listing of three salmon species as endangered or threatened (SOS 1a). The second represents operations slightly different from SOS 1a in that the operation is focused on optimizing the load following capability of the system (SOS 1b). The reservoir pool levels for all three dams would remain constant under option SOS 1a. The reservoir pool levels for all three dams would have the potential to fluctuate under option SOS 1b (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a).

SOS 2: CURRENT OPERATIONS

The alternative represents operations during 1992-1993, after the listing of three salmon species as endangered or threatened. This alternative has three options. Option 2c is considered the no-action alternative for the SOR. The reservoir pool levels for the Bonneville and The Dalles dams would operate within their normal range under all the options of alternative SOS 2. The reservoir pool of the John Day Dam would fluctuate to its operational minimum level of 262.5 feet from April 1 to August 31 under all the options of alternative SOS 2 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a).

SOS 3: FLOW AUGMENTATION

This alternative represents operations using monthly sustainable flow targets to aid in fish migration. This alternative has two options. The reservoir pool levels for the Bonneville and The Dalles dams would remain operating within their normal range under both options of alternative SOS 3. The reservoir pool of the John Day Dam would fluctuate to its operational

minimum level of 262.5 feet from April 16 to September 30 under both options of alternative SOS 3 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a).

SOS 4: STABLE STORAGE PROJECT OPERATION

Alternative SOS 4 represents operations at specific pool elevation levels on a monthly basis. This alternative has three options. The reservoir pool levels for the Bonneville and The Dalles dams would operate within their normal range under all three options of alternative SOS 4. The reservoir pool of the John Day Dam would fluctuate to near 263.5 feet from November 1 through June 30 under all three options of alternative SOS 4 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a).

SOS 5: NATURAL RIVER OPERATION

This alternative illustrates operations reducing four lower Snake projects to near river bed to aid anadromous fish. This alternative has two options. The reservoir pool levels for the Bonneville and The Dalles dams would operate within their normal range under both options of alternative SOS 5. The reservoir pool of the John Day Dam would fluctuate to near 257 feet from May through August under both options of alternative SOS 5 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a).

SOS 6: FIXED DRAWDOWN

Alternative SOS 6 is similar to SOS 5 except that it only lowers the four lower Snake projects to below minimum operating pool level. This alternative has four options. The reservoir pool levels for the Bonneville and The Dalles dams would remain operating within their normal range under both options of alternative SOS 5. The reservoir pool of the John Day Dam would fluctuate to near 257 feet from May through August under both options of alternative SOS 6 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a).

SOS 7: FEDERAL RESOURCE AGENCIES ALTERNATIVES

Alternative SOS 7 represents operations at increased flows for anadromous fish by setting flow targets during the migration period. This alternative has three options. The reservoir pool levels for the Bonneville and The Dalles dams would operate within their normal range under all three options of alternative SOS 7. The reservoir pool of the John Day Dam would fluctuate to near 262.5 feet from April through June and near 264.2 feet from July through August under option 7a. Under options 7b and 7c the reservoir pool of the John Day Dam will be lowered to its' minimum pool level of 262.5 feet from April 1 to August 31 (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a).

POTENTIAL IMPACTS FROM THE SEVEN ALTERNATIVES

Comparing each alternative in regards to potential impacts and cultural resources within the Bonneville, The Dalles, and the John Day reservoirs shows the general consistency of the reservoir operation pool levels of all the proposed alternatives. The reservoir pool levels for the Bonneville and The Dalles dams would operate within their normal range under all but one of the proposed alternatives. The stable level of the reservoir pools would continue to impact (e.g. erosion, vandalism, inundation) only those sites situated along the normal operating pool level. The potential of drawdowns for both dam reservoirs occurs in option 1b of alternative SOS 1. The impacts under option SOS 1b would be the same but accelerated due to the rapid fluctuation of flows, drawdowns, and lack of winter minimum pool levels (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:4-9).

The reservoir pool of the John Day Dam would fluctuate from normal operating level to below the minimum operating pool level at near 257 feet under alternatives SOS 5 and SOS 6. The reservoir pool would operate at minimum pool level (262.5 feet) under alternatives SOS 2, 3, and 7. The reservoir pool would fluctuate from normal operating pool level to near 263.5 feet under alternative SOS 4 and to 264.5 feet under alternative SOS 7a (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1993a). The cultural resources at the John Day Reservoir could expect accelerated impacts due to pool drawdown, erosion, vandalism, and exposure (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:4-9, 4-10).

COMPARISON OF ALTERNATIVES

The potentially new and ongoing impacts to known cultural resources in the three reservoir areas are extreme (90-91% average) for all of the proposed SOS alternatives (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:4-12, Table 4.4-1). Even given the fact the site-specific analysis only used a small number of the known recorded sites, the analysis still indicates a significant number of sites being impacted by the seven proposed alternatives. At the Bonneville and The Dalles dams the percentage of sites impacted by each alternative remains the same for all seven alternatives (91% for Bonneville and 86% for The Dalles). The percentage of sites affected in the John Day Dam area varies in regards to the proposed alternatives. Ninety-three percent of the sites will be impacted under the operations of alternatives SOS 1, 2, and 3. Ninety-seven percent of the sites will be impacted under the operations of alternatives SOS 4, 5, 6, and 7.

Therefore, in the case of the Bonneville, The Dalles, and the John Day dams operating under any of the proposed alternatives will effect a significant majority of the known recorded cultural resource sites. Alternatives 1 and 2 are probably the best in regards to the impact to cultural resources because both are generally the pre-existing conditions of the current operations. Any change in operating conditions would accelerated impacts due to pool drawdown, erosion, vandalism, and exposure.

CONCLUSIONS

In summary, what does the impact study reveal in regards to the potential adverse effects to the known cultural resources recorded in the Bonneville, The Dalles, and the John Day dams area? That no matter which alternative is chosen for the river system operations, adverse impacts will occur on the majority of known cultural resources. For the Bonneville and The Dalles dam reservoirs, the effects will be the continued ongoing impacts (erosion, exposure, vandalism) occurring at present. The stable level of the reservoir pools will continue to impact only those sites situated along the normal operating pool level. The lack of a stable pool level at the John Day Reservoir will increase the potential for accelerated impacts due to pool drawdown, erosion, vandalism, and exposure. Agreements (Memoranda or Programmatic) must be made immediately to insure the safety of all these cultural resources.

The Columbia River was and still is a significant part of Wasco and Tenino culture and heritage. The lack of Memoranda or Programmatic Agreements (protection/preservation management plans) by the U.S. government has irreparably impacted many cultural and spiritual resources. With the absence of Memoranda or Programmatic Agreements under Section 106 and Section 110 of the National Historic Preservation Act for the Bonneville, The Dalles, and the John Day dams (U.S. Army Corps of Engineers, North Pacific Division, Cultural Resources Work Group 1994c:63) the operations of those three dams are probably not under legal compliance.

A thorough cultural resource inventory (archaeological and historic sites and traditional cultural properties) must be completed to fully comprehend the potential impacts (mechanical, recreation use, agricultural use, and vandalism) in reference to the proposed alternatives. After the inventory is completed then guidelines must be developed to preserve and protect the cultural resources effected by the chosen SOR operation alternative.

Proposed preservation guidelines should recognize that different impacts occur at different areas related to dam and reservoir operations. Cultural resources can be found inundated, within the zone of shoreline fluctuation, on the shore outside the reach of the maximum pool level, and downstream below the dam. Each case has different possibilities of impact types and different

variables within those impacts. For example, guidelines should acknowledge that different elements in the archaeological record react differently to the affects of inundation. This inequality to impacts must be addressed in future preservation agreements.

Finally, the Confederated Tribes of the Warm Springs Reservation must be included in coordination and consultation with U.S. Government agencies regarding protection and preservation measures/plans, monitoring and mitigation plans, and testing and excavation operations effecting cultural resources within their ceded lands along the Columbia River. The lack of involvement in the participation of the SOR planning process is a concern of the CTWSR in regards with involvement in future federal plans along the Columbia River.

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TECHNICAL EXHIBITS

EXHIBIT F

CONFEDERATED TRIBES & BANDS OF THE YAKAMA INDIAN NATION



Confederated Tribes and Bands
of the Yakama Indian Nation

Established by the
Treaty of June 9, 1855.

June 13, 1994

Ms. Linda Burbach, SOR Interagency Team
Columbia River System Operation Review
United States Department of Energy
Bonneville Power Administration
P.O. Box 2988
Portland, OR 97208-2988

RE: CONTRACT NUMBER 94BY 08344
CULTURAL RESOURCES APPENDIX

Dear Ms. Burbach:

The enclosed materials are submitted in fulfillment of the above referenced contract with the Yakama Indian Nation Cultural Resources Program. These materials are to be considered a *supplement* to the Yakama Nation's Program's Document One, dated December 14, 1993, and to *replace* our previous Document Two, dated February 23, 1994.

We consider our enclosed *submission* herein to fulfill the requirements of the contract for this document. We consider it unfortunate, *however*, that the time and funding levels accorded to the Nation were insufficient to address adequately, fully, and substantively the cultural aspects of the full range of potential SOR impacts. Accordingly, we have labelled our included submission as a Final Draft. We would need additional funding and time to complete a comprehensive final submission.

Concerning your additional inquiries set out in your letter of May 11, 1994, to Mr. Johnson Meninick:

- * All materials submitted herein or in our previous transmissions may be given to Mr. Bill Willingham. At his discretion, Mr. Willingham may include our full submittal into the SOR EIS Cultural Resources Appendix. We are concerned, however, that our comments might be wholly relegated to the appendix - out of sight, out of mind. We look forward to substantive discussion of our concerns and viewpoints in the EIS in chief.
- * Several of the materials, notably the full text of oral interviews, are very culturally sensitive and, while generated under this contract, are not

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Ms. Linda Burbach, SOR Interagency Team
June 13, 1994
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being forwarded to your offices. These materials will be archived in our Cultural Heritage Center and will be permitted public viewing upon individual ad hoc determination by the Yakama Nation. These interviews were conducted under a guarantee of absolute confidentiality and we insist upon guarantee of absolute confidentiality and we insist upon guaranteeing our word to our sources. We have included excerpts from these interviews in Chapter Three of our submission, and these materials may be published as we have provided them to you.

In closing, I want to reiterate our over-riding concern with the entirety of the SOR process. Above all else, we consider the SOR to be 60-years to late, after the enormous cultural and natural resource damage already has been done to the Nch-i-Wana and its basin. Additionally, we are not happy - and will continue to be unhappy - with the administrative process of the SOR: our input was sought out too late; has been considered inadequately in draft SOR documents, to date; and is underfunded given the pervasive scope of our concerns and our ancestral heritage along the Nch-i-Wana.

Sincerely,

YAKAMA INDIAN NATION


Jerry Meninick, Chairman,
Yakama Tribal Council

JM/FI/sk

ATTACHMENT

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CULTURAL RESOURCES APPENDIX, SYSTEMS OPERATION REVIEW
YAKAMA NATION

Introduction

The Yakama Nation [Nation] is the successor in interest to the fourteen individual nations which confederated in 1855 into the "Yakama Nation," pursuant to the 1855 Treaty between the Yakama and the United States (12 Stat. 951 (1859)). As such, the Yakama Nation is federally-recognized as a Sovereign, Indigenous Nation. Since Time Immemorial the Peoples that now make up the Yakama Nation have occupied the area in and around the Yakama Valley and the Nch'i-Wána (Columbia River) Basin. Under the terms of cession in the 1855 Treaty, the Peoples of the Yakama Nation ceded the majority of their ancestral homelands to the United States, reserving to themselves and their posterity, who now number some 8,250 living enrolled members,¹ a homeland of over 5,666 square kilometers. Additionally the Nation expressly retained, and continues to exercise, aboriginal and treaty-reserved usufructuary rights throughout the 10,828,000 acres (or 16,920 square miles) of ceded lands² - an area roughly equivalent to the combined areas of the States of New Hampshire and Vermont - contiguous to the reservation. The continued preservation of Yakama Reservation land and resources, as well as the land and resources within our ancestral ceded territory, for the use of present and future generations of Yakama People is of utmost concern to the Nation.

As set out in the Preface to the System Operation Review, "[t]he goal of the SOR is to achieve a coordinated [Columbia] river system that better meets the needs of all river users." The Tribes and Bands that now comprise the Yakama Nation are among the widely-acknowledged aboriginal "users" of the Nch'i-Wána Basin. Within our collective human experience, the Yakama People have witnessed great changes to the Nch'i-Wána since the arrival of foreign people. These changes to the Nch'i-Wána have had, and continue to have, devastating and near-fatal effects on the culture and heritage of the Yakama People. In many cases our cultural and spiritual resources have been irreparably impaired.

Much of this devastation to the Yakama People's resource base stems from the failure of outside peoples and institutions to acknowledge the full scope of "cultural resources" as they are considered in Yakama culture and spirituality. What Western People consider solely as economic and environmental resources are considered by traditional Yakama People to be spiritual and cultural resources, as well. The cultural and spiritual components of resources cannot be separated from other aspects of the resources. The most obvious cultural resources are those identified by the first foods ceremonies: water, salmon, deer meat, roots, and berries. Unwritten laws are guarded by Yakama elders, for they possess the

¹ Precision in determining a complete membership of the Yakama Nation is impossible. Census counts enumerate only the living members; but for the Yakama Peoples, ancestral, as well as future generations are considered as members, and decisions are made with a full consideration of all.

Continuity in time connects our ancestors with living members, and living members with our, as yet, unborn. Each of our People who has come this way, and each that is yet to come, has a name. Our peoples are not born into a family and do not die out of it. Death does not end our kinship relationships; and relationships already exist with those who are yet to come because their names are preordained. The spirit world, from which all waquisitkey [Los_ souls] come, and to which they return, completes the circle of each lineage, so that our families extend both backwards and forwards through time, bridging the physical and spiritual worlds. Like a woven fabric, this kinship across time defines each Yakama member in relation to every other member of the People, living or dead. The Yakama Nation's commentary to the System Operations Review consequently and necessarily reflects the spiritual and traditional interests and concerns of our inter-generational membership.

² This amends the approximate calculation of 10.5 million acres indicated in a letter submitted 14 December 1993.

wisdom and knowledge for cultural continuity and stability, and it is the traditional elders who transmit cultural information down to the younger generation in our native language through teachings, ceremonies, songs and stories. This tradition has been ongoing for centuries.

The SOR acknowledges that Indigenous Peoples of the Nch'i-wána maintain an expansive and inclusive view of cultural resources - that, for example:

"such things as the habitat for root digging grounds, usual and accustomed fisheries, and medicinal herb patches are important in maintaining the cultural identity of contemporary [Indian] social groups. In fact, most regional Indians regard the Columbia River itself as a traditional cultural property."

Despite the above-recited acknowledgement of our view of cultural resources, the cultural resources component of the SOR document focuses almost solely upon resources defined as archaeological artifact. The SOR cultural resource inventory surveys, management plans, stabilization plans, and mitigation measures appear directed solely to archaeological sites. Traditional cultural resources cannot and must not be limited merely to "affected cultural sites and Indian graves," as so narrowly defined in the SOR. The Yakama Nation objects to such narrow determination under the SOR. This document will be used to coordinate River operation activities that will affect not only archaeological sites but the full gambit of the Yakama Nation cultural resources. For the document to deal so narrowly with such a definition of cultural resources, while allowing River operations that will affect a much broader segment of cultural resources, renders the SOR discussion on Indigenous American rights a nullity.

To Indigenous Peoples, in general, and to the Yakama People, specifically, the definition of cultural resources is not limited to Western dictionary meanings or to governmental descriptions established for narrow analytical purposes. The Yakama Nation remains very concerned and objects to the continued narrow definitions of "cultural resource" and "traditional cultural resource" used in the SOR. The United States government, which has a trust responsibility to the Yakama People, continually has failed to recognize the Yakama definitions of what constitutes Yakama cultural resources. The federal government has refused to accept the Yakama expressions as valid explanations of our views of cultural resources, and instead considers our definitions as mere descriptors.

From the standpoint of the Yakama, the richness of our aboriginal and ancestral heritage has no price tag, and there can be no price tag put on it. The Yakama People heritage is rooted in this land: it is ancient and complex, and cannot be set down on paper in bits and pieces. Without an inherent understanding of the thoughts and beliefs that make up our culture, academic and intellectual endeavors - the standard Western methodology for cultural assessment - cannot be a true reflection of Yakama experience. Our spirituality is the real life of the Yakama People, and all the resources are identified clearly within our beliefs, traditions, customs, and legends. The cultural and spiritual survival of the People(s) of the Yakama Nation is grounded in the continuation, preservation, and well-being of our ancient, ancestral spiritual traditions. Our happiness, our moral behavior, our unity as human Peoples, and the peace and joyfulness of our homes and communities, all are part of our spirituality and are dependent on its continuation. Traditional Yakama people consider it to be our supreme duty to our ancestors, to our future generations, to our own hearts, to all of creation, and the Creator we know, to pass this spirituality, with its hidden sacred knowledge and its many forms of prayer, on to our children.

We look forward to an expanded dialogue with the agencies involved with the SOR - a dialogue that will incorporate the cultural and spiritual components of resources as defined by the Yakama themselves. The Yakama Nation specifically asks that you modify the definition of "cultural resources" used in the SOR to

conform with the Yakama understanding of that term as expressed above. Without such modification the SOR totally fails to reflect Yakama cultural concerns and is, accordingly, inadequate under the NEPA.

CHAPTER 1

OVERVIEW OF TRIBAL CONCERNS AND ISSUES

Historic Overview

A review of the 1855 Treaty negotiation dialogues serves to highlight the spiritual and cultural importance to the Yakama People of the resources indigenous to the Nation's territory.

By May 29, 1855 most of the expected Indians had arrived, and accordingly, at two that afternoon, the council was formally opened. Joel Palmer and Isaac Stevens sat beneath the arbor with their secretaries, agents and interpreters, while the Indians gathered in a vast semicircle before them. The number of Indians is in dispute, with one source claiming two thousand, another saying one thousand, and Kip estimating five thousand. What ever the actual number there was a significant representation of the region's population of about fourteen thousand Indians. This may not have pleased Stevens, who preferred dealing with tribal notables. It is possible that he either was ignorant of or disregarded the Indian belief in communal ownership of the land and that, in theory at least, no chief or group of chiefs had the power to sign away what belonged to all.

The leaders of the Yakama People of that time were devastated to learn of the threat of losing all the resources. The Yakama attendees said very little during the first days of the 1855 Treaty Council. When they finally spoke, they expressed four objections to the federal proposal. First, they did not believe Stevens and Palmer, the United States Treaty Commissioners. Again and again, the Indian leaders expressed their distrust, "You have spoken in a round-about way; speak straight ... You have spoken in a manner partly tending to Evil. Speak plain to us," Yellow Serpent demanded.

A second concern was that the Treaty Commissioners had not consulted with the Indigenous Peoples on the location of the reservations. These United States representatives had drawn up the reservation boundaries, "without our having any voice in the matter," Young Chief stated. The intent of the federal government, of course, was to separate the Nch'i-Wána Plateau People from their ancestral lands and resources, and to obtain lands for the railroad and for the benefit of immigrating farmers. To the Yakama Peoples this meant leaving religious, spiritual, cultural and traditional areas. This was most troubling since nearly all lands proposed to be ceded contained the graves of their ancestors. Culturally and spiritually to the Yakama Peoples present at the Council, this meant being torn from their ties to the past, a traumatic deprivation that would leave them alone in the present.

At the Treaty negotiations, the Yakamas made the following statements:

YOUNG CHIEF: I wonder if this ground has anything to say: I wonder if the ground is listening to what is said. I wonder if the ground would come to life and what is on it; though I hear what this earth says, The Earth says, God has placed me here. The Earth says, that God tells me to take care of the Indians on this earth: The Earth says to the Indians that stop on the Earth feed them right. God named the roots that he should feed the Indians on:

The water speaks the same way: God says feed the Indians upon the earth: The grass says the same thing: feed the horses and cattle.

The Earth and water and grass says God has given our names

and we are told those names; neither the Indians or the Whites have a right to change those names: The Earth says, God has placed me here to produce all that grows upon me, the trees, fruit, etc. The same way the Earth says, it was from her, man was made. God on placing them on the Earth desired them to take good care of the earth and do each other no harm.

STICKUS: If your mothers were here in this country who gave you birth and suckled you, and while your suckling; some person came and took away your mother and left you alone and sold your mother, how would you feel then? This is our mother, this country, as if we drew our living from her. My friends, all of this you have taken.

CHIEF OWHI: God gave us the day and night, the night to rest in, and the day to see, and that as long as the earth shall last, he gave us the morning with our breath; and so he takes care of us on this earth and here we have met under his care. In the earth before the day or the day before the earth. God was before the earth, the heavens were clear and good and all things in the heavens were good. God looked one way then the other and named our lands for us to take care of. God made the other. We did not make the other, we did not make it, he made it to last forever. It is the earth that is our parent or it is God is our elder brother.

This leads the Indian to ask where does this talk come from that you have been giving us. Almighty made us and gave us breath; we are talking together and God hears all that we say today. God looks down upon his children today as if we were all in one body. He is going to make one body of us; we Indians present have listened to your talk as if it came from God.

God named this land to us that is the reason I am afraid to say anything about this land ... I am afraid of the Almighty that is the reason of my hearts being sad: this is the reason I cannot give you an answer. I am afraid of the almighty. Shall I steal this land and sell it? Or what shall I do? ... Shall I give the lands that are part of my body and leave myself poor and destitute? ... I cannot say, I am afraid of the Almighty.

I love my life is the reason why I do not give my lands away. I am afraid I would be sent to hell. I love my friends. I love my life, this is the reason why I do not give my lands away.

The final concern of the Yakama Peoples attending the Treaty Council was that they would be obliged to live with tribes other than their own.

The United States Treaty Commissioners achieved much of what they sought at the Treaty Council, but it would appear that they coerced agreement by supporting their arguments with threat. According to two settlers present at the evening meeting, Stevens told the interpreters to tell the chiefs that "if they don't sign this treaty they will walk in blood knee deep." Threats, the promise of increased annuities to the chiefs, and probably a great weariness at the length and frustration with the negotiations, finally combined to force the chiefs' submission. In total, fifty-six chiefs signed the treaties that ceded sixty thousand square miles to the United States.¹

¹ T. O'Donnell, *AN ARROW IN THE EARTH, General Joel Palmer and the Indians of Oregon*, ch.9.

Territories and Ceded Land Areas (maps and descriptions)

By the mid 1800's the Fourteen Tribes and Bands of the Yakamas were becoming increasingly less isolated. As prime agricultural lands were taken by settlers on the west side, especially the Willamette Valley, sporadic intrusions occurred into the homeland. Yakamas became increasingly alarmed at these intrusions and noted their increase and the brazenness of the intruders. Encouraged by the Donation Land law, white settlers throughout the West were moving into areas ceded by Treaty; eventual outbreaks of hostility proved a major concern for both Indians and whites in the 1850's.

Prior to the formal convening of the Treaty Council at Walla Walla, Agent Bolon was sent, in April, 1855, by Isaac Stevens, along with James Doty, to arrange for such a meeting. At Ahtanum, near the present-day Yakima citysite, where Kamiakin was prospering in his "gardens" (now a National Historic Site), a meeting with Yakama spokespeople Teias, Skloo, Showaway, and Kamiakin set the stage for the main event. Pandosey, the oblate missionary of the Ahtanum had developed a personal relationship with Kamiakin.

Pandosey's Christian background most likely influenced the way he interpreted the words of many Yakamas in the above translations. However, it is important to note that he was a resident of the area which was to become the reservation, and would have possessed a greater understanding of regional geography, including the ceded area, than the other whites at the Treaty Council. His familiarity as the official translator lends added assurance that the points described along the "metes and bounds" of the ceded area reflect the limited knowledge possessed by the white community of the geography of the Nch'i-Wána Basin. This limited but useful knowledge was not "translated" into an accurate survey even for the day, unfortunately (see Williams and Babcock, Chapters I and II, September 1983).

As for the area reserved by the Yakama Peoples for their exclusive use, when Isaac Stevens transmitted the Treaty to the Commissioner of Indian Affairs in a letter dated June 14 1855, he stated:

The large reserve selected is in every respect adapted to an Indian reservation. It is separated from a fine region of country on the Columbia River by a fine series of divides extending from the Yakima River to the Cascades. It is off from the wagon route to the South over the Cascades, affording a fine range for roots, berries, and game. It has almost inexhaustible salmon fisheries. The reserve furnishes excellent land for farms, abundance of pine for buildings, good sites for mills, and large ranges for horses and cattle through the entire year.

As Williams and Babcock point out in their 1983 Yakama Nation Forest History Report, the original map accompanying the Treaty was lost shortly after the signing, not to be recovered until 1930. Partly as a result of this misplacement of the original map, and it is thought perhaps in part due to some unscrupulous land surveyors hired to mark the Reservation boundaries, subsequent erroneous and/or inaccurate lines demarcating the Reservation proper from the ceded area were accomplished. The Yakama Nation has achieved some measure of success by appealing to the United States' sense of justice, and by utilizing legal canons requiring treaties to be: liberally construed in favor of Native parties; and to be interpreted as the Native speakers would have understood them (since the treaties were not recorded in the Native languages). Subsequent resurveys and United States Executive Orders have partially alleviated the impact of these crimes of land, resource, and cultural theft committed against the Yakama Peoples.

The area ceded by the Fourteen Tribes and Bands of the Yakama Nation has been the subject of many maps, most constructed for the purposes of demarcating the original core area of the Tribal groups. For example, the Wenatchepam Fishery

located on the Upper Wenatchee River was mapped as part of the Reservation, but was eventually platted within a township of six sections. The illegal encroachment of settlers on this fishery, disregarding the "forced harmony" of the Treaty, eventually resulted in alienation of this portion of the Reservation with a paltry appropriation of \$20,000 in restitution to the Yakama Peoples. This area, recognized as a Usual and Accustomed place, a Traditional Use Area and archaeological site of the Yakamas today, will not be included in any detail here. However, it is worth noting that the encroachment of housing projects within the city of Leavenworth has destroyed much of the archaeological value here, despite concerted efforts and protests of the Yakama Nation to the State Archaeologist. Even so, this fishery remains one of the most important subsistence fisheries of the Yakama Nation today (no map provided).

The overlay of European colonial land tenure on the cultural landscape of the original inhabitants of the Nch'i-Wána Basin was very confusing to the descendants of the Yakama participants and signatories to the Treaty. The colonial notion of a "township" was not part of our culture. Just as the life cycle of a Pacific salmon may span a huge habitat, so does the travel of our Yakama people. Usual and accustomed bison hunting areas on the high plains are still part of the ceremonial circuit, the pow wow highway known to whites. In this sense the approximation of the cultural core reduced to writing by United States Treaty Commissioners as the ceded area of the Yakama Peoples at the Treaty signing exists as an historical artifact, only a partial a reflection of the cultural landscape of the Yakama Peoples. Adjustments to the Reservation boundary briefly mentioned above, came about through the action of the Yakama Nation's government. In seeking the clarification of these boundaries, the Nation has submitted volumes of exhibits too numerous to mention.² The ceded area is displayed on the accompanying map marked "reservation and ceded area." However, this map is provided for illustration only - it is not to be regarded as the official map of our ceded area.

Reserved Rights (Treaty rights)--Relationships With the Federal Agencies--Dam Operation.

The Yakama Peoples paid a great price with the Treaty of 1855; we are determined to protect our remaining aboriginal rights as well as those rights expressly reserved in the 1855 Treaty. From the early Sixteenth Century to the adoption of the United States Constitution in 1789, there had been nearly 300 years of Treaties - legal contracts between sovereign states - of various descriptions between European powers and Indigenous American Nations. The adoption of the United States Constitution, Treaties through 1871, as well as Acts of Congress and Supreme Court cases, contribute to the current, well-established recognition of "Indian" Nations and Tribes as distinct self-governing sovereign entities. Indian Nations recognized by the federal government have a unique relationship to the United States political system: they are separate political entities, to which the United States Constitution does not apply.

This political separateness is rigorously guarded and maintained by the Nation's governing body. Aboriginal sovereignty is not something that the Yakama Nation delegates elsewhere for representation. The Yakama Nation has always maintained sole responsibility to perpetuate its status as a sovereign entity and to exercise its rights retained by Treaty, as well as those recognized and/or conferred by statutes.

We are greatly perplexed by the lack of trust responsibility for the protection of Yakama rights and resources reflected in the Systems Operation Review. As we have so many times in the past, we again find Yakama Nation

² Yakima Tribe v. United States, 156 Ct.Cl. 672 (1962).

interests caught in the web of conflicting interests that routinely occur within United States governmental agencies.

The Department of Interior, through the Bureau of Indian Affairs, has a trust responsibility to defend the Yakama Nation's trust assets, especially when they are threatened by other interests. Often, these threats come from other agencies within the Department of Interior and their constituencies. Indigenous land and water interests frequently conflict with the activities or designs of the Bureau of Reclamation, the Bureau of Land Management, the National Park Service, the Forest Service, and occasionally, the Bureau of Mines and Office of Surface Mining Reclamation and Enforcement. Indigenous fishing interests frequently conflict with those of the U.S. Fish and Wildlife Service. All of these agencies are within the Department of Interior, and many of them have political support far in excess of that of the Bureau of Indian Affairs. As a result, Indian interests may suffer when compromises are made at the Secretarial level between competing Bureaus. The failure of the SOR document to reflect adequately the cultural concerns of the Yakama, as they define those concerns, violates that trust responsibility and again renders the SOR document a nullity.

Yakama Tradition and The Concept of Usual and Accustomed Places

The concept of "Usual and Accustomed Places" is not a new idea nor was it born in the Treaty of 1855. These are reserved rights that have been part of Yakama culture and tradition for thousands and thousands of years. It is a concept that continues to be cited in government statements, letters, additional treaties, documents, agency directives and in the historical and Archaeological record. Cleveland and Griffin (1990:14) note that: "The privilege of taking fish at all usual-and-accustomed-places, and the continuation of off-reservation hunting, gathering of roots and berries, and the pasturing of horses and cattle upon open and unclaimed land were considered 'Privileges Secured to Indians' and guaranteed in the Treaty of 1855 (Swindell 1942)." The seasonal hunting and collection of resources at these "Usual and Accustomed Places" was clearly understood by the governmental officials of the time. Andrew J. Bolon (1854) (quoted in Cleveland and Griffin (1990:13-14)), for example, recognized the traditional use of "Usual and Accustomed Places" when he noted that:

The Indians all leave for the mountains after planting their potatoes, or as soon as the snow will permit, that is about May. At that time they dig roots. A portion of them return to the rivers to take the spring salmon, others remain 'til the berry season. When this is over, or about the middle of September, they take up their deposits of roots and return to the mountains for deer, elk and other game, which are found on the western side of the Cascade Range. In November the buffalo hunters return. These have either started the fall before and been absent a year or in the early spring. It is, therefore, between November and May only that the bands can be assembled for purposes of council or treaty.

Bolon was not the only person to recognize the seasonal lifeway of the Yakama Peoples. Colonel Wright (1856a, 1856b) (quoted in Cleveland and Griffin (1990:14)), wrote a letter to W. W. Mackall, Asst. Adj. General of the Pacific stating that:

I have examined this country pretty thoroughly and I am Somewhat at a loss to fix upon a position for a permanent military post. The Whole country should be given to the Indians. They require it: they can not live at any one point for the whole year. The roots, the berries, and the fish, make up their principal subsistence: these are obtained at different places, and different seasons of the year: hence they are frequently changing their

abodes, until fall, when they descend from the mountainous districts, and establish themselves in the lower valley for winter. There is but little timber on the streams, and after the rainy season sets in, early in December, the bottom lands all overflow, and the places are covered with a deep snow (Wright 1856a).

An excerpt from a second letter written by Colonel Wright (1856b), also indicates the view of the military of the time:

It is out of the question to confine the Indians in this country to a certain district, unless the government furnish their entire subsistence.

(Wright 1856b) quoted from Cleveland and Griffin (1990:14). It appears Bolon and Wright failed to understand Yakama Nation Sovereignty and that the Yakama Peoples ceded lands to the Federal Government. However, the statement "*The Whole country should be given to the Indians,*" is indicative of their appreciation of the nature of the Yakama Nations' reserved rights at "*Usual and Accustomed Places.*"

Yakama Nation Legal and Vested Interests

The Yakama Nation has many vested cultural, spiritual, and economic interests in the environment of the Nch'i-Wána System. Many of these are addressed by the following SOR working groups:

1. anadromous fish
2. resident fish
3. recreation
4. irrigation
5. flood control
6. water quality
7. wildlife
8. power
9. navigation
10. cultural resources.

Since the work of each of these working groups impinges directly or indirectly upon continued salmon survival - the protection of which rests on both aboriginal and treaty rights - the Yakama Nation should be a principal in the ongoing deliberations of these groups. Unfortunately the magnitude of the SOR process, the numerous players and the bureaucratic guidelines that have been laid down, many of which are in direct conflict with the position of the Yakama Nation, effectively have prevented the Yakama Nation from participating in the process. Our commentary here is presented only as an effort to reflect the Yakama Nation's concerns about the on-going SOR process and further to indicate the tremendous magnitude of the Yakama Nation's cultural rights that essentially are being ignored in this process.

The goals and policies of the Yakama Nation as stated in the Land and Natural Resources Policy Plan (adopted by Resolution T-92-87) direct the staff of the Yakama Nation Department of Natural Resources Programs to "develop the capacity to provide contracted and fee services by Tribal land and natural resource specialists (e.g. Cultural Resource Management specialists) in conducting required studies within the Zone of Influence" (see p. 58). To this end the Yakama Nation has directed by Resolution, after lengthy and proper consideration that resulted in a Culture Committee Action recommendation, that the Cultural Resources Program pursue participation in the Systems Operation Review by "developing qualitative descriptions and analyses of cultural resources impacts in the Columbia and Snake Rivers"

Policy guidance for such a recommendation comes in part from the Plan which (*ibid*) describes the following areas as subject to the Zone of Influence goals and policies:

1. Ceded area
2. Nch'i-Wána Basin
3. Extended fish and wildlife habitat, including the Northwest Maritime off-shore zone.

Cultural Concerns

The Yakama believed every rock and tree of their homeland, every stream and lake, animal and bird - all things - were imbued with spirit: their land literally was alive to them, not dead matter. All that exists - not just humans, animals, plants - but rock, water, air - is alive and sacred. From our place among the beings of the world, the traditional Yakama seek to maintain relationships with everything that is alive. These relationships must be in order: for as these beings are sacred, so these relationships are sacred. Something is sacred only when it is in its proper place. It could even be said that being in their place is what makes them sacred, for if they are taken out of their place, even in thought, the entire order of the universe would be destroyed. Sacred objects therefore contribute to the maintenance of order in the universe by occupying the places allocated to them. To occupy our own place in a correct proportion and balance to the rest of creation is central to Yakama spirituality. To place ourselves above other life would be presumptuous and violate Yakama cultural and spiritual ideals of generosity and hospitality. *Life, land and water are cultural-spiritual resources to the Yakama Peoples.*

Spiritual Concerns

The Yakama Peoples relationship to the land is indicative of this respect. The Earth is everyone's mother. She supports all life: from her all the People - salmon, roots, berries, humans - take their sustenance. The Peoples relationship to the Earth must always be one of recognition of their interdependence. The proper balance must be nourished and renewed between the People and the continuing creation of the Earth. It is inconceivable to traditional Yakama to "own" their mother. Rather, the human people see themselves as a living part of a living whole.

The American Indian Religious Freedom Act recently was amended by the Religious Freedom Restoration Act of 1993 to better protect Native Americans' rights to practice their religions. The requirements of this new legislation must be considered and an analysis included in the SOR. Of particular importance, we would point out, is section 3 of the Act that requires the government to demonstrate that any action imposing a burden upon the exercise of religion be the "least restrictive means" of achieving a "compelling governmental interest." The Yakama Nation encourages the agencies responsible for the SOR to complete such an analysis and include the same in future SOR documentation. In making such an analysis, the agencies responsible for the SOR must take into account culture as defined herein by the Yakama Nation.

Economic Concerns

In economic costs these projects (dam construction) have significantly reduced the viable native subsistence options and opportunities for Indian people. In energetic terms the projects (dam construction) have disrupted the Native Americans' place in the food chain by reducing access to resources and eliminating habitat for those resources. For example, Yakama fishermen have been forced to temporarily abandon some of their usual and accustomed fisheries due to a lack of fish. While fisheries biologists argue the

relative effects of El Nino, some believe it to be the prime mover of fish productivity, the major disruptive factor has been the dams! Up stream fishing and spawning grounds once used by the Yakama Peoples have been lost because the fish are prevented from reaching these inland areas. Hunting areas along the Nch'i-Wána Basin that were once inhabited with game of all kinds lie buried beneath the impounded waters; and upland birds and waterfowl no longer roost in the numbers that they once did along the backwater channels and associated wetlands. These too are gone. The SOR operating strategies as outlined above will not protect, preserve, stabilize and/or restore and enhance the cultural resources and archaeological sites that once existed here.

Effects of SOR Strategies and Alternatives

Fishing sites, hunting grounds, terrestrial plant habitat, burial sites and religious places known to have been present along the Nch'i-Wána and its adjacent tributaries will be affected adversely no matter which of the seven strategies (and alternatives) are recommended by the SOR working groups. Many of the places have been destroyed by the construction of the dams, operation of the dams during the last 30+ years. Others that lie buried beneath the impounded waters will be impacted to a greater or lesser degree. The continued destruction and secondary impact to these "Usual and Accustomed" sites and places continues to concern the Yakama Nation. The Importance, Significance and Value of the Prehistoric, Historic and Traditional use sites have not, in the opinion of the Yakama Nation, been adequately addressed in the studies that have been conducted to date. One of the recommendations that will be stressed in this Yakama Nation statement of concerns is the need for continued survey and identification of both prehistoric and traditional use sites - the purpose of which is to Protect, Stabilize, Preserve and Restore, for the purposes of use enhancement and education, the cultural resources of the Yakama Peoples.

CHAPTER 2

DESCRIPTION OF THE AREA AFFECTED BY THE EIS ACTIONS AND ALTERNATIVES

Introduction

The areas affected by the proposed actions and alternative actions described in the SOR EIS statement are significant and far reaching. They will significantly impact both past and present land use activities and continue to alter the Traditional use of sites and areas once occupied by the Yakama Nation. Among the most important considerations for the SOR should be the discussion of "Traditional Use Sites, Site Types and Site Areas, Past and Present Settlement Patterns, Resource Exploitation and Site Function," and the "Affected Historic, Prehistoric and Traditional Use Areas." As noted earlier in the "Introduction" to this Appendix, the Yakama Nation takes a different and more inclusive view of cultural resources than do Federal and State agencies. The Yakama Peoples also stress the significance of traditional and continued site use and the importance of traditional values as well as the archaeological considerations commonly noted by the governmental review agencies.

Affected Historic, Prehistoric and Traditional Use Areas

The development of hydroelectric and other major system uses of the Nch'i-Wána began a disruption of the food chain that was largely unanticipated. The grand scope of the Nch'i-Wána Projects was conceived largely by Government planners, politicians, and Civil Engineers, at a time when ecosystems were little understood. These Federal representatives often lacked more than rudimentary knowledge of the biological, economic, and social environment of the day. Neither the Federal Government nor the Native American leaders were prepared for the massive reduction in productivity of the Nch'i-Wána watershed. Loss of fisheries habitat quickly began to cripple the traditional lifeways of Yakama Peoples as access to and productivity of their fisheries plummeted.

Inundation of major residential areas accompanied this disruption. In other words the yearly round of settlement and subsistence activities was breached for all Fourteen Yakama Tribes and Bands, resulting in yet another forced resettlement of those within the "take" of each project. While the "take" zone was often negotiated by the USCE Realty Branch and estimated to average 200' beyond the high water mark, project effects accumulated to the top of the watershed, across the cultural landscape of the Treaty Tribes. As some elders report, the take may have included certain Trust lands or allotments that should have been returned when, in fact, the project did not inundate or otherwise "need" those lands (William Yallup Sr., concerning certain allotments near the present Maryhill State Park). The ongoing fight for "in-lieu" access should be an embarrassment for all Americans of conscience.

The entire Nch'i-Wána watershed, with all its vast spawning habitat played a role in the production of the salmonids that passed through the Yakama Nation's traditional fishing grounds. In this sense, the blockage of salmon runs by the Grand Coulee Dam, the plowing of a stream adjacent to Arrow Lake in British Columbia, the over-fishing on Redfish Lake in the hinterland of what is now Idaho, all had their contributions toward the viable fisheries of the traditional river sites of the main stem, many now lying dormant as archaeological places. It is doubtful that the life cycle of the Pacific salmon was known to the planners of the day. Would they have planned the systematic destruction through the operation of such a system? On the Reservation itself and in other areas, the diversion of waters used by anadromous fishes in key parts of their life

cycle further severed the Yakama Indian lifeline, leaving behind a rich archaeological record as mute testimony to this dependency.

Of special interest along the main stem were the major fisheries from which huge supplies of key over-wintering food stores were extracted. Key resources because of the stored winter food represented, the "tules" or fall chinook of Husum fishery for example. For the Indian and the fish the dams caused a lot of confusion. Both parties had to learn to cope with the new circumstances. "Main travel routes had been closed up" says James Selam. Yakama from one area were forced to move to another for resources. Always resourceful, alliances and dependencies shifted and some people were forced from traditional lifeways on which their ancestors had depended since time immemorial. In the above example, people used to fishing at Husum, especially for fall Chinook which were valued for preparation into winter stores, were forced to move up to Lyle where the dip-net fishery was already stressed. Arguments were precipitated and the situation has never been fully resolved. Now with the squeeze on access at the fishery of the Klickitat River mouth at Lyle, the denial continues (1994).

In addition, non-Indians congregated at the traditional fishing sites that remained after construction of Bonneville Dam, further aggravating the situation and increasing stress on remaining fisheries. Many Yakamas believe strongly that the insistence in operating large hydroelectric projects at the expense of the anadromous fishery is the "settlers" one-sided abrogation of the right to fish and that the remaining few fish are most certainly the Creators gift to the Indian people. "To continue the persecution of Indian people and their religion by the operation of this system is compounded by the legal imperative that the Yakama Indian must share the shrinking harvestable catch" (Tim Weaver, Yakama Nation Counsel: Treaty Seminar 1986).

Few, if any, traditional fishing places above the main stem Nch'i-Wána remain viable today. Wanawish, Tup-tat, Parker, ... these are some of the nearly bankrupt fisheries of the Yakima River that have meaning to the present generation of fishermen but are not yet restored today. A couple of generations ago, prior to upstream storage reservoirs and such irrigation diversions as the Yakima Tieton Project and the Wapato Project, viable fisheries were found up the Yakima tributaries (Hunn & Selam 1990). Despite efforts to rebuild these runs, they continue to dwindle. In terms of land use studies based on archaeological referents, this tributary is under represented in the Basin as a whole. The reasons lie, in part, with the construction of the hydro system of the main stem, some of which occurred during the period of Salvage Archaeology, whereby funds were set aside for the recovery of information on past lifeways through archaeological study. This era of "grab sample archaeology" was preceded by the National Museum or Smithsonian River Basin Surveys which again, keyed on the mainstem Nch'i-Wána with little tributary reconnaissance.

And prior to this, the Irrigation projects of the upper reaches were conducted in ignorance of the existing laws, and often in defiance of the federal Statutes such as the Antiquities Act of 1906. While this law was passed in response to foreign museums looting "treasure trove" from the Southwestern United States, it protects antiquities on Federal lands throughout the United States. For example the known archaeological sites within Rimrock Lake of the Upper Yakima River were considered a "collecting area" at drawdown with little fear of reprisal from the Bureau of Reclamation. (Morris Uebelacker, Central Washington University 1994); while construction of these dams on the upper reaches of the Yakima drainage was conceivably done in partial ignorance of the archaeological sites, the operation of the system today continues with an "ignorance is bliss" attitude. No comprehensive impact assessments for the "reclamation" effort have been undertaken, nor have any been planned, consequently an analysis of the system impacts on archaeological resources for the most part, remains anecdotal or within the tradition of short reports to Federal officials.

Churchill Silvers of Sunnyside WA., who supplied diesel to the Wapato Irrigation Project contractors for years, collected artifacts at the archaeological sites he was able to identify; from our recollection of his accounts (June 1986), the contractors kept their eyes peeled for graves and pithouses so his collections could be made. Same is true for Jack Braden of Harrah, Washington who has shared with the Nation the locations he discovered in land clearing. From these recollections, a pattern of settlement has emerged. The Yakama Nations research and interviews have substantiated this initial pattern recognition. Funded willingly by the Federal government? Not!

The continuing process of cultural place destruction has social, religious, and spiritual costs as well as economic impact. The productive fishery at Celillo, so well known in the history books, served as a regional trade center and gathering place, a central node in a huge social, cultural, and economic interaction. To deny an assessment of such a place because it is "not archaeological" is a shallow and well nigh mean interpretation of federal Cultural Resource protection laws. Yet we find no such place listed on the National Register.

And prior to the so-called "ethnographic-present" reconnaissance level archaeological surveys suggest winter villages were situated on tributaries of third and fourth order. A viable hypothesis is that these upstream villages dependent on anadromous species to some unknown degree were abandoned with the onslaught of European origin disease vectors, against which the indigenous people had little resistance.

An Overview of the Traditional Use Sites Within the Study Area (past and present)

The Nch'i-Wána is the life line of the Yakama Peoples today and in the past. The watershed of the Nch'i-Wána is a vast network of resources that housed the Indian, that fed and clothed the people of the Fourteen Tribes and Bands. Stretched along the life line were places of residence with all the associated qualities that endear the landscape to the people. Villages called "winter residences" by the archaeologist were characterized with play areas, gathering areas and communal houses or Long Houses, nearby places of internment or cemeteries; more often than not these winter houses were close to fisheries which were variable in their association with the species of fish for which the people sought. Rather than try to enumerate all possible qualities of a given cultural landscape that a pre "System" Indian could identify, another tack must be tried.

It is difficult for the Traditional Yakama person to breakup the landscape into "sites." The community of archaeologists sees a necessity to do this pursuant to Federal law, especially the NHPA, but these imposed boundaries do not reflect the feeling or association that Yakama people have for a sacred, living landscape. Rather it is the necessity to "manage" historic properties as discrete entities that forces this compartmentalization. Some earlier studies by archaeologists have approached a more holistic view of the archaeological record by recognizing "winter-village complexes" (Nelson and Rice). This concept includes the main residential area with storage facilities, longhouses, activity areas, etc., as well as the nearby cemeteries or places of internment.

The nomination of "Districts" within the scope of the Act (*ibid*) reflect this (see especially, D. Rice: Hanford Site records). Places of "resource extraction," as the archaeologists say, are not necessarily included in this concept, e.g., fishing sites, patches of food and medicinal plants, memorial sites etc. Although it is an easy step from this "archaeological concept" to the current historic preservation jargon of "Traditional Cultural Place" or TCP as it is known, few properties have been relegated National Register status or eligibility by the "apparatchik" of historic preservationist. Here the Historic Preservation community has somewhat reluctantly agreed upon a concept embracing traditional values that may not be manifest as "bones and stones" or artifacts

at all but "use" areas that are worthy of protection from a National heritage standpoint, truly aspects of a cultural landscape not embodied in the narrow view of "artifacts from the earth."

When Treaty Indians tell CRWG representatives that "the entire Columbia River is a traditional cultural property" that statement is reflecting the usufructuary right recognized by the Treaty Signatories, including the Federal representatives there at Camp Stevens. Developing a typology of places, or "types of sites" distributed on a cultural landscape is a goal of the Yakama Nation and is the request of the Federal agencies involved in the SOR. What follows is a discourse of examples confined to a small portion of the study area.

Site Types and Site Areas (past and present) - Some Examples

The broad geographic expanse of Yakama reserved usufruct area is immense. For the sake of example some currently used areas are briefly discussed; these areas meet the Yakama Nation perceived criteria for inclusion on the National Register of Historic Places as traditional cultural properties or TCP's (see NPS Bulletin #38). The Nation is under considerable time constraints of this contract and therefore an adequate reflection of the variation within the lifeways and their concomitant cultural places is impossible; in short, reconstruction of the "human environment" (the task of the Affected Environment portion of an EIS) prior to the project, is outside our grasp.

There is a distinct bias within the scope of work however, calling for qualitative data reflecting the experiences of individual Yakamas with respect to the changes wrought by various Nch'i-Wána projects. We have endeavored to combine research activities in proposing potential "TCPs" as well as to initiate the scoping of the Yakama Native American human environment prior to and after the "system." Any attempt to disconnect the "construction of the system" from the "operation of the system" is semantic hair splitting and has been disregarded in this appendix. Oral history interviews have been commenced to gather the collective experiences of tribal elders who can recall the pre-reservoir and pre-system landscapes.

The approach has been to gather information about a sample of cultural places from Middle N-ch'i Wána, tributaries, and upland contexts. The Yakama necessity to act as stewards of the ancestral sites, and the necessity to complete the responsibilities of Federal Law toward their discovery, protection, and enhancement is the subject of another section.

Ethnographic Site Typologies - An Example

One of the deficiencies of Historic Preservation, especially of that branch of cultural resource management concerned with Native Americans is that patterns of land use are rarely elicited from Native speakers such that place names are recorded or the land based activities connected with food collection or food processing are recorded. The emphasis on using oral testimony as a means of collecting qualitative data to solve this problem is seen in the work of the British Columbia Language Projects Draft Ethnographic Site Typology which we are using as a model or prototype for our "ethnographic" typology. An attractive aspect of this typology, one quickly pointed out by an elder reviewer, is that the coastal usual and accustomed places of Yakama tribal members are reflected in some of the categories such as "subtype 5: SUB/INTERTIDAL FOOD COLLECTING AREA." See appendix. The refinement of such a typology is well within the scope of the Cultural Resources Working Group.

Area Settlement Patterns (prehistoric, traditional and present use):

Within the early 20th century, as the stage was being set for the massive hydro systems that would eventually impact their lives, many Native Americans followed the seasonal patterns of movement in their yearly subsistence quest. Seasonal exploitation along the ripening and availability curve of the resource base mirrored the pre-European pattern. In other words, a series of residential moves combined with a complex pattern of storage of processed foods was followed well into the 20th century. The main stem of the Nch'i-Wána housed many villagers.

As elder James Selam says "The river Indians made these sites their home from fall to early spring when they would travel from place to place gathering different kinds of food. In fall they would return to these same sites."

He continues, describing one particular village area that was abandoned in the 1940's. His comments illuminate the use of traditional storage technology, part of the requirements of a people on the move:

Site 45BN - Somewhere near this area was a place called A-As, might have been a little further down river. I cant pinpoint the exact place (without going there). Nearby in this area or downriver further was a large village near a place called (Ya^-pa Lu-sha). People living here were forced to move in the early 1940's. WW2 started (for them) in 1941. Air Force started their target practice in that area. People were forced to move out of there including the Indians. Burial sites, home sites all the artifacts stored in pits ((A-Tamki) were left in place. Some were never picked-up by the owners. Site 45BN - Artifacts here are from another home site. All this area was heavily occupied.... (orthography unchanged, emphasis added; Selam SOR report)

What elder interviews are revealing about river settlement is the incredible complexity of the cultural landscape with the river villages as a central node. Disconnecting the people from that node, whether by forced resettlement, or by settlement of aliens, began agonizing attempts to restructure lives, build new alliances and for many, the necessity to find new wintering grounds. The Trust responsibility of the US government for these "river" Indians, their reserved right of access to resources, even for those allotted along the main stem with "Vancouver" or "Walla Walla" allotments was sporadic and for the most part unsuccessful. Disputes, some reaching the Supreme Court of the United States, upheld the reserved rights of the Yakama fishermen, but did little to build stability into these disrupted lives. Seasonal crowding at specified fishing areas with increasing competition was a result. With many clinging to the traditional seasonal round, government officials were unaware of these disconnections, inadvertently aiding the disconnection of these homesites "allotted in severalty." One family, returning to their Rock Creek winter home after summer collecting in the high country found their home claimed by a white settler (Nelson Moses SOR interview). These types of wintering places, even those "unallotted" but within the traditional use area of families and "bands" since "time immemorial" were never recognized by the Anthropologists of the Federal Agencies, the BIA in its Trust responsibility, nor the Engineers/planners of the "system." Some are under water, some are under orchard, some are within the town site of the Gorge "Urban Areas," where city and county planners never have heard the phrase "trust responsibility."

The role of the Reservation as a "winter home" where certain services availed themselves, attracted some of these former river dwellers. Johnson Meninick describes a gradual 20th century shift in settlement that involves river refugee people establishing over-wintering residences at the southern Reservation boundary and eventually in increments moving down the tributaries, attracted by the "magnet" of the newly formed "political and cultural centers" of the

Reservation (Johnson Meninick 1985, Pine Springs interview). Off-reservation enclave communities such as Georgeville and Billysville have weathered this trend while some families have "stopped" in Goldendale or other border towns. The Rock Creek and Alderdale communities have been sparked by recent construction (Johnson Meninick: personal communication, SOR and other interviews).

Resource Exploitation and Site Functions (present and past patterns of use)

The so-called Wayam fishery at the Dalles/Celillo was in-effect a major emporium, to use the words of Lewis and Clark. That social and economic function of the fishery was immense, providing a redistributive network through trade and barter that increased in importance after the signing of the treaty and the beginning of economic development on the N-ch'i Wána Basin.

This increasing importance is directly tied to the fragility of upstream habitat and access factors. Only fools and academics belabor the impact of an irrigation diversion on an upstream run of spring chinook. The Nachespum with an elaborate folk taxonomy for salmon races, knowing full-well the upstream progress of a key run of fish, had the news well in advance (James Selam speaking of conversations with Otis Shiloh). The planner may not have known the gravel to gravel life cycle of the salmon in these watersheds, but the Indian people had a good idea.

When the System buried the ancestral fisheries and its host of cultural places, indeed the traditional use area of the main stem, it reordered the priorities of access. The promise of in-lieu sites notwithstanding, indeed these promises are still only that, it left the Indian people with critical access choices, forcing a movement onto the upstream fisheries of Wanawish, Tuptat, and Wenatchepam for example (Johnson Meninick: Tup-tat interviews 1987). The commercial fisheries of the main stem were lost forcing the sport fishers and the Indian commercial and subsistence fishermen into hostile confrontation and a readaptation of technologies, creating different "archaeological sites" and use areas as the hydro systems came into operation.

If, for example, industrial agriculture replaces the natural watershed with a network of impassable barriers in a sub-basin of the N-ch'i Wána, and the elders tell us of the former runs there, the archaeology supports the contention with indirect and sometimes direct evidence, then we must not violate the moral precepts of the Yakama elders who have told us it is so by assuming it is not so until proven otherwise. This has been the burden of the Yakama people in the Courts of the United States. This assessment of loss, so important to any impact analysis has only begun.

Historic preservation CFR's have been misguided in the consultation process by using such criteria as "ephemeral" or "disturbed" to prioritize historic places (James Chatters: personal communication). Generally these terms have been used in the compliance arena of the Section 106 compliance process and the determination of eligibility of places to the Federal Register. In other words if a townsite exists on top of an Indian fishing place (e.g., Lyle, Washington and Leavenworth, Washington), chances are it has not been considered as an historic property, or if certain portions of the fishery exist as an "archaeological complex", then only those areas, linked to the current research priorities for the area, are likely to have been recorded. The bias in this recordation and registration process continues to alienate Indian people from the Historic Preservation movement today, even as the Yakama Nation is striving to record these places through the limited efforts of its programs including the TFW or Timber Fish and Wildlife Program. Here, the Nation has recorded numerous "upland" historic sites notably within the upper reaches of the Yakama watershed in Kittitas County (Yakama Resources Management Coop, Interim Report 1993). To this degree then the "affected environment" has not been recorded through the mechanism of the National Historic Preservation Act nor related Federal or State

Statutes, nor has it been facilitated in the truncated NEPA process, whereby tribes are 11th hour participants. To this degree then the process has failed with few exceptions.

To reiterate then, a key question is: "How important is it to the future of the Yakama people to belabor the losses by enumeration rather than to establish viable restoration planning?" This question dogs the Yakamas participation in the preparation of this under funded 11th hour draft, an appendix justified by the scope of work as "NHPA nested in NEPA."

CHAPTER 3

OVERVIEW OF ORAL HISTORY OF CERTAIN YAKAMA ELDERS
 (CONFIDENTIAL INFORMATION ON FILE AT THE YAKAMA NATION HERITAGE CENTER,
 TOPPENISE, YAKAMA NATION)

Confidential Nature of Oral Histories

Individual oral histories were conducted at the Yakama Indian Nation, Cultural Resources Program. The taped interviews are on record at the Cultural Resources Program and are treated as in-house and as sensitive materials. This step was necessary to protect the information given by the involved elders. The elders themselves had to be reassured that the information would be guarded and used in a correct manner.

The length of the individual interviews varies, some individuals provided more information than others. The transcribing of the interviews themselves proved to be a time consuming project since most of the Elders spoke in the native language that needed to be converted to the English language:

Interviews & Translating by: Mr. Johnson Meninick
 Interviews & Translating by: Mr. Frederick Ike, Sr.
 Translating & Typing by: Cindy Yallup

Elders interviews:

1. Russell Billy
2. Nelson Moses
3. Walter Speedis
4. Johnny Jackson
5. Howard Jim
6. James Shike
7. Agnus Billy Mark
8. James Selam
9. Louise Billy
10. Sarah Albert Queampts
11. Elsie Dick

Selected Overview of Oral Histories

The general consensus of the oral history's implies that all those interviewed have witnessed vast changes along the Nch'i-Wána, their original homelands. Each has recounted, generations before them of family relationships, villages, neighboring tribes and how a unique way of life was carried on. Walter Speedis has a broad philosophical view:

"There's so many things to consider the laws of the land taken place on there by man's laws. Like condemning land for his own purposes he's also condemning lots of useful resources food resources cultural resources herbal medicine's and foods, wild game, fishing & hunting, fowl, different edible roots."

Howard Jim has a similar sentiment:

"I grew up as a child since 1918. There my elders also grew up there were alot of us we talk about what and how the whiteman interrupted everything that we learned to respect and take care of the Indian way."

In all the interviews that past was spoken of as memories, a past that can never be recaptured. Detailed memories expressed joy to great sadness. James Selam:

"I grew up along the Columbia River and as I grew older travelling from place to place I begin to understand these sites and places were home to our People. My People had lived here from the time land was created on this earth. Place was very important to the Indians all of the sites recorded by the archaeologist were home to the Indians."

Within the interviews James Selam, Louise Billy have been able to give great detailed information about specific sites, locations, native names, and histories of sacred sites, burials, and food gathering techniques.

Russell Billy states:

"Then in the old days also they had a chief in each village, they had a chief from Pine Creek, Alderdale, they had chief in Rock Creek, Skin-pah People, Wishram People, Wyam, all along the river, there were bands of Indians they all each one every village had their own chief among themselves. These are remnants of the past."

With the advance of non-native populations, those interviewed expressed bitterness and resentment toward past history. The bitterness was directed at the fatal results of the damming of the Nch'i-Wána, the land transformations, the desecration of ancestral burial grounds, and the resentment of being driven away from the lands known as home. Nelson Moses states:

"But then when the whiteman came and the blue coats army things changed in big ways with our Elder people in those days. When the Treaties were made they sent too the same... they seen to over look by other newcomers, white's the army and the white bad and began to raid Indian villages and home sites. White caused problems with Indian people along the river and it also been said that when the Indian people began to go into the hills for food gathering at one time the family returned home only to find that their home place was homesteaded by white people. It was a very bad thing for the family for their family have lived there for years before any white man came west and is not only once this happened but it's happened many a times."

Agnes Mark has a touching sadness recalling:

"In my mind I'm bothered, I think alot of this, I'd sit then see an old women would be searching, crying, trying to find her bones she'd find them then try to cover the, that is what this dam John Day has done along with the state. I lost my home in Roosevelt where by grandmother is buried."

The losses from the coming of the non-native, the pre-treaty days, and finally the construction of the dams have become incalculable. The elders interviews reveal that many of the "tangible" things that are irreplaceable are the natural things themselves, those endangered or becoming extinct and those things that were promised in place of them. Today the elders convey a feeling that a foreign way of life is advancing. They caution the present generation that technology,

development, and material goods become more important than nature in today's standards. They predict that extinctions of life forms will continue around the world and here in the Northwest area. Russell Billy and James Shike described hunting:

"Then we use to get our wild geese right there along the river and along the creek the Rock Creek area. all the way up the creek as far as they can go and down along the mouth of Rock Creek."

Russell Billy further states:

"They trapped for different things and mostly mink I had an uncle that trapped beaver they use to make a living trapping beaver."

They express a sadness, a sentiment, that our environment is being affected, the cultural, natural resources, are being depleted and the ecosystem becoming unbalanced to the point of no return, such as clean air, water, population of humans and of animals, birds and fish. Agnes Mark states:

"They say long time ago they made like our elders, that is how we came, travel like the salmon today, we never be that way again the still waters when ever what ever however to take from us like again they will find a way to take again from us so we think of other ways like our elders. We are rooted from the tributaries to the Columbia River."

In the elders recollection of events Louise Billy, Agnes Mark, Elsie Dick make similar statements of "Taking of the land." Louise Billy's description:

"Now we come to John Day Dam, which removed me from my home land. After I had learned what was to take place, I went to Walla Walla to the Corps of Engineers office. I took Warner Jim with me to be my interpreter. I made a claim of my residence, my niece's home, and my mother's home whose name the allotment was under. We were removed from our land and our homes were demolished because the Federal Government and the Corps of Engineers had lied to us. They said our land would be under water when the John Day pool would back-up, but our land is still above water where the Rock Creek park is now located. This is what the John Day Dam has done to us."

The final sentiment expressed by the elders, through the interviews, is the great losses they have had to endure. These losses have led to the destruction of all that they have once possessed and feel they have little to pass on to succeeding generations.

Sarah Albert Queampts:

"Every year when the roots are ready for digging, they will be waiting with open heart because it is their time for us to gather them."

Information for this project area was gathered in several categories primarily; personal information, environmental information, cultural information, and religious information.

Johnny Jackson:

"They told my grandfather and the other chief's that there would be only one dam. They told them those that were removed from that area, that different places they would put up homes for them and give them land in return and also pay them. our elders are the only one's that have the knowledge to protect our mountains, our river, our culture, our land, our food, and our way of life."

Religion

The religion of the Yakama, Indigenous Peoples of the Nch'i-Wána, is not a matter of certain days and set observances, but is a part of his every thought and daily life. Heritage is a precious possession of the Yakamas. It is a heritage so old that no one knows when it was actually born. It is a heritage of a religion that recognized a creator who gave life to the Earth and to its possessions. Over one hundred years ago treaty makers assembled in a cotton wood grove at Walla Walla, Washington, and entered into the Treaty of 1855. This Treaty has now matured into a heritage for the present and the future members of the Yakama Indian Nation.

CHAPTER 4

ANALYSIS OF IMPACTS

Introduction

The Peoples of the Yakama Nation have fished, hunted, trapped and collected the food and medicine resources of the Nch'i-Wána long before the first Euro-Americans set foot on the North American Continent. The archaeological distribution of their villages "garland" the shores of the Nch'i-Wána and its tributaries. To this day the Yakama Peoples continue to use the Nch'i-Wána resources but on a much reduced scale. The impacts of irrigation and hydroelectric dam construction and their associated operations have had, and continue to have, a significant and detrimental effect upon the lifeways of the People.

With these thoughts in mind the Yakama Nation has made a very preliminary "Analysis of Impacts on Traditional Use Sites and Areas (usual and accustomed places)" and a discussion of the "SOR Alternatives and Their Impacts on the Existing Cultural Environment." These two statements should not be taken as the final position by the Yakama Nation but rather a very preliminary view based on the available data and the limited preparation time available to the authors.

Analysis of Impacts on Traditional Use Sites and Areas--the Usual and Accustomed Places

In economic, social, and spiritual costs, these projects have reduced the viable options and opportunities for the Yakama People. The extent of the destruction is impossible to assess nor can a price be placed upon it. In energetic terms the projects have disrupted the Native American food chain by reducing access to resources and by eliminating habitat for those resources.

These losses go beyond the areas immediately adjacent to the river and extend well upstream into the spawning and collecting areas of the tributary streams. This in turn has forced a restructuring of the Native American economy with huge societal impacts. Yakama fishermen, for example, have been forced from traditional fishing areas of high productivity into increasingly more sophisticated technologies with less success; in other words an upward spiral of increasing competition for access to fewer fish. In addition, the natural links lost in the food chain are tied irretrievably to the links lost in the social and spiritual lifeway of the Native Americans who were once an integral part of this food chain. The increasing stresses on the resources of the river were realized by those in the United States Bureau of Indian Affairs who participated in the Usual and Accustomed studies of the 1940's. BIA Solicitor Swindell (1943:111) states:

It is not beyond the realm of possibility that at some future time another great dam will be constructed in the Columbia River at or near the Dalles, Oregon, in connection with flood control and navigation. When and if this occurs, the few remaining places in the mid Columbia River area which constitute the bulk of the commercial Indian fishery on that river, will be inundated by the backwater from such dam. Since they are practically the only places in that area where the Indian's catch can be disposed of commercially, they are of inestimable value to the Indians. The loss of such places would be as calamitous to them as was the loss they sustained as a result of the flooding of a considerable number of commercial and subsistence fishing grounds on account of the construction of the Bonneville and Grand Coulee Dams.

Swindell's report to the Bureau of Indian Affairs was indeed prophetic. The damage has indeed been done to these fishing places. The construction of the dams and their continued operation have been of no significant value to the Yakama Peoples. The SOR process, and dam operations, must be modified so as to provide for additional opportunities for fish survival and the enhanced opportunities for Yakama fishers to have an increasingly greater number of fish available for harvest. At the present time, operations of the dams and other water withdrawal decisions have decimated the River fisheries without concern or consideration. Such actions can no longer continue. In order for the United States Government and operating agencies involved in the SOR process to fulfill the trust responsibilities, those River operations must change and must result in lesser impacts upon the fishery resources of the Nch'i-Wána.

Analysis of Impacts on Historic and Prehistoric Archaeological Sites

The planned SOR operations, no matter which approach or SOS alternative strategy is taken or employed, will seriously impact the known historic and prehistoric archaeological sites that exist above and below the present pool levels. The most seriously affected sites will be those that occur just downstream of the dams and those that lie within the Zone of Fluctuation and at the boundaries of the Zone of Inundation. Drawdowns of the pools for any purpose is going to expose burial sites, village sites, camp sites, petroglyph sites, fishing sites, hunting sites and collecting sites that were once under water. These changes in the pool levels will result in extensive impacts to these resources. In addition, there are a number of historic sites that will also be impacted by changing pool levels and seasonal and unseasonal discharges of water. (See discussion of the model and the discussion of the SOS alternative strategies.) The Yakama Nation recognizes potential benefits to anadromous fish from these processes and considers fish to be a cultural resource, as well. Accordingly, it should be up to the affected Nations/Tribes to determine these issues.

The Systems Operation Review Quantitative Model--Some Suggestions and Questions

The SOR quantitative model seems to be fairly-well thought out and does address, to some extent, the impacts that will affect the prehistoric and historic archaeological sites that are extant within each of the managed reservoirs. We were very happy to see that some thought had been given to these complex processes. We feel that the Geological-Geomorphological discussion is very important and should be an integral part of the Cultural appendix that considers cultural resources. The discourse that we have made here does not address all of the possible impacts that could be generated from the model presented, but rather focusses upon two aspects of the model that significantly affect historic, prehistoric and traditional use sites (and places) and areas. This includes sites and areas that are located within the ZONE OF FLUCTUATION and those that lie within the ZONE OF INUNDATION (below the water line). In addition, this discussion will not include a critical evaluation of the model as it has affected specific sites, places and areas that are located in each reservoir, but rather asks those who will operate SOR and implement the SOR SOS strategies and alternatives to carefully address the questions generated from this very general study, and to conduct additional studies of the specific sites within the specific reservoirs. The Yakama Nation archaeologists can not be any more specific in their analysis or discussion because of the limited time available for comment, and because they have not received the requested documentation from the Seattle and Portland Districts of the United States Army Corps of Engineers in a timely fashion. By contrast, the Walla Walla District materials were received within a few days of the request for materials; were very helpful, being specific to the region and comprehensive in approach, and have been used to generate the general questions formulated here. The Yakama Nation requests both additional time to review and comment upon those documents requested, and that

the SOR process be held in abeyance until the documents are received and, thereafter, during the pendency of the review.

Model Assumptions

The model has made some assumptions that the Yakama Nation geoscientist neither agrees with nor judges that the specific processes have been adequately addressed in the SOR "IDENTIFICATION OF GEOMORPHIC PROCESSES" section of the "CULTURAL RESOURCES PROTECTION PLAN". The plan is a good starting point, however, and the concerns mentioned by the geomorphologist are important and valid considerations that must be addressed in any Systems Operation Review.

1. We would agree that there are at "least" five erosional and three depositional processes that affect and impact historic, prehistoric, and traditional use sites and areas:

- a. "mass wasting"
- b. "sheet wash on hillslopes and other sloping surfaces"
- c. "concentrated water flow in channels of gullies and small streams"
- d. "wave attack along reservoir shorelines" and
- e. "dispersion of saturated soil" (whatever that means).

We also wish to state that there are a least five important additional specific processes that have not been noted and are of equal importance: cyclic bank degradation; main channel scouring during peak water flows; secondary stream channel and bank erosion during daily, seasonal and unseasonal drawdowns and refills; daily, seasonal and unseasonal flooding of hunting and gathering areas; and dredging to remove deposited silts and sands in the channel by the United States Army Corps of Engineers. NOTE: Our stream channel and bank erosion addition is similar to the United States Army Corps of Engineer "c" criteria, but we would not restrict the process to "concentrated water flows." Rather, daily, seasonal and unseasonal fluctuating water levels should be included. These fluctuating water levels increase the number of bank degradation cycles (see explanation below).

NOTE: Cyclic bank degradation is, perhaps, the most significant destructive process for all cultural resources operative within the reservoirs. Unstabilized exposed cutbanks, those composed of silts and fine sands that do not have a thick cover of vegetation, are the most likely candidates for the process and also the location of many historic, prehistoric and traditional use sites. When the pool level of any reservoir is raised, the sediments in the lower portion of the exposed cutbank (the lower soil profile) becomes saturated with water. In addition, water is drawn up into the sediments one to two feet above the water line through capillary action. This one to two feet of water saturated sediment slumps away and is dispersed by wave action throughout the reservoir. The unsupported sediments that are left behind can not remain in position long and break away from the cutbank depositing pre-historic, historic, and traditional use site materials at the base of the bank. The materials are then subjected to wave action and dispersal, secondary percussion impacts and the activities of looters and collectors. This process is particularly destructive of village and burial sites that are presently located near the waters edge.

2. We also feel that the model assumptions are too narrow and that they have been biased in terms of prehistoric and historic (Euro-American) archaeological sites. The Yakama and other North Americans have a wider view of cultural resources than do the United States Army Corps of Engineers and have a deep enduring respect for the land and water. This view should not be summarily dismissed as being unimportant or archaic, but should be considered with equal importance by the United States Army Corps of Engineers when they construct an effects model. As we noted in the introductory remarks regarding the Yakama definition of "cultural resource," any modeling must include all of those considerations: to exclude any aspect of culture, including fish, wildlife, and plant survival or impacts renders any cultural resource model inadequate.

3. The United States Army Corps Geomorphic Processes model does not address, unless we have missed something along the way, the ethnographic paradigm. Before one can identify the geomorphological processes that affect cultural resources and specifically traditional use sites and areas, one has to know something about these traditional lifeways. Perhaps this is the reason that "flooding" of hunting, fishing and collecting sites was not among the five processes noted in the model.

4. We also disagree with the assumption that "unlike erosional processes, depositional processes may have a favorable impact on cultural resources through burial and partial protection." From the perspective of traditional use this statement is almost never true. Flooding and deposition of sands and silts upon fishing, hunting and collecting habitat by non-natural activities destroys natural habitats used by the Yakama. Foods and medicines used can not grow in this new environment-- particularly an environment that is constantly changing from day to day and from week to week. In addition, the affects on prehistoric sites do not appear, if Bill Andrefskys' (1993) monitoring report of the Snake River is any indication of the real world, to be favorable. These water saturated sediments are very loose, plastic, and are subject to both above and below water movement down slope and to subsurface channel erosion. As part of the traction load they can be moved many miles down stream before they are redeposited. This is not a normal or natural accretion process that occurs through seasonal flooding and overbank deposition; That process is more gentle and more unlikely to destroy archaeological sites. Our experience, those of us who have worked along the Middle Missouri and Mississippi Rivers, have found that deposition of sediments in reservoirs does not protect prehistoric sites.

5. Again "we" may have misread the statements made in the "Technical Appendix" of the cultural resources working group, but "we" see no discussion of the affects of dam operation upon traditional use sites and areas located at the mouth and along the shoreline of tributary streams. The affects of dam operation have been significant in these areas and fishing, hunting and collecting sites have been lost. We feel that some effort should be made to address these questions. Studies should include, **NOT ONLY THE PREHISTORIC ARCHAEOLOGICAL SITES, BUT THE TRADITIONAL AND HISTORIC SITES AS WELL!!**

6. We would applaud the approach taken by the United States Army Corps in the "DEVELOPMENT OF A MATRIX OF SITE CONDITIONS" and their intention to use the procedure in other reservoirs, but this procedure has to be expanded so as to include ethnographic, traditional use and historic data. We may be wrong in our reading of the text of the "Technical Appendix of the Cultural Resources Work Group Columbia River System Operation Review" but the approach seems to be heavily biased toward prehistoric sites. We do not object to the emphasis that has been placed on protection of these sites, but suggest that some additional attention be placed upon the

protection, stabilization, preservation and enhancement/restoration of traditional use and historic burial sites important to the Yakama. Some additional funds should be made available to the Yakama cultural resource center for such studies because it is impossible for the Yakama, or any other Indigenous Nation, to gather all of the relevant data pertinent to a discussion of the impacts on these traditional use sites and areas in only six weeks. In addition, the analysis must be expanded so as to include those resources that have been inundated and lie in the "Zone of Inundation" as well as those that lie within the "Zone of Fluctuation."

Zone of Fluctuation

The cultural resource analysis and the identification of geomorphological processes seem to be restricted to the "zone of fluctuation": that area that is flooded and reflooded during daily, seasonal and planned drawdowns of the Nch'i-Wána reservoirs. The reasoning here appears to be based on site (prehistoric) concentration. This is the zone that contains the greatest frequency of prehistoric and historic archaeological sites and the areas most vulnerable to destruction of intact cultural resources. Some of this reasoning is most certainly true; these areas are subject to destruction and the sites should most certainly be protected. But these criteria should not be the only criteria used in the analysis or the only sites that should be considered in such a geomorphic-hydrological model. The model in our view is too narrow and should include not only those areas in the zone but adjacent areas directly below the dams and those areas that are located on tributary streams. Moreover, the Yakama Nation recognizes potential benefits to anadromous fish from these processes and considers fish to be a cultural resource, as well. Accordingly, it should be up to the affected Nations/Tribes to determine these issues.

Zone of Inundation

Again, we hope we have not read the technical appendix incorrectly but there appears to be little attention paid to those resources that are presently underwater. There are a number of processes that can affect the underwater or inundated resources (see above). These could be destroyed by dredging, exposure during planned and unplanned drawdowns, weathering of materials, looting by collectors, etc. Also, the model is based very heavily upon the known distribution of prehistoric archaeological sites. Much of this data is "OUT OF DATE" and was recorded just prior to the construction of the dams without input from any of the Yakama Tribal elders. What about those resources that lie beneath the surface of the present impoundment and what about the inadequacy of the past studies? The post-1950's studies of the reservoirs are based on shoreline surveys of the present pools and are limited in scope. Surely if drawdowns are to be planned and eventually implemented, additional survey, monitoring, protection and even some excavation of those sites in danger of complete destruction should be undertaken.

Of particular concern here are the human remains from burial sites exposed during drawdowns. These remains should be collected under the direction of the Yakama tribal elders and reburied so to prevent their collection by looters and pot-hunting collectors. These are two very important questions that have not been addressed to the satisfaction of the Yakama Peoples in the proposed GEOMORPHIC IDENTIFICATION PROCESSES model. Further, the Federal agencies involved in this process must take measures to ensure proper compliance with a host of Federal laws, including but not limited to: the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act of 1978, the Antiquities Act of 1906, the Historic Sites Act of 1935, the National Historic Preservation Act of 1966, the Archaeological and Historical Data Conservation Act of 1974, the National Forest Management Act of 1976, the Archaeological Resources

Protection Act of 1979, the National Historical Preservation Act of 1980, the Columbia River Gorge National Scenic Area Act of 1986, the Environmental Protection Act, and the Reservoir Salvage Act.

NOTE: The discussion of the Identification of Geomorphic Processes presented here is very limited in scope for the two reasons noted. We strongly feel and recommend additional studies be conducted at a number of levels before such a model is accepted as a working procedure.

The SOR Alternatives (system operating strategies) and Their Impact on the Existing Cultural Environment (extant as of 1/31/94)

As part of the SOR cultural resource impact analysis of the systems operating strategies, the two Yakama Nation archaeologists requested maps and Cultural Resource Management (CRM) reports from the lead agency the United States Army Corps of Engineers. Because of the limited time available to the Yakama Nation, it was imperative that these materials be sent to the Yakama Nation archaeologist in a timely fashion. Only the Walla Walla District (Mr. John Leier) responded fully to the requests providing reports, a regional bibliography, a cultural resource overview, and maps pertinent to the subsurface topography of the reservoir. Some materials were also received from the Portland District but these materials (maps) did not arrive until 1/25/94, too late to be of much value. Nothing was received from the Seattle District. Without this information review and comment on the SOR process is incomplete. Once again the Yakama Nation protests the time frame set out by the Corps and the information provided. The failure to provide the necessary information results in an inadequate discussion of the potential impacts.

Given these severe limitations and handicaps, the scope of the response to each of the System Operating Strategies (SOS) and the sub-strategies (SOS 1a, 1b, ... etc.) had to be limited as well. Only general comments can be made and these comments can only address the most general questions and problems. The focus of the analysis, therefore has been directed towards the five geological-geomorphological and behavioral (looting) processes that tend to affect the condition of historic, prehistoric and traditional use sites and areas:

1. **Frequency of pool level drawdowns:** How often do the operators intend to draw down and refill the reservoir?
2. **Period (length of drawdown):** How long will the water be drawn down between fill cycles?
3. **Maximum and minimum draw down amplitudes:** How low will the pool level be allowed to drop before it is refilled?
4. **Behavioral problems and modification (looting and its Prevention):** How do the SOR SOS strategies intend to deal with the question of burial looting and site destruction by pot hunting collectors?
5. **Siltation and dredging of the channel:** Siltation of the channel and deposition of eroded sands, silts and pea-sized gavels will most certainly increase with any form of pool level draw-down. How will these activities affect inundated and near-shore burial, village and traditional use sites (i.e., fishing, hunting and collecting)?

NOTE: The Yakama archaeologists do not have access to the critical data needed to properly address the SOS strategies. We do not have the present pool level maps; the underwater contour maps of the pre-dam surface features; prehistoric, historic and traditional use sites

and area data, cultural resource overviews or property inventories for all of the reservoirs affected by the SOR required for detailed SOS 1...SOS 7 analysis. "We" do not have other documents such as the Corps of Engineers 1993 Supplemental EIS as cited in the October 25, 1993 Systems Operating Strategies documentation; nor do we have many of the survey and archaeological reports that have been written for the region.

SOR Systems Operating Strategies

A total of seven Systems Operating Strategies and nineteen sub-strategies have been suggested in the October 25 1993 document. These include:

SOS 1--Pre-ESA Operation: "Base case operation without the various measures directed at anadromous fish or resulting from ESA" (Technical Appendix 1993: Section 1).

SOS 1a--(Pre-Salmon Summit Operation). As noted in the October 25, 1993 discussion of the SOS strategies, this strategy assumes operation as it existed during the 1983 through 1990-91 operating years. The major effects upon the historic, prehistoric and traditional use sites and areas has been one of fluctuating pool levels and periodic inundation of lands used for hunting, gathering and fishing. The prehistoric sites and traditional burial sites located adjacent to the present shoreline and those that exist immediately downstream of the dams, have suffered the most significant damage. This damage is continuous and is most significant in those areas where there are loosely consolidated silts and sands. For example, these occur with great frequency on the "Star Side" (north or right bank) of the Nch'i-Wāna at Plymouth (Port of Benton) where large sections of the riverbank lie exposed to the erosional effects of wind, wave and mass wasting.

SOS 1b--(Optimum Load-following Operations). Operations under this strategy follow operations as they existed prior to changes resulting from the "Regional Act." "This operation is designed to demonstrate how much power could be produced if most flow-related operations to benefit anadromous fish were eliminated." It is quite obvious that increased power production requires additional amounts of water to be put through the turbines in a step by step (dam by dam) process which results in increased downstream erosion of the channel and shorelines as each surge of water proceeds through the system. This process (SOS 1b) would also increase the mass wasting cycle so common along the Pasco-Hood River reach of the Nch'i-Wāna (see above discussion of the "Quantitative Model", this study).

The resultant effect of the SOS 1b approach would be an increase in the on-going destruction of Historic, Prehistoric and Traditional Use sites and areas. The extent of this additional damage is dependent on the amount of water cycled through the system and more important the number of fill and spill cycles initiated during peak energy demands. These effects are cumulative and exponential and driven by the increases in the population using electrical power. Increasing demands for energy production will require more frequent fills and draws on the system and less and less water will remain in storage.

SOS 2--Current Operations: "Operations consistent with the final operations specified in the Corps of Engineers' 1993 Supplemental EIS" (Technical Appendix 1993:section 2).

SOS 2a--(Final Supplemental EIS Operation). This operation is designed to "match exactly the decision made as the result of the Supplemental EIS with the exception that no Upper Snake water is included" (Technical Appendix 1993: Section 2a). The Yakama Nation archaeologists do not have a copy of the Supplemental EIS and it is difficult to assess the effects of this alternative strategy. However, SOS 2a requires the spillage of additional water to aid salmon (anadromous) fish migration. The effects of this additional spillage of water will most certainly impact prehistoric, historic and traditional use sites and areas. The extent of this damage could be extensive or it could be minimal. Such effects are dependent upon the season of the year or as the SOS descriptive data notes, it could be extensive as the spillage of water in this case is "tied to run-off forecasts of the Columbia" (Technical Appendix 1993: Section 2a).

SOS 2b--(Final Supplemental EIS Operation With New Operations at Libby for Sturgeon). This "includes additional operations at Libby to benefit the Kootenai White Sturgeon which have been petitioned for listing under the Endangered Species Act" (Technical Appendix 1993: Section 2b). The Yakama view all fish resources and fisheries as cultural resources and cultural resources sites. The effect of staggered releases of water from the various reservoirs will most certainly change pool levels downstream and cause additional erosional effects that are clearly undesirable. Again such effects and the resultant effect on the down stream fishery will depend on the frequency of fill and draw cycles. The more frequent and the greater the amplitude of the draw and fill cycle, the greater the effect upon the associated cultural resources.

SOS 2c--(Final Supplemental EIS Operation--No Action Alternative). The Operation described under SOS 2c "matches exactly the decision made as a result of the Supplemental EIS, which includes up to 427 KAF of additional Upper Snake River water" (Technical Appendix 1993: Section 2c). The focus of the SOS strategies is to aid fish population, a factor in which the Yakama Nation definitely is interested, and the Nation also has concerns that such activities may have a detrimental effect upon other archaeological and historical cultural resources of the Yakama Nation. The Nation reserves unto itself the decision as to how best to balance the impacts upon these resources. We insist upon actions that will protect our fish and conversely that the efforts of the Yakama Nation to protect our other cultural resources not be played off against the Yakama Nation's fishery rights.

SOS 2c is, perhaps, the poorest choice of these three sub-alternative strategies for two important reasons: (1) it suggests no additional Libby operations to benefit sturgeon--which may or may not be advantageous for the traditional fishing sites located downstream; and (2) SOS-2c also suggests operation of the Lower Snake to one foot of the MOP (mean operating pool?) from April 1 to July 1. The operation of any of the reservoir pools at minimal levels will most certainly expose some of the historic and prehistoric village, burial, hunting and fishing sites that were once under water. Denuded of vegetation and covered with loosely consolidated silts, sands and pea-sized gravel; these riverbank, point bars and slip-off slopes could be easily eroded during summer storms and increased water flow down tributary streams and intermittent flowing stream channels. The result would be an increase in secondary erosion of the loosely consolidated silts and sands and the exposure of burials, artifacts, historical items and other cultural and structural site

features. In addition, any kinds of reservoir draw-downs that results in extensive exposure of the riverbank will promote looting of cultural resources. Such activities should not occur without coordination with the Yakama Nation as a party with final determinative say on whether or not draw-downs will be beneficial to fish and how the draw-downs will be conducted in order to provide the greatest possible protection to archaeological and other historical site issues.

A final question is over "short-term operation requirements." How will these short-term operations affect an already stressed cultural resource environment? Does anyone know? Suffice it to state that it will pose continuing adverse affects.

SOS 3--Flow Augmentation: *"Monthly sustainable flow targets on the main stem Snake and Columbia River, to aid fish migration, based on April 1 forecast of the January through July volume run-off forecast"* (Technical Appendix 1993: Section 3).

SOS 3a--(Monthly flow targets with no additional upper Snake Water). This operation alternative is designed to "shape the currently assumed amount of water runoff through the year for fish" (Technical Appendix 1993: Section 3a). It is very difficult to assess the physical effects of flow augmentation as we are not so certain what it means in terms of changing pool levels and the frequency and amplitude of those changes. If the purpose is to maintain relatively stable pool levels with minimal fluctuation during peak energy demands, then this stratagem will have less of an effect than will other SOS Strategies and operating alternatives. If, on the other hand, it means greater and perhaps more frequent changes in the pool level, then the effect will be significant and will cause more extensive damage to the near shore cultural resources.

SOS 3b--(Monthly flow targets with additional upper Snake River water). Operations undertaken under this operational alternative are designed to take advantage of the "amount of water runoff plus an additional 1,427 MAF from the upper Snake basin, obtained through irrigation water efficiency, rental purchase, etc." (Technical Appendix 1993: Section 3b).

Again the effect on cultural resources of this operating procedure is difficult to assess given the information at hand. The effects noted above for SOS 3a are likely to be applicable to SOS 3b as well, as the effects are tied to changing pool levels and the frequency of these changes in pool level.

SOS 4--Stable Storage Project Operation: *"Elevation targets at Storage projects to address recreation, resident fish and wildlife needs"* (Technical Appendix 1993: Section 4). The goal here is to minimize reservoir fluctuations, while moving closer to natural flow conditions--reservoirs are managed at specific elevation levels on a monthly basis and coordinated so as to improve environmental conditions for fish passage, and minimizing the effect on power generation.

SOS 4a--(Enhanced Storage Level Operations). This operation procedure "attempts to achieve specific monthly elevation targets the year round that improve the environmental conditions at the projects for recreation, resident fish and wildlife, without regard to anadromous fish flows" (Technical Appendix 1993: Section 4a). "We" have assumed that "anadromous fish flow" means fish migration downstream and upstream as opposed to actual fish flowing. In any event, the effect of this procedure upon cultural resources could be significant at some locations, minimal at others and somewhere in between at still others. The problem with this procedure, along with all of the other stable storage projects

operations, rests with the uncertainty of maintaining these stable pool levels over time. Will they be lowered to accommodate unseasonably high water levels causing water to be spilled in large volumes? Wave action above the dam will certainly be a problem for near-shoreline sites, but the greatest effects will occur immediately downstream of each dam. Mass wasting and undercutting of the shoreline will cause additional destruction to these sites and fishing, hunting and gathering sites will be affected by temporary flooding.

SOS-4b (Compromise Storage Land Operations). Operating strategies SOS4b "is similar to SOS 4a but attempts to accommodate anadromous fish needs by shaping main stem flows to benefit migrations" (Technical Appendix 1993: Section 4b). This procedure uses the modified flood control rule curves based on runoff forecasts. The results are drops in the pool level at the various reservoirs of between 1 foot and 10 feet (Libby and Hungry Horse = 1 foot; Grand Coulee = 10 feet, and Albeni Falls = 2.5 feet).

Significant drops in the pool levels, no matter when they occur will increase all four of the major contributors to the destruction of historic, prehistoric and traditional use sites and areas. Again looting and secondary erosion of the unconsolidated sediments present on the shoreline or just beneath the surface is going to continue to be a problem. Erosion of this kind is likely to increase siltation of the reservoir and require dredging of the channel.

SOS 4c--(Enhanced Storage Level Operation with modified Grand Coulee Flood Control). This operating procedure "is a combination of SOS 4a and 4b that modifies flood control operations at Grand Coulee" (Technical Appendix 1993: Section 4c). The most serious effects upon the cultural resources for this operation will be those of flooding and seasonal exposure of land surfaces that promote looting. Again it is difficult to ascertain the effects on hunting areas, fishing sites and other established usual and accustomed gathering sites without pool level maps. Wave action, channel erosion and mass wasting of exposed shorelines, point bars and slip-off slopes will most certainly occur.

SOS 5--Natural River Operation: "Reduce four lower Snake River projects' operating elevations to near river bed with new outlets" (Technical Appendix 1993: Section 5). This SOS alternative attempts to aid anadromous fish passage (down and up river?) through the lower Snake River portion of the Nch'i-Wána Basin system. Both options are to begin on or about April 16, 1994.

SOS 5a--(Two Month Natural River Operation). Operating procedures under this alternative "assume the drawdown last for two months" (Technical Appendix 1993: Section 5a). There are a number of historic and prehistoric sites (those at Riparia) as well as traditional use sites and areas that will require protection and stabilization. A drawdown of two months will most certainly expose sites to looters, wave erosion, bank destabilization and mass wasting. Some form of monitoring and protection will have to be initiated in order protect the cultural resources. The effects of such a drastic change in pool level could be very significant.

SOS 5b--(Four Month Natural River Operation). Operating procedures under this second "Natural River Operation" alternative "assumes the drawdown lasts for four and one-half months" (Technical Appendix 1993: Section 5b). The effects of such a lengthy drawdown are similar or nearly the same as those noted for SOS 5a except that they will cause more damage to the cultural resources. This is particularly true of prehistoric and historic archaeological sites. Looting will continue for some time unless very stringent enforcement procedures are instituted by the appropriate federal agencies.

SOS 6--Fixed Drawdown: "Reduce four lower Snake Projects' operating elevations to below minimum operating pool" (Technical Appendix 1993: Section 6). This operating procedure attempts to aid anadromous fish by speeding water particle travel time thus aiding fish passage (up and down river?).

SOS 6a--(Two Month Fixed Drawdown Operation). The effects of such an extensive drawdown of four reservoirs would be very significant as vast area would be exposed to the destructive activities of the "five" geological-geomorphological and behavioral (looting) processes that have been described throughout this discussion. Enforcement of existing Federal laws in such an area would be a huge undertaking and a real "Nightmare" for those who must monitor and protect the resource. All of the alternatives and sub-alternatives are not particularly attractive.

SOS 6b--(Four and One-half Month Fixed Drawdown Operation). The effects of this proposed drawdown are nearly the same as those discussed for SOS 6a except that the problems caused will be in effect for a longer period of time. [Again the "five" geological-geomorphological and behavioral (looting) processes (destructive activities) that cause damage to the prehistoric, historic and traditional use sites and areas will occur but over a longer period of time.]

SOS 6c--(Two Month Lower Granite Drawdown Operation). This drawdown proposal limits both the area and the time the water is lowered and hence the effects on cultural resources should be of less significance in comparison to those created by SOS 6a and 6b. There are a number of advantages from a purely preservation perspective. One would be able to monitor the landscape as less area would need to be covered by the enforcement personnel and one would not have to do intensive monitoring for more than two months. Destruction caused by the five process noted above would be limited to one reservoir and the scale of impact downstream would likely be of a lesser magnitude.

SOS 6d--(Four and One-half Month Lower Granite Drawdown Operation). A four month drawdown as suggested by this operating procedure would likely result in a greater amount of destruction to the prehistoric, historic and traditional use sites and areas than SOS 6c. The magnitude of the impact would be about the same as SOS 6c but it would occur over a longer period of time. The alternative would likely, from a cultural resource perspective, be better than either SOS 6a or 6b, but not quite as good as 6c. "Short-term Operation Requirements" if needed (Technical Appendix 1993: Sections 6c and 6b), could negate the advantages that might accrue from this operating system. Water spillage during flood episodes would likely increase channel erosion and significantly affect the shoreline cultural resources.

SOS 7--Federal Resource Agencies Alternatives. "This SOS represents operations suggested by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) as cooperating agencies" (Technical Appendix 1993: Section 7). The idea here is to increase water flows for anadromous fish and to recognize the needs of other species and the natural resources extant in the basin.

SOS 7a--(Coordination Act Report Operation). This operating system stresses coordination of operation and flow targets at The Dalles based on previous years "end-of-year" storage values. "Specific volumes of releases are made from Dworshak, Brownlee and Upper Snake River to try to meet Lower Granite flow targets" (Technical Appendix 1993: Section 7). The effects of this operating strategy are very difficult to assess given the data available to the Yakama Nation archaeologists. How much volume, water volume, are we talking about here and how often do the operators

intend to release the water? Will these releases cause a significant drawdown of any of the reservoirs? This procedure appears to represent a type of drawdown of the reservoirs discussed in SOS 5 and 6, and the consequences to the cultural resources appear to be of a similar kind. All five of the destructive activities identified in this discussion appear to be relevant to this operating procedure. Some additional studies that involve traditional use sites and areas as well as ethnographic and archaeological surveys are needed. These traditional use studies are most appropriately undertaken by the cultural resources program, and those that involve ethnographic and archaeological topics, would best be studied by the Yakama Archaeologists.

SOS 7b--(Incidental Take Statement Flow Targets). Again it is very difficult to attempt to assess the impact of this particular alternative strategy given the data available to the two Yakama Nation archaeologists. All five of the destructive geological-geomorphological and behavioral (looting) processes identified here are likely to have an effect upon the cultural resources present in the reservoirs. Again it is a question of how much water is going to be spilled, how often the drawdowns take place, when will the drawdowns take place and what will be the magnitude of the drawdowns? Until these questions are addressed and we have good maps which depict the maximum and minimum pool levels and the inundated areas in each reservoir, it will be difficult to determine the effects of this and other operating procedures--particularly when "Short-term Operation Requirements" (flood control) drastically alter flow ranges.

SOS 7c--(NMFS Conservation Recommendations). This operating procedure "establishes flow targets somewhat higher than SOS 7b at McNary and Lower Granite during the April through July period" (Technical Appendix 1993: Section 7a). The procedure, according to the Technical Appendix, will use the new modified flood control rule curves based on runoff forecasts where appropriate. There are many questions with this last operating strategy and many of these are of a technical nature. What does "where appropriate" mean for cultural resources? What does "load factoring" mean? Again assessment of impacts are difficult to address given the data available and the time frame for completion of comments. Some additional clarification of the data and detailed pool level maps and pre-reservoir contour maps that depict the inundated surface structure would be very helpful in any analysis. **SOME ADDITIONAL WORK NEEDS TO BE DONE AND THIS WORK SHOULD BE DONE BY THE YAKAMA NATION CULTURAL RESOURCE PROGRAM AND THE YAKAMA NATION ARCHAEOLOGIST!!**

Summary of Effects

The PROTECTION, PRESERVATION, STABILIZATION AND RESTORATION/ENHANCEMENT of historic, prehistoric and traditional use sites and areas (usual and accustomed) are, and continue to be, very important to the Yakama Peoples. None of the proposed SOR SOS alternatives as stated in the SOR EIS are particularly attractive--save that alternative which would remove the dams entirely from the river and the alternative that would restore the fishery and associated plants and animals. A detailed discussion of these effects cannot be made at this time nor can we on such short notice provide the kind of information needed to address the protection, preservation, stabilization and restoration/enhancement questions posited by the SOR. The process of survey and analysis of any potential "data base" (we do not like this term) requires some considerable time for data gathering activities. Much of the information needed to address specific traditional use questions require input from the more senior (elders) members of the tribe. A six week time frame for completion of this part of the data gathering process was unrealistic. One of the suggestions that will be made in the conclusion of this appendix will be the need for continued study of the

traditional use question in an expanded and realistic time frame. In addition, the prehistoric and historic utilization in the reservoir also needs to be reviewed and studied by the Yakama Nation archaeologists. The SOR EIS and the future MOA's or PA's do not close the book on the utilization question nor Yakama participation in the SOR; they are but the **FIRST PAGE IN A BOOK YET TO BE WRITTEN** - a book that should include the Yakama Nation as a **FULL PARTICIPANT AND AUTHOR!!**

CHAPTER 5

ALTERNATIVES AND SUGGESTIONS FOR MITIGATION [Protection, Stabilization, Preservation, and Restoration/Enhancement]**SOR CULTURAL RESOURCES****Introduction**

The Yakama Nation's view of the SOR is, as has been noted by the United States Army Corps of Engineers documentation, very different from that of the United States Government agencies. Most of the benefits that accrue from dam operation have not directly benefitted the Yakama Peoples in any meaningful way. To the contrary the effects of dam construction and continued operation have had a disastrous effect on all "cultural resources," including prehistoric, historic and traditional use sites. These effects upon the Yakama Peoples have not been addressed properly in the past and continue to be marginalized or outrightly dismissed by the government agencies. No new region-wide studies have been undertaken to address the prehistoric, historic, or contemporary continued use of traditional use sites. Additionally, meaningful studies of the historic and prehistoric sites have not been done since the late 1950's and early 1960's and the most recent studies have been of the most trivial kind (See Uebelacker, *Time Ball* 1984: 167-70). The Yakama Nation does not object to historic and prehistoric surveys or to the identification of cultural properties for the purpose of protection, stabilization, preservation and enhancement (restoration and education). But the Yakama Nation does object strenuously to poorly thought-out studies, studies that merely collect artifacts and data, studies that we never see or never have the opportunity to read, scopes of work that we have no opportunity to comment upon, and research designs that never seem to reach the people who are the subjects of, or most often affected by, the results of the study. The Yakama Nation judges that the SOR studies currently being conducted, unfortunately, fit this definition. Accordingly, the Yakama Nation requests that the parties in charge of the SOR process stop and rethink their studies and include the Yakama Nation in a new and on-going study prior to the drafting of an environmental impact statement or the taking of any action under the SOR process.

A Comparative Evaluation of the Various Alternatives Based on Impact Analysis - Conclusions Reached in the Evaluation

None of the various alternative measures suggested (SOS 1..SOS 7) are of any significant value for the Protection, Stabilization, Preservation, and Enhancement/Restoration of historic, prehistoric, and Traditional Use sites and areas. All of the operating strategies and sub-strategies will have an impact upon the extant cultural resources and those that lie beneath the present impoundment. Existing data of all cultural resource properties and use areas is insufficient for evaluation and additional study and status evaluations must be undertaken.

The Benefits and Impacts of All of the SOR SOS Alternatives, an Evaluation

There ARE NO immediate benefits for cultural resources that would accrue from any of the SOS strategies and their alternatives. This opinion does not include fish resources which may or may not benefit from the SOR SOS strategies and sub-strategies. The impacts from frequent and additional releases of stored water could increase erosion and affect the mass wasting cycle that creates some of the most significant damage to prehistoric and

historic burial and village sites. Once again it is appropriate for the Yakama Nation to determine the benefits and detriments to its cultural resources from any proposed action.

A Statement Which Identifies the Preferred Alternatives and Those Which Offer the Greatest Protection to Cultural Resources and the Ones that Offer the Least Protection

The identification or advancement of a "preferred alternative" and "least preferred alternative" still is under discussion among Yakama Nation staff. Ultimately a staff recommendation may be presented to the Yakama Nation Council for their consideration and recommendation.

Suggestions For [Redacted] [Protection, Stabilization, Preservation, and Restoration/Enhancement] Measures for Those Alternatives - Their Positive and Negative Effects

Without the identification or advancement by the Yakama Nation staff of a "preferred alternative" and "least preferred alternative," any suggestions for mitigation, stabilization, preservation, and restoration/enhancement would be premature.

Recommendations for Tribal Participation in the SOR [Redacted] [Protection, Stabilization, Preservation, and Restoration/Enhancement] Planning Process

There are many possibilities. This should be addressed as an agenda item for discussion at future SOR meetings. Over our objections and those of other Indigenous River Peoples, many alternatives unilaterally have been dropped by the SOR management team, and several additional alternatives advanced by the Indigenous River Peoples never have been given currency by SOR management. Conceivably, our preferred alternative may be among those already scrapped.

Additionally, we reiterate that we remain unalterably opposed to the SOR process as it has taken place, to date. That process has excluded at critical junctures the Yakama Nation and, as stated above, has denied the validity of our proposed alternatives. As has occurred in the recent litigation over fishery transportation and the Northern Marian Fisheries Service hydro system biological opinion, it is not possible for the federal government to take actions without fully considering the concerns of all agencies. The Yakama Nation suggest that the Corps of Engineers review its past actions with regard to the Yakama cultural concerns and suggestions and strongly consider re-initiating consultation with the Yakama Nation.

Recommendations for Additional Monitoring and Enforcement of Existing Federal and State Laws and Statutes

All parties appear to agree that more personnel are needed for proper enforcement and monitoring of all cultural resources and sites. Funding and jurisdictional issues must be discussed. Agreements between tribal, federal, and state enforcement agencies should be drafted, adopted, and implemented to resolve potential disputes over responsibility for jurisdiction and law enforcement. Monies could be provided for the hiring of more Yakama Nation law enforcement officers, which officers could be cross-deputized in order to enforce applicable tribal, federal, and state laws to protect cultural and archaeological resources and sites. Further, the overtures made by the State Parks Commission to provide office space and equipment for Yakama law enforcement officers working in the Nch'i-Wána should be moved from the

discussion level to implementation. This would be an important first step toward honoring a true co-management of the resources within State Parks and the Nch'i-Wána burial islands.

Nch'i-Wána Burial Islands, Future Status and Control

The United States Army Corps of Engineers should transfer title of the Nch'i-Wána burial islands (specifically, the three Memaloose Islands) to the Yakama Nation to provide a common resting place for repatriated ancestral remains. In addition, the Bonneville Power Administration, the Army Corps of Engineers, and the Bureau of Reclamation should support the Yakama Nation's request to transfer title to Miller Island from the United States Forest Service to the United States Bureau of Indian Affairs in trust for the benefit of the Yakama Nation. Miller Island, too, will serve as a reburial repository for repatriated human remains disinterred from river locations prefatory to the inundation caused by the building of the Nch'i-Wána dams.

Suggestions for the Programmatic Agreement and Preparation of a Monitoring and [Protection, Stabilization, Preservation, and Restoration/Enhancement] Measures Plan

It is imperative to the Yakama Nation that the Nation be considered as a full "party" to any prospective Programmatic Memorandum of Agreement [PMOA] concerning cultural resources. In a day of the buzzword "government-to-government" federal-Indian policy, we simply no longer will tolerate being relegated to a "consulting" party. We are aware of nothing in any legal statute that precludes our full and formal partnership to such accords. Additionally, we seek a separate PMOA for the management of our cultural and archaeological resources within our traditional cultural jurisdictional area within the Yakama ceded territory. We also would like to see funding set aside and provided for Yakama Nation Council members to attend occasionally the sessions or meetings that discuss the progress of the PMOA.

Participation of the Yakama Nation in the Implementation of the [Protection, Stabilization, Preservation, and Restoration/Enhancement] Measures and Monitoring Activities Undertaken by the Three Lead Agencies Following Selection of a Final Alternative

We believe that many of our recommendations and concern subsumed under this heading will be included in negotiations over the PMOA. Possible topics of discussion will include Yakama Nation review and participation in development of data recovery plans; on-site archaeological monitoring by Yakama Nation archaeologists; protocol development and training of Yakama Nation personnel on advanced technologies for non-invasive cultural resource monitoring, e.g. ground-penetrating radar, ground resistivity testing, etc.

CONCLUDING STATEMENT

The wise old chiefs, with the inherent power of gifted leaders, realized that the lives of the Yakama People must and would change when the unwanted Treaty was thrust upon them. It is especially significant that the Treaty was ratified by both Houses of Congress in Joint Session, Proclaimed by the President, and became law in 1859. The Yakama paid a great price for the Treaty. As a result, the Yakama ceded approximately 10,828,800 acres or 16,920 square miles of land to the United States Government. However, the Yakamas reserved and were guaranteed certain aboriginal rights which have been exercised by the Yakamas since Time Immemorial. These legally protected rights belong to the Yakamas and are regulated and enforced by the inherent sovereign powers of the Yakama Indian Nation. These powers are limited only by the Treaty of 1855 or specific Acts of Congress. The Yakama People still practice the religious beliefs, traditions and customs of their ancestors. These are traditions that have been passed down through the countless generations so the Yakama way of life will continue for our future generations. The American Indian has special status above all other American citizens simply because, they are nations unto themselves that have entered into treaties with the United States Government. It is the cultural integrity aspect which gives substance to the sovereignty of the Yakama Nation and special status because they are the original inhabitants of the Nch'i-Wána Gorge. Different bands of Native American Indians have always existed in the Northwest Territory in its entirety along the Nch'i-Wána and its tributaries. The People chose these areas because of the religious significance and the abundance of water, fish, wild game, berries, medicine, roots and other natural resources necessary for survival.

TREATY WITH THE YAKIMA, 1855.

June 9, 1855.
 12 Stat. 961.
 Ratified Mar. 8, 1856.
 Proclaimed Apr. 18,
 1856.

Articles of agreement and convention made and concluded at the treaty-ground, Camp Stevens, Walla-Walla Valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned head chiefs, chiefs, head-men, and delegates of the Yakama, Palouse, Pisquouse, Wenatshapam, Klikatat, Klinguit, Kow-was-say-se, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Uch-chotes, Kah-milt-pah, and Se-ap-cat, confederated tribes and bands of Indians, occupying lands hereinafter bounded and described and lying in Washington Territory, who for the purposes of this treaty are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its head chief, on behalf of and acting for said tribes and bands, and being duly authorized thereto by them.

Cession of lands to
 the United States.

ARTICLE 1. The aforesaid confederated tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied and claimed by them, and bounded and described as follows, to wit:

Boundaries.

Commencing at Mount Ranier, thence northerly along the main ridge of the Cascade Mountains to the point where the northern tributaries of Lake Che-lan and the southern tributaries of the Methow River have their rise; thence southeasterly on the divide between the waters of Lake Che-lan and the Methow River to the Columbia River; thence, crossing the Columbia on a true east course, to a point whose longitude is one hundred and nineteen degrees and ten minutes, (119° 10'), which two latter lines separate the above confederated tribes and bands from the Oakinakane tribe of Indians; thence in a true south course to the forty-seventh (47°) parallel of latitude; thence east on said parallel to the main Palouse River, which two latter lines of boundary separate the above confederated tribes and bands from the Spokanes; thence down the Palouse River to its junction with the Moh-hah-ae-she, or southern tributary of the same; thence in a southeasterly direction, to the Snake River, at the mouth of the Tucannon River, separating the above confederated tribes from the Nez Percé tribe of Indians; thence down the Snake River to its junction with the Columbia River; thence up the Columbia River to the "White Banks" below the Priest's Rapids; thence westerly to a lake called "La Lac;" thence southerly to a point on the Yakama River called Toh-mah-luke; thence, in a southwesterly direction, to the Columbia River, at the western extremity of the "Big Island," between the mouths of the Umatilla River and Butler Creek; all which latter boundaries separate the

TREATY WITH THE YAKIMA, 1855.

above confederated tribes and bands from the Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians; thence down the Columbia River to midway between the mouths of White Salmon and Wind Rivers; thence along the divide between said rivers to the main ridge of the Cascade Mountains; and thence along said ridge to the place of beginning.

ARTICLE 2. There is, however, reserved, from the lands above ceded for the use and occupation of the aforesaid confederated tribes and bands of Indians, the tract of land included within the following boundaries, to wit: Commencing on the Yakama River, at the mouth of the Attah-nam River; thence westerly along said Attah-nam River to the forks; thence along the southern tributary to the Cascade Mountains; thence southerly along the main ridge of said mountains, passing south and east of Mount Adams, to the spur whence flows the waters of the Klickitat and Pisco Rivers; thence down said spur to the divide between the waters of said rivers; thence along said divide to the divide separating the waters of the Satass River from those flowing into the Columbia River; thence along said divide to the main Yakama, eight miles below the mouth of the Satass River; and thence up the Yakama River to the place of beginning.

All which tract shall be set apart and, so far as necessary, surveyed and marked out, for the exclusive use and benefit of said confederated tribes and bands of Indians, as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent. And the said confederated tribes and bands agree to remove to, and settle upon, the same, within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States; and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing, however, the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named.

And provided, That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued, under the direction of the President of the United States, and payment made therefor in money; or improvements of an equal value made for said Indian upon the reservation. And no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money, or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE 3. And provided, That, if necessary for the public convenience, roads may be run through the said reservation; and on the other hand, the right of way, with free access from the same to the nearest public highway, is secured to them: as also the right, in common with citizens of the United States, to travel upon all public highways.

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.

Reservation.

Boundaries.

Reservations to be set apart, etc., and Indians to settle thereon. Whites not to reside thereon.

Improvements on ceded lands.

Roads may be made.

Privileges secured to Indians.

TREATY WITH THE YAKIMA, 1855.

Payments by the United States.

ARTICLE 4. In consideration of the above cession, the United States agree to pay to the said confederated tribes and bands of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say: Sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this treaty, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: For the first five years after the ratification of the treaty, ten thousand dollars each year, commencing September first, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand dollars per year; and for the next five years, four thousand dollars per year.

How to be applied.

All which sums of money shall be applied to the use and benefit of said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

United States to establish schools.

ARTICLE 5. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping them in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of the said confederated tribes and bands of Indians, and to employ one superintendent of teaching and two teachers: to build two blacksmiths' shops, to one of which shall be attached a tin-shop, and to the other a gunsmith's shop: one carpenter's shop, one wagon and plough maker's shop, and to keep the same in repair and furnished with the necessary tools: to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades and to assist them in the same: to erect one saw-mill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures: to erect a hospital, keeping the same in repair and provided with the necessary medicines and furniture, and to employ a physician: and to erect, keep in repair, and provided with the necessary furniture, the building required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

Mechanics' shops.

Sawmill and flouring mill, hospital.

Salary to head chief: house, etc.

And in view of the fact that the head chief of the said confederated tribes and bands of Indians is expected, and will be called upon to perform many services of a public character, occupying much of his time, the United States further agree to pay to the said confederated tribes and bands of Indians five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such person as the said confederated tribes and bands of Indians may select to be their head chief, to build for him at a suitable point on the reservation a comfortable house, and properly furnish the same, and to plough and fence ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may continue to hold that office.

Kamaiakun is the head chief.

And it is distinctly understood and agreed that at the time of the conclusion of this treaty Kamaiakun is the duly elected and authorized

TREATY WITH THE YAKIMA, 1855.

head chief of the confederated tribes and bands aforesaid, styled the Yakama Nation, and is recognized as such by them and by the commissioners on the part of the United States holding this treaty; and all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said confederated tribes and band of Indians. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes and bands of Indians as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

Reservation may be surveyed into lots and assigned to individuals or families.

ARTICLE 7. The annuities of the aforesaid confederated tribes and bands of Indians shall not be taken to pay the debts of individuals.

Annuities not to pay for debts of individuals.

ARTICLE 8. The aforesaid confederated tribes and bands of Indians acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens.

Tribe to preserve friendly relations.

And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of the annuities.

To pay for depredations.

Nor will they make war upon any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States or its agent for decision, and abide thereby. And if any of the said Indians commit depredations on any other Indians within the Territory of Washington or Oregon, the same rule shall prevail as that provided in this article in case of depredations against citizens. And the said confederated tribes and bands of Indians agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

Not to make war but in self-defence.

To surrender offenders.

ARTICLE 9. The said confederated tribes and bands of Indians desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same, and, therefore, it is provided that any Indian belonging to said confederated tribes and bands of Indians, who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her annuities withheld from him or her for such time as the President may determine.

Annuities may be withheld from those who drink ardent spirits.

ARTICLE 10. And provided, That there is also reserved and set apart from the lands ceded by this treaty, for the use and benefit of the aforesaid confederated tribes and bands, a tract of land not exceeding in quantity one township of six miles square, situated at the forks of the Pisuouse or Wenatschapam River, and known as the "Wenatschapam Fishery," which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations.

Wenatschapam fishery reserved.

ARTICLE 11. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

When treaty to take effect.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chief, chiefs, headmen, and delegates of the afore-

said confederated tribes and bands of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS,
Governor and Superintendent. [L. s.]

Kamsiakun, his x mark.	[L. s.]	Wish-och-kmpits, his x mark.	[L. s.]
Skloom, his x mark.	[L. s.]	Koo-lat-toose, his x mark.	[L. s.]
Owbi, his x mark.	[L. s.]	Shee-ab-corte, his x mark.	[L. s.]
Te-cole-kun, his x mark.	[L. s.]	Tuck-quille, his x mark.	[L. s.]
La-boom, his x mark.	[L. s.]	Ka-loo-as, his x mark.	[L. s.]
Me-ni-nock, his x mark.	[L. s.]	Scha-noo-a, his x mark.	[L. s.]
Elit Palmer, his x mark.	[L. s.]	Sis-kish, his x mark.	[L. s.]

Signed and sealed in the presence of—

James Doty, secretary of treaties,
 M^r. Jas. Padosy, O. M. T.,
 Wm. C. McKay,
 W. H. Tappan, sub Indian agent, W. T.,
 C. Chirouse, O. M. T.,
 Patrick McKenzie, interpreter,
 A. D. Pamburn, interpreter,
 Joel Palmer, superintendent Indian affairs, O. T.,
 W. D. Biglow,
 A. D. Pamburn, interpreter.

TREATY WITH THE WALLAWALLA, CAYUSE, ETC., 1855.

June 9, 1855.
 12 Stats., 945.
 Ratified Mar. 8, 1856.
 Proclaimed Apr. 21,
 1856.

Articles of agreement and convention made and concluded at the treaty-ground, Camp Stevens, in the Walla-Walla Valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the Walla-Walla, Cayuses, and Umatilla tribes, and bands of Indians, occupying lands partly in Washington and partly in Oregon Territories, and who, for the purposes of this treaty, are to be regarded as one nation acting for and in behalf of their respective bands and tribes, they being duly authorized thereto; it being understood that Superintendent I. I. Stevens assumes to treat with that portion of the above-named bands and tribes residing within the Territory of Washington, and Superintendent Palmer with those residing within Oregon.

Cession of lands to the United States.

Boundaries.

Boundaries.

Reservation.

Whites not to reside thereon, unless, etc.

Tribes to settle thereon in a year.

Rights and privileges secured to the Indians.

ARTICLE 1. The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them included in the following boundaries, to wit: Commencing at the mouth of the Tocannon River, in Washington Territory, running thence up said river to its source; thence easterly along the summit of the Blue Mountains, and on the southern boundaries of the purchase made of the Nez Percés Indians, and easterly along that boundary to the western limits of the country claimed by the Shoshonees or Snake Indians; thence southerly along that boundary (being the waters of Powder River) to the source of Powder River, thence to the head-waters of Willow Creek, thence down Willow Creek to the Columbia River, thence up the channel of the Columbia River to the lower end of a large island below the mouth of Umatilla River, thence northerly to a point on the Yakama River, called Tomah-lake, thence to Le Lac, thence to the White Banks on the Columbia below Priest's Rapids, thence down the Columbia River to the junction of the Columbia and Snake Rivers, thence up the Snake River to the place of beginning; *Provided, however,* That so much of the country described above as is contained in the following boundaries shall be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation: to wit: Commencing in the middle of the channel of Umatilla River opposite the mouth of Wild Horse Creek, thence up the middle of the channel of said creek to its source, thence southerly to a point in the Blue Mountains, known as Lee's Encampment, thence in a line to the head-waters of Howtome Creek, thence west to the divide between Howtome and Birch Creeks, thence northerly along said divide to a point due west of the southwest corner of William C. McKay's land-claim, thence east along his line to his southeast corner, thence in a line to the place of beginning; all of which tract shall be set apart and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without permission of the agent and superintendent. The said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the Government other than is provided by this treaty, and until the expiration of the time specified, the said lands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all citizen[s] of the United States, the right to enter upon and occupy as settlers any lands not actually enclosed by said Indians; *Provided, also,* That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby

TREATY WITH THE WALLAWALLA, GAYUSE, ETC., 1855.

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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. *And provided, also,* That if any band or bands of Indians, residing in and claiming any portion or portions of the country described in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereto agree to reserve such part of the several and other payments herein named, as a consideration for the entire country described as aforesaid, as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And provided, also,* That when substantial improvements have been made by any member of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, [they] shall be valued under the direction of the President of the United States, and payment made therefor.

Proviso in case any tribe does not accede to this treaty.

Allowance for improvements, if, etc.

ARTICLE 2. In consideration of and payment for the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, and who remove to and reside upon said reservation, the several sums of money following, to wit: eight thousand dollars per annum for the term of five years, commencing on the first day of September, 1856: six thousand dollars per annum for the term of five years next succeeding the first five; four thousand dollars per annum for the term of five years next succeeding the second five, and two thousand dollars per annum for the term of five years next succeeding the third five: all of which several sums of money shall be expended for the use and benefit of the confederated bands herein named, under the direction of the President of the United States, who may from time to time at his discretion, determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being, and advance them in civilization, for their moral improvement and education, for buildings, opening and fencing farms, breaking land, purchasing teams, wagons, agricultural implements and seeds, for clothing, provision and tools, for medical purposes, providing mechanics and farmers, and for arms and ammunition.

Payments by the United States.

How to be expended.

ARTICLE 3. In addition to the articles advanced the Indians at the time of signing this treaty, the United States agree to expend the sum of fifty thousand dollars during the first and second years after its ratification, for the erection of buildings on the reservation, fencing and opening farms, for the purchase of teams, farming implements, clothing, and provisions, for medicines and tools, for the payment of employes, and for subsisting the Indians the first year after their removal.

United States to expend \$50,000 for buildings, etc.

ARTICLE 4. In addition to the consideration above specified, the United States agree to erect, at suitable points on the reservation, one saw-mill, and one flouring-mill, a building suitable for a hospital, two school-houses, one blacksmith shop, one building for wagon and plough maker and one carpenter and joiner shop, one dwelling for each, two millers, one farmer, one superintendent of farming operations, two school-teachers, one blacksmith, one wagon and plough maker, one carpenter and joiner, to each of which the necessary out-buildings. To purchase and keep in repair for the term of twenty years all necessary mill fixtures and mechanical tools, medicines and hospital stores, books and stationery for schools, and furniture for employes.

To erect sawmill, schools, mechanics shops, etc.

The United States further engage to secure and pay for the services and subsistence, for the term of twenty years, [of] one superintendent of farming operations, one farmer, one blacksmith, one wagon and plough maker, one carpenter and joiner, one physician, and two school-teachers.

To employ mechanics, teachers, etc.

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TREATY WITH THE WALLAWALLA, CAYUSE, ETC., 1855.

To build dwelling houses, etc., for head chiefs.

ARTICLE 5. The United States further engage to build for the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands each one dwelling-house, and to plough and fence ten acres of land for each, and to pay to each five hundred dollars per annum in cash for the term of twenty years. The first payment to the Walla-Walla chief to commence upon the signing of this treaty. To give to the Walla-Walla chief three yoke of oxen, three yokes and four chains, one wagon, two ploughs, twelve hoes, twelve axes, two shovels, and one saddle and bridle, one set of wagon-harness, and one set of plough-harness, within three months after the signing of this treaty.

Pio-pio-mox-mox.

To build for the son of Pio-pio-mox-mox one dwelling-house, and plough and fence five acres of land, and to give him a salary for twenty years, one hundred dollars in cash per annum, commencing September first, eighteen hundred and fifty-six.

The improvement named in this section to be completed as soon after the ratification of this treaty as possible.

Sum to be expended for opening wagon road from Powder River.

It is further stipulated that Pio-pio-mox-mox is secured for the term of five years, the right to build and occupy a house at or near the mouth of Yakama River, to be used as a trading-post in the sale of his bands of wild cattle ranging in that district: *And provided, also,* That in consequence of the immigrant wagon-road from Grand Round to Umatilla, passing through the reservation herein specified, thus leading to turmoils and disputes between Indians and immigrants, and as it is known that a more desirable and practicable route may be had to the south of the present road, that a sum not exceeding ten thousand dollars shall be expended in locating and opening a wagon-road from Powder River or Grand Round, so as to reach the plain at the western base of the Blue Mountain, south of the southern limits of said reservation.

Allotments of land may be made to individual Indians.

ARTICLE 6. The President may, from time to time at his discretion cause the whole or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for those Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently, to a single person over twenty-one years of age, forty acres, to a family of two persons, sixty acres, to a family of three and not exceeding five, eighty acres; to a family of six persons and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres to each additional three members; and the President may provide for such rules and regulations as will secure to the family in case of the death of the head thereof, the possession and enjoyment of such permanent home and improvement thereon; and he may at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which condition shall continue in force until a State constitution, embracing such land within its limits, shall have been formed and the legislature of the State shall remove the restriction: *Provided, however,*

Patents may issue thereon, conditions.

Restrictions not to be removed, unless, etc.

That no State legislature shall remove the restriction herein provided for without the consent of Congress: *And provided, also,* That if any person or family, shall at any time, neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place, indicating a desire to abandon his home, the President may if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family their portion of the annuities or other money due them, until they shall have returned to such permanent home, and resumed the pursuits of industry, and in default of their return the tract may be declared

Assignments of patents may be annulled.

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abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation: *And provided, also,* That the head chiefs of the three principal bands, to wit, Pio-pio-mox-mox, Weyatematemany, and Wenap-snoot, shall be secured in a tract of at least one hundred and sixty acres of land.

Certain head chiefs to have 160 acres.

ARTICLE 7. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities of Indians not to pay debts of individuals.

ARTICLE 8. The confederated bands acknowledge their dependence on the Government of the United States and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of such citizens, and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities; nor will they make war on any other tribe of Indians except in self-defense, but submit all matter of difference between them and other Indians, to the Government of the United States or its agents for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the article in case of depredations against citizens. Said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

Bands to preserve friendly relations.

To pay for depredations. Not to make war, except, etc.

To submit to regulations.

ARTICLE 9. In order to prevent the evils of intemperance among said Indians, it is hereby provided that if any one of them shall drink liquor, or procure it for others to drink, [such one] may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Annuities withheld from those drinking liquor.

ARTICLE 10. The said confederated bands agree that, whenever in the opinion of the President of the United States the public interest may require it, that all roads, highways and railroads shall have the right of way through the reservation herein designated or which may at any time hereafter be set apart as a reservation for said Indians.

Right of way reserved for roads through reservation.

ARTICLE 11. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

When treaty to take effect.

In testimony whereof, the said I. L. Stevens and Joel Palmer, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the said confederated bands, have hereunto set their hands and seals, this ninth day of June, eighteen hundred and fifty-five.

I. Stevens, [l. s.]

Governor and Superintendent Washington Territory.

Joel Palmer, [l. s.]

Superintendent Indian Affairs, O. T.

Pio-pio-mox-mox, his x mark, head	[l. s.]	C-wait-quaick, his x mark.	[l. s.]
chief of Walla-Walla.	[l. s.]	Tileh-a-waix, his x mark.	[l. s.]
Meant-teat or Pierre, his x mark.	[l. s.]	La-ta-chin, his x mark.	[l. s.]
Weyatematemany, his x mark, head	[l. s.]	Kachio-rolieh, his x mark.	[l. s.]
chief of Cayuse.	[l. s.]	Kamocoy, his x mark.	[l. s.]
Wenap-snoot, his x mark, head	[l. s.]	Som-na-howlish, his x mark.	[l. s.]
chief of Unatilla.	[l. s.]	Ta-we-way, his x mark.	[l. s.]
Kama-pello, his x mark.	[l. s.]	Ha-huts-mo-cheat-pus, his x mark.	[l. s.]
Stogelus, his x mark.	[l. s.]	Pe-na-cheuit, his x mark.	[l. s.]
Howlish-wampo, his x mark.	[l. s.]	Ha-yo-na-kin, his x mark.	[l. s.]
Five Crows, his x mark.	[l. s.]	Ya-ca-lox, his x mark.	[l. s.]
Stoheania, his x mark.	[l. s.]	Na-ku, his x mark.	[l. s.]
Mu-howlish, his x mark.	[l. s.]	Stop-cha-yeon, his x mark.	[l. s.]
Lin-tiu-met-cheania, his x mark.	[l. s.]	He-yeau-she-kaunt, his x mark.	[l. s.]
Petamyo-mox-mox, his x mark.	[l. s.]	Sha-wa-way, his x mark.	[l. s.]
Watash-te-wary, his x mark.	[l. s.]	Tam-cha-key, his x mark.	[l. s.]
Shu-yan-na-kon, his x mark.	[l. s.]	To-na-we-na-cha, his x mark.	[l. s.]
Om-chim, his x mark.	[l. s.]	Johnson, his x mark.	[l. s.]
Te-walen-temany, his x mark.	[l. s.]	Who-la-chiey, his x mark.	[l. s.]
Keantoan, his x mark.	[l. s.]		

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TREATY WITH THE NEZ PERCÉS, 1855.

said confederated tribes and bands of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS,
Governor and Superintendent. [L. S.]

Kamniakun, his x mark.	[L. S.]	Wish-och-kmping, his x mark.	[L. S.]
Skloom, his x mark.	[L. S.]	Koo-lut-toose, his x mark.	[L. S.]
Owhi, his x mark.	[L. S.]	Shee-ah-cotte, his x mark.	[L. S.]
To-chole-kun, his x mark.	[L. S.]	Tuck-quille, his x mark.	[L. S.]
La-hoom, his x mark.	[L. S.]	Ka-loosus, his x mark.	[L. S.]
Me-nt-mock, his x mark.	[L. S.]	Scha-noosa, his x mark.	[L. S.]
Edit Palmer, his x mark.	[L. S.]	Shakish, his x mark.	[L. S.]

Signed and sealed in the presence of—

James Doty, secretary of treaties.
 Mc. As. Pamboly, O. M. T.,
 Wm. C. McKay,
 W. H. Tappan, sub Indian agent, W. T.,
 C. Chirouse, O. M. T.,
 Patrick McKenzie, interpreter.
 A. D. Pamburn, interpreter.
 Joel Palmer, superintendent Indian affairs, O. T.,
 W. D. Biglow,
 A. D. Pamburn, interpreter.

TREATY WITH THE NEZ PERCÉS, 1855.

June 11, 1855,
 12 Stat., 987,
 Ratified Mar. 8, 1859,
 Proclaimed Apr. 23,
 1859.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, this seventh day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the Nez Percé tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territories, between the Cascade and Bitter Root Mountains, on behalf of, and acting for said tribe, and being duly authorized thereto by them, it being understood that Superintendent Isaac I. Stevens assumes to treat only with those of the above-named tribe of Indians residing within the Territory of Washington, and Superintendent Palmer with those residing exclusively in Oregon Territory.

Cession of lands to the United States.

Boundaries.

Reservation.

ARTICLE 1. The said Nez Percé tribe of Indians hereby cede, relinquish and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit: Commencing at the source of the Wo-ma-ne-she or southern tributary of the Palouse River; thence down that river to the main Palouse; thence in a southerly direction to the Snake River, at the mouth of the Tucanon River; thence up the Tucanon to its source in the Blue Mountains; thence southerly along the ridge of the Blue Mountains; thence to a point on Grand Ronde River, midway between Grand Ronde and the mouth of the Woll-low-how River; thence along the divide between the waters of the Woll-low-how and Powder River; thence to the crossing of Snake River, at the mouth of Powder River; thence to the Salmon River, fifty miles above the place known [as] the "crossing of the Salmon River;" thence due north to the summit of the Bitter Root Mountains; thence along the crest of the Bitter Root Mountains to the place of beginning.

ARTICLE 2. There is, however, reserved from the lands above ceded for the use and occupation of the said tribe, and as a general reserva-

TREATY WITH THE NEZ PERCÉS, 1855.

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tion for other friendly tribes and bands of Indians in Washington Territory, not to exceed the present numbers of the Spokane, Walla-Walla, Cayuse, and Unutilla tribes and bands of Indians, the tract of land included within the following boundaries, to wit: Commencing where the Moh ha-na-she or southern tributary of the Palouse River flows from the spurs of the Bitter Root Mountains; thence down said tributary to the mouth of the Ti-nat-jan-up Creek; thence southerly to the crossing of the Snake River ten miles below the mouth of the Al-po-wa-wi River; thence to the source of the Al-po-wa-wi River in the Blue Mountains; thence along the crest of the Blue Mountains; thence to the crossing of the Grand Ronde River, midway between the Grand Ronde and the mouth of the Woll-low-how River; thence along the divide between the waters of the Woll-low-how and Powder Rivers; thence to the crossing of the Snake River fifteen miles below the mouth of the Powder River; thence to the Salmon River above the crossing; thence by the spurs of the Bitter Root Mountains to the place of beginning.

Boundaries.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees to remove to and settle upon the same within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant, guarantying, however, the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named. And provided that any substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of equal value shall be furnished him as aforesaid.

Reservation to be set apart, and Indians to settle thereon. Whites not to reside thereon without, etc.

Improvements to be paid for by the United States.

ARTICLE 3. And provided that, if necessary for the public convenience, roads may be run through the said reservation, and, on the other hand, the right of way, with free access from the same to the nearest public highway, is secured to them, as also the right, in common with citizens of the United States; to travel upon all public highways. The use of the Clear Water and other streams flowing through the reservation is also secured to citizens of the United States for rafting purposes, and as public highways.

Roads may be made.

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.

Privileges secured to Indians.

ARTICLE 4. In consideration of the above cession, the United States agree to pay to the said tribe in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say, sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this treaty,

Payments by the United States.

in providing for their removal to the reserve, breaking up and settling farms, building houses, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: for the first five years after the ratification of this treaty, ten thousand dollars each year, commencing September 1, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand each year, and for the next five years, four thousand dollars each year.

Payments, how to be applied.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

The United States to establish schools, etc.

ARTICLE 5. The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers; to build two blacksmiths' shops, to one of which shall be attached a tinshop and to the other a gunsmith's shop; one carpenter's shop, one wagon and plough maker's shop, and to keep the same in repair, and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair, and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

To build mechanics' shops, etc.

Sawmill.

Hospital.

Salary to head chief; house, etc.

And in view of the fact that the head chief of the tribe is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agrees to pay to the Nez Percé tribe five hundred dollars per year for the term of twenty years, after the ratification hereof, as a salary for such person as the tribe may select to be its head chief. To build for him, at a suitable point on the reservation, a comfortable house, and properly furnish the same, and to plough and fence for his use ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may be elected to that position by his tribe, and no longer.

And all the expenditures and expenses contemplated in this fifth article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribe, nor shall the cost of transporting the goods for the annuity-payments be a charge upon the annuities, but shall be defrayed by the United States.

Reservation may be surveyed into lots and assigned to individuals or families.

ARTICLE 6. The President may from time to time, at his discretion, cause the whole, or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said tribe as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on

the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas in the year 1854, so far as the same may be applicable.

ARTICLE 7. The annuities of the aforesaid tribe shall not be taken to pay the debts of individuals.

Annuities not to pay debts of individuals.

ARTICLE 8. The aforesaid tribe acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens; and should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of the annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and the other Indians to the Government of the United States, or its agent, for decision, and abide thereby; and if any of the said Indians commit any depredations on any other Indians within the Territory of Washington, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribe agrees not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

Tribes to preserve friendly relations.

To pay for depredations.

Not to make war except in self-defence.

Offenders to be delivered up.

ARTICLE 9. The Nez Percés desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said tribe who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Annuities may be withheld from those who drink ardent spirits.

ARTICLE 10. The Nez Percé Indians having expressed in council a desire that William Craig should continue to live with them, he having uniformly shown himself their friend, it is further agreed that the tract of land now occupied by him, and described in his notice to the register and receiver of the land-office of the Territory of Washington, on the fourth day of June last, shall not be considered a part of the reservation provided for in this treaty, except that it shall be subject in common with the lands of the reservation to the operations of the intercourse act.

Land of William Craig.

ARTICLE 11. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

When treaty to take effect.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, and the chiefs, headmen, and delegates of the aforesaid Nez Percé tribe of Indians, have hereunto set their hands and seals, at the place, and on the day and year hereinbefore written.

Isaac I. Stevens, [L. S.]
Governor and Superintendent Washington Territory.
Joel Palmer, [L. S.]
Superintendent Indian Affairs.

Aleiya, or Lawyer, Head-chief of the Nez Percés, [L. S.]	Tippelanechupool, his x mark. [L. S.]
Appushwa-hite, or Looking-glass, his x mark. [L. S.]	Hah-hah-stilpilp, his x mark. [L. S.]
Joseph, his x mark. [L. S.]	Cool-cool-shua-nin, his x mark. [L. S.]
James, his x mark. [L. S.]	Silish, his x mark. [L. S.]
Red Wolf, his x mark. [L. S.]	Toh-toh-molewit, his x mark. [L. S.]
Timothy, his x mark. [L. S.]	Tuky-in-lik-it, his x mark. [L. S.]
U-ute-sin-male-eun, his x mark. [L. S.]	Te-hole-hole-soot, his x mark. [L. S.]
Spotted Eagle, his x mark. [L. S.]	Ish-coh-tim, his x mark. [L. S.]
Stoop-toop-nin, or Cut-hair, his x mark. [L. S.]	Wee-as-eus, his x mark. [L. S.]
Tah-moh-moh-kin, his x mark. [L. S.]	Hah-hah-stoore-tee, his x mark. [L. S.]
	Eee-maht-sin-pool, his x mark. [L. S.]
	Tow-wish-an-il-pilp, his x mark. [L. S.]
	Kay-kay-nuss, his x mark. [L. S.]

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TREATY WITH THE CHOCTAW AND CHICKASAW, 1855.

Sprenking Eagle, his x mark.	[L. S.]	Kole-kole-til-ky, his x mark.	[L. S.]
Wat-ti-wat-ti-wah-hi, his x mark.	[L. S.]	In-mut-tato-kah-ky, his x mark.	[L. S.]
Howh-no-tah-kun, his x mark.	[L. S.]	Moh-see-chee, his x mark.	[L. S.]
Tow-wish-wane, his x mark.	[L. S.]	George, his x mark.	[L. S.]
Walupt-tah-shooche, his x mark.	[L. S.]	Nicke-el-it-may-ho, his x mark.	[L. S.]
Beaul Necklace, his x mark.	[L. S.]	Say-i-ee-ouse, his x mark.	[L. S.]
Kom-koss-tas-kut, his x mark.	[L. S.]	Wis-tasse-cut, his x mark.	[L. S.]
Levi, his x mark.	[L. S.]	Ky-ky-soo-te-lum, his x mark.	[L. S.]
Pee-oo-pe-whi-hi, his x mark.	[L. S.]	Ko-ko-whay-nee, his x mark.	[L. S.]
Pee-oo-pee-icetain, his x mark.	[L. S.]	Kwin-to-kow, his x mark.	[L. S.]
Pee-poume-kah, his x mark.	[L. S.]	Pee-wee-au-aj-tah, his x mark.	[L. S.]
Hah-hah-still-at-me, his x mark.	[L. S.]	Wee-at-tenat-il-plip, his x mark.	[L. S.]
Wee-yoko-sin-ate, his x mark.	[L. S.]	Pee-oo-pee-u-il-plip, his x mark.	[L. S.]
Wee-sh-ki, his x mark.	[L. S.]	Walt-tass-tum-mannee, his x mark.	[L. S.]
Necalahtsin, his x mark.	[L. S.]	Tu-wee-si-ce, his x mark.	[L. S.]
Suck-on-tie, his x mark.	[L. S.]	Lu-ee-sin-kah-koose-sin, his x mark.	[L. S.]
Ip-nat-tum-moose, his x mark.	[L. S.]	Hah-tal-ee-kin, his x mark.	[L. S.]
Jason, his x mark.	[L. S.]		

Signed and sealed in presence of us—

James Doty, secretary of treaties,
W. T.
Wm. C. McKay, secretary of treaties,
O. T.
W. H. Tappan, sub-Indian agent,
William Craig, interpreter,
A. D. Pamburn, interpreter,

Wm. McBean,
Geo. C. Bomford,
C. Chrouse, O. M. T.
Mie. Cks. Paudosy,
Lawrence Kip,
W. H. Pearson.

TREATY WITH THE CHOCTAW AND CHICKASAW, 1855.

June 22, 1855.
11 Stats., 611.
Ratified Feb. 6, 21,
1856.
Purchasement Mar. 4,
1856.

Articles of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by George W. Monypenny, commissioner on the part of the United States, Peter P. Pitchlynn, Asaad Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws:

Proemio.

Whereas, the political connection heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States: and

Whereas the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude: and

Art. I, p. 200.

Whereas, the Choctaws contend, that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment, and whereas, it is necessary for the simplification and better understanding

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TREATY WITH THE TRIBES OF MIDDLE OREGON, 1855.

Done and approved at the council-house, at Fort Towson, in the Choctaw nation, this sixteenth day of November, in the year of our Lord one thousand eight hundred and fifty-five.

Tandy Walker,
President of the Senate.
Kennedy M. Curtain,
Speaker of the House of Representatives.

Approved:

Geo. W. Harkins,
Chief of Ahpuck District.
N. Coehman,
Chief of Pushematahn District.
Adam Christy,
Speaker, and Acting Chief of Moosholatubbee District.

Signed in presence of—
Douglas H. Cooper, U. S. Indian Agent for Choctaw Tribe.

TREATY WITH THE TRIBES OF MIDDLE OREGON, 1855.

June 25, 1855,
12 Stats., 963.
Ratified Mar. 8, 1859,
Proclaimed Apr. 18,
1859.

Articles of agreement and convention made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and head-men of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Syn-tustus, Locks-quix-so, Shirk-a-me, and Kuck-up, chiefs of the Taih or Upper De Chutes band of Walla-Wallus; Stockot-ly and Iso, chiefs of the Wnam or Lower De Chutes band of Walla-Wallus; Alexis and Talkish, chiefs of the T-nino band of Walla-Wallus; Yee, chief of the Duck-Spaw or John Day's River band of Walla-Wallus; Mark, William Chenook, and Cuh-Kella, chiefs of the Dalles band of the Waswos; Tah-simph, chief of the Ki-qual-ted-la band of Waswos; and Wal-la-ehin, chief of the Day River band of Waswos.

Cession of lands to the United States.

ARTICLE 1. The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit:

Boundaries.

Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence southerly to the summit of the Cascade Mountains; thence along said summit to the forty-fourth parallel of north latitude; thence east on that parallel to the summit of the Blue Mountains, or the western boundary of the Sho-sho-ne or Snake country; thence northerly along that summit to a point due east from the head-waters of Willow Creek; thence west to the head-waters of said creek; thence down said stream to its junction with the Columbia River; and thence down the channel of the Columbia River to the place of beginning. *Provided, however,* that so much of the country described above as is contained in the following boundaries, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation, to wit:

Reservation.

Boundaries.

Commencing in the middle of the channel of the De Chutes River opposite the eastern termination of a range of high lands usually known as the Mutton Mountains; thence westerly to the summit of said range, along the divide to its connection with the Cascade Mountains;

TREATY WITH THE TRIBES OF MIDDLE OREGON, 1855.

thence to the summit of said mountains; thence southerly to Mount Jefferson; thence down the main branch of De Clutes River; heading in this peak, to its junction with De Clutes River; and thence down the middle of the channel of said river to the place of beginning. All of which tract shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without the concurrent permission of the agent and superintendent.

Whites not to reside thereon unless, etc.

The said lands and tribes agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the United States other than is provided for by this treaty; and, until the expiration of the time specified, the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all white citizens the right to enter upon and occupy as settlers any lands not included in said reservation, and not actually inclosed by said Indians. *Provided, however,* That prior to the removal of said Indians to said reservation, and before any improvements contemplated by this treaty shall have been commenced, that if the three principal bands, to wit: the Wasco-pum, Tual, or Upper De Clutes, and the Lower De Clutes bands of Walla-Walla shall express in council, a desire that some other reservation may be selected for them, that the three bands named may select each three persons of their respective bands, who with the superintendent of Indian affairs or agent, as may by him be directed, shall proceed to examine, and if another location can be selected, better suited to the condition and wants of said Indians, that is unoccupied by the whites, and upon which the board of commissioners thus selected may agree, the same shall be declared a reservation for said Indians, instead of the tract named in this treaty. *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. *And provided, also,* That if any band or bands of Indians, residing in and claiming any portion or portions of the country in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to receive such part of the several and other payments herein named as a consideration for the entire country described as aforesaid as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And provided, also,* That where substantial improvements have been made by any members of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, the same shall be valued, under the direction of the President of the United States, and payment made therefor; or, in lieu of said payment, improvements of equal extent and value at their option shall be made for them on the tracts assigned to each respectively.

Bands to settle thereon within a year.

Another reservation to be selected in lieu of this, if, etc.

Rights and privileges secured to Indians.

See Art. 1, treaty of Nov. 1, 1855.

Proviso in case any band does not accede to this treaty.

Allowance for improvements if, etc.

Payments by the United States.

ARTICLE 2. In consideration of, and payment for, the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit:

Eight thousand dollars per annum for the first five years, commencing on the first day of September, 1856, or as soon thereafter as practicable.

Six thousand dollars per annum for the term of five years next succeeding the first five.

Four thousand dollars per annum for the term of five years next succeeding the second five; and

Two thousand dollars per annum for the term of five years next succeeding the third five.

How to be expended.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being and advance them in civilization: for their moral improvement and education: for building, opening and fencing farms, breaking land, providing teams, stock, agricultural implements, seeds, &c.: for clothing, provisions, and tools: for medical purposes, providing mechanics and farmers, and for arms and ammunition.

\$50,000 additional to be expended for buildings, etc.

ARTICLE 3. The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be applied to the payment for such articles as may be advanced them at the time of signing this treaty, and in providing, after the ratification thereof and prior to their removal, such articles as may be deemed by the President essential to their want: for the erection of buildings on the reservation, fencing and opening farms: for the purchase of teams, farming implements, clothing and provisions, tools, seeds, and for the payment of employees: and for subsisting the Indians the first year after their removal.

United States to erect sawmills, school-house, etc.

ARTICLE 4. In addition to the considerations specified the United States agree to erect, at suitable points on the reservation, one saw-mill and one flouring-mill; suitable hospital buildings; one school-house: one blacksmith-shop with a tin and a gunsmith-shop thereto attached: one wagon and ploughmaker shop: and for one sawyer, one miller, one superintendent of farming operations, a farmer, a physician, a school-teacher, a blacksmith, and a wagon and ploughmaker, a dwelling house and the requisite outbuildings for each: and to purchase and keep in repair for the time specified for, furnishing employees all necessary mill-fixtures, mechanics' tools, medicines and hospital stores, books and stationery for schools, and furniture for employees.

To furnish farmer, mechanic, physician, etc.

The United States further engage to secure and pay for the services and subsistence, for the term of fifteen years, of one farmer, one blacksmith, and one wagon and plough maker: and for the term of twenty years, of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher.

To erect dwelling houses, etc., for head chiefs.

The United States also engage to erect four dwelling-houses, one for the head chief of the confederated bands, and one each for the Upper and Lower De Clutes bands of Walla-Walla, and for the Wascoom band of Wascoes, and to fence and plough for each of the said chiefs ten acres of land: also to pay the head chief of the confederated bands a salary of five hundred dollars per annum for twenty years, commencing six months after the three principal bands named in this treaty shall have removed to the reservation, or as soon thereafter as a head chief should be elected: *And provided, also,* That at any time when by the death, resignation, or removal of the chief selected, there shall be a vacancy and a successor appointed or selected, the salary, the dwelling, and improvements shall be possessed by said successor, so long as he shall occupy the position as head chief: so also with reference to the dwellings and improvements provided for by this treaty for the head chiefs of the three principal bands named.

Successor of head chief to take them.

Lands may be allotted to individual Indians for permanent homes.

ARTICLE 5. The President may, from time to time, at his discretion, cause the whole, or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for these Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate

TREATY, WITH THE TRIBES OF MIDDLE OREGON, 1835.

thereon permanently. To a single person over twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons, and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family in case of the death of the head thereof the possession and enjoyment of such permanent home and the improvement thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years and shall be exempt from levy, sale, or forfeiture, which condition shall continue in force until a State constitution embracing such lands within its limits shall have been formed, and the legislature of the State shall remove the restrictions. *Provided, however,* That no State legislature shall remove the restrictions herein provided for without the consent of Congress. *And provided, also,* That if any person or family shall at any time neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place indicating a desire to abandon his home, the President may, if the patent shall have been issued, revoke the same, and if not issued, cancel the assignment, and may also withhold from such person, or family, their portion of the annuities, or other money due them, until they shall have returned to such permanent home and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation.

Patents to issue therefor, conditions thereof.

Restrictions not to be removed without, etc.

Patent may be cancelled.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities of Indians not to pay debt of individuals.

ARTICLE 7. The confederated bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of said citizens; and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities; nor will they make war on any other tribe of Indians except in self-defence, but submit all matters of difference between them and other Indians to the Government of the United States, or its agents for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the case of depredations against citizens; said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

Bands to preserve friendly relations.

To pay for depredations.

Not to make war, except, etc.

ARTICLE 8. In order to prevent the evils of intemperance among said Indians, it is hereby provided, that if any one of them shall drink liquor to excess, or procure it for others to drink, his or her proportion of the annuities may be withheld from him or her for such time as the President may determine.

Annuities to be withheld from those drinking liquor to excess.

ARTICLE 9. The said confederated bands agree that whenever, in the opinion of the President of the United States, the public interest may require it, that all roads, highways, and railroads shall have the right of way through the reservation herein designated, or which may at any time hereafter be set apart as a reservation for said Indians.

Roads, etc., may be made through reservation.

This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

When treaty to take effect.

TREATY WITH THE TRIBES OF MIDDLE OREGON, 1851.

In testimony whereof, the said Joel Palmer, on the part of the United States, and the undersigned, chiefs, headmen, and delegates of the said confederated bands, have herunto set their hands and seals, this twenty-fifth day of June, eighteen hundred fifty-five.

Joel Palmer, Superintendent of Indian Affairs, O. T. [L. S.]

Wawo:		Pouh-que, his x mark.	[L. S.]
Mark, his x mark.	[L. S.]	Eye-ya, his x mark.	[L. S.]
William Chemook, his x mark.	[L. S.]	Kam-ko, his x mark.	[L. S.]
Cash Kella, his x mark.	[L. S.]	Sim-vo, his x mark.	[L. S.]
Lower De Chutes:		Kas-la-ohin, his x mark.	[L. S.]
Stock-stley, his x mark.	[L. S.]	Pio-sho-she, his x mark.	[L. S.]
Isa, his x mark.	[L. S.]	Mop-pa-man, his x mark.	[L. S.]
Upper De Chutes:		Sho-ee, his x mark.	[L. S.]
Simtustus, his x mark.	[L. S.]	Ta-mo-lits, his x mark.	[L. S.]
Lockquissen, his x mark.	[L. S.]	Ka-lin, his x mark.	[L. S.]
Shick-amo, his x mark.	[L. S.]	Ta-yes, his x mark.	[L. S.]
Kuck-up, his x mark.	[L. S.]	Was-ai-was, his x mark.	[L. S.]
Tenino:		E-yath Kloppey, his x mark.	[L. S.]
Alex-see, his x mark.	[L. S.]	Paldy, his x mark.	[L. S.]
Talekish, his x mark.	[L. S.]	Sto-quin, his x mark.	[L. S.]
Dog River Wasen:		Charley-man, his x mark.	[L. S.]
Waluchin, his x mark.	[L. S.]	He-cho, his x mark.	[L. S.]
Tah Sympt, his x mark.	[L. S.]	Pato-cha, his x mark.	[L. S.]
Ash-na-ehal, his x mark.	[L. S.]	Yan-che-woe, his x mark.	[L. S.]
Che-wot-uleth, his x mark.	[L. S.]	Ya-toch-la-le, his x mark.	[L. S.]
Te-cho, his x mark.	[L. S.]	Alpy, his x mark.	[L. S.]
Sha-qually, his x mark.	[L. S.]	Pieh, his x mark.	[L. S.]
Louis, his x mark.	[L. S.]	William, his x mark.	[L. S.]
Yise, his x mark.	[L. S.]	Peter, his x mark.	[L. S.]
Stamite, his x mark.	[L. S.]	Isela Ya, his x mark.	[L. S.]
Ta-cho, his x mark.	[L. S.]	George, his x mark.	[L. S.]
Ponop-loyot, his x mark.	[L. S.]	Jin, his x mark.	[L. S.]
Wosh-kish-kie, his x mark.	[L. S.]	Se-ya-las-ka, his x mark.	[L. S.]
Am. Zelle, his x mark.	[L. S.]	Ia-lai-koli, his x mark.	[L. S.]
Ke-ehne, his x mark.	[L. S.]	Pierre, his x mark.	[L. S.]
Tanes Salmon, his x mark.	[L. S.]	Ash-lo-wash, his x mark.	[L. S.]
Ta-kow, his x mark.	[L. S.]	Paya-tileh, his x mark.	[L. S.]
David, his x mark.	[L. S.]	Sae-pa-waltcha, his x mark.	[L. S.]
Sawal-we, his x mark.	[L. S.]	Shalquilkey, his x mark.	[L. S.]
Postie, his x mark.	[L. S.]	Wa-qual-lol, his x mark.	[L. S.]
Yawan-shewit, his x mark.	[L. S.]	Sim-kui-kui, his x mark.	[L. S.]
Owa-aps, his x mark.	[L. S.]	Wacha-chilloy, his x mark.	[L. S.]
Koest, his x mark.	[L. S.]	Chi-kaal-kin, his x mark.	[L. S.]
Pa-wad-ti-mano, his x mark.	[L. S.]	Squa-yash, his x mark.	[L. S.]
Ma-we-nit, his x mark.	[L. S.]	Sha Ka, his x mark.	[L. S.]
Tipsu, his x mark.	[L. S.]	Keau-ene, his x mark.	[L. S.]
Jin, his x mark.	[L. S.]	Cho-ehis, his x mark.	[L. S.]
Peter, his x mark.	[L. S.]	Sche-noway, his x mark.	[L. S.]
Na-yoot, his x mark.	[L. S.]	Scho-ley, his x mark.	[L. S.]
Wal-tason, his x mark.	[L. S.]	We-ya-thley, his x mark.	[L. S.]
Cho-kalth, his x mark.	[L. S.]	Pa-leyathley, his x mark.	[L. S.]
Pal-eta, his x mark.	[L. S.]	Keyath, his x mark.	[L. S.]
Mission John, his x mark.	[L. S.]	I-poth-pal, his x mark.	[L. S.]
Le Ka-ya, his x mark.	[L. S.]	S. Kolpe, his x mark.	[L. S.]
La-wit-ehin, his x mark.	[L. S.]	Walimtalim, his x mark.	[L. S.]
Low-las, his x mark.	[L. S.]	Tash Wick, his x mark.	[L. S.]
Thomson, his x mark.	[L. S.]	Hawatch-ean, his x mark.	[L. S.]
Charley, his x mark.	[L. S.]	Ta-walt-ela, his x mark.	[L. S.]
Copseforth, his x mark.	[L. S.]	Patoch Snort, his x mark.	[L. S.]
Wa-toi-metta, his x mark.	[L. S.]	Tachins, his x mark.	[L. S.]
Ke-la, his x mark.	[L. S.]	Comochal, his x mark.	[L. S.]
Pa-ow-ne, his x mark.	[L. S.]	Passavei, his x mark.	[L. S.]
Kuck-up, his x mark.	[L. S.]	Watan-cha, his x mark.	[L. S.]
Poyet, his x mark.	[L. S.]	Tu-wash, his x mark.	[L. S.]
Ya-wa-elax, his x mark.	[L. S.]	A-mouth-shot, his x mark.	[L. S.]
Tam-cha-wit, his x mark.	[L. S.]	Hunwake, his x mark.	[L. S.]
Tam-no-ya-ean, his x mark.	[L. S.]	Pata-la-see, his x mark.	[L. S.]
Was-ee-ean, his x mark.	[L. S.]	Tash-wick, his x mark.	[L. S.]
Talle Kish, his x mark.	[L. S.]	Wescha-matolla, his x mark.	[L. S.]
Waleuc Touch, his x mark.	[L. S.]	Chie-mochie-mo, his x mark.	[L. S.]
Sito-we-loch, his x mark.	[L. S.]	Quao-tus, his x mark.	[L. S.]
Ma-ni-neet, his x mark.	[L. S.]	Skuilts, his x mark.	[L. S.]
Pieh-kau, his x mark.	[L. S.]	Panospan, his x mark.	[L. S.]

COMMENT REGARDING TECHNICAL APPENDIX
CULTURAL RESOURCE GROUP COLUMBIA RIVER SYSTEM OPERATION REVIEW

From Yakima Nation

As set out in the Preface to the System Operation Review, "[t]he goal of the SOR is to achieve a coordinated [Columbia] river system that better meets the needs of all river users." The Tribes and Bands that now comprise the Yakama Nation are among the widely-acknowledged aboriginal "users" of the Columbia River Basin. Within our collective human experience, the Yakama People have witnessed great changes to the Columbia River since the arrival of foreign people. These changes to the Columbia River have had, and continue to have, devastating and near-fatalistic effects on the culture and heritage of the Yakama People. In many cases our cultural and spiritual resources have been irreparably impaired.

Much of this devastation to the Yakama People's resource base stems from the failure of outside peoples and institutions to acknowledge the full scope of "cultural resources" as they are considered in Yakama culture and spirituality. The SOR acknowledges that Columbia River Indians maintain an expansive and inclusive view of cultural resources - that, for example:

"such things as the habitat for root digging grounds, usual and accustomed fisheries, and medicinal herb patches are important in maintaining the cultural identity of contemporary [Indian] social groups. In fact, most regional Indians regard the Columbia River itself as a traditional cultural property."

Despite this acknowledgement, the cultural resources component of the SOR document focuses almost solely upon cultural resources defined solely as archaeological artifact. Traditional cultural resources must not and cannot be limited merely to "affected cultural sites and Indian graves," as narrowly defined in the SOR. To Indigenous People, in general, and to the Yakama People, specifically, the definition of cultural resources is not limited to Western dictionary meanings or to governmental descriptions established for narrow analytical purposes. The United States government, which has a trust responsibility to the Yakama People, continually has failed to recognize the Yakama definitions of what constitutes Yakama cultural resources. The federal government has refused to accept the Yakama expressions as valid explanations of our views of cultural resources, and instead considers our definitions as mere descriptors. From the standpoint of the Yakama, the richness of our aboriginal and ancestral heritage has no price tag, and there can be no price tag put on it. The Yakama People heritage is rooted in this land: it is ancient and complex, and cannot be set down on paper in bits and pieces. Without an inherent understanding of the thoughts and beliefs that make up our culture, such academic and intellectual endeavors - the standard Western methodology for cultural assessment - cannot be a true

reflection of Yakama experience. Our spirituality is the real life of the Yakama People, and all the resources are identified clearly within the beliefs, traditions, customs, and legends. The cultural and spiritual survival of the People of the Yakima Nation is grounded in the continuation, preservation, and well-being of our ancient, ancestral spiritual traditions. Our happiness, our moral behavior, our unity as human Peoples, and the peace and joyfulness of our homes and communities, all are part of our spirituality and are dependent on its continuation. Traditional Yakama people consider it to be our supreme duty to our ancestors, to our future generations, to our own hearts, to all of creation, and the Creator we know, to pass this spirituality, with its hidden sacred knowledge and its many forms of prayer, on to our children.

What Western People consider solely as economic and environmental resources are considered by traditional Yakama People to be spiritual and cultural resources, as well. The cultural and spiritual components of resources cannot be separated from other aspects of the resources. The most obvious cultural resources are those identified by the first foods ceremonies: water, salmon, deer meat, roots, and berries. Unwritten laws are guarded by Yakama elders, for they possess the wisdom and knowledge for cultural continuity and stability, and it is the traditional elders who transmit cultural information down to the younger generation in our native language through teachings, ceremonies, songs and stories. This tradition has been ongoing for centuries.

A review of the 1855 Treaty negotiation dialogues serves to highlight the spiritual and cultural importance to the Yakama People of the resources indigenous to the Nation's territory.

"By May 29, 1855 most of the expected Indians had arrived, and accordingly, at two that afternoon, the council was formally opened Joel Palmer and Isaac Stevens sat beneath the arbor with their secretaries, agents and interpreters, while the Indians gathered in a vast semicircle before them. The number of Indians is in dispute, with one source claiming two thousand, another saying one thousand, and Kip estimating five thousand. What ever the actual number there was a significant representation of the region's population of about fourteen thousand Indians. This may not have pleased Stevens, who preferred dealing with tribal notables. It is possible that he either was ignorant of or disregarded the Indian belief in communal ownership of the land and that, in theory at least, no chief or group of chiefs had the power to sign away what belonged to all."

The Indian leaders of that time were devastated to learn of the threat of losing all the resources. The Indian attendees said very little during the first days of the council. When they finally spoke, they expressed four objections to the federal proposal. First, they did not believe Stevens and Palmer, the federal treaty negotiators. Again and again, the Indian leaders expressed their

distrust, "You have spoken in a round-about way; speak straight ... You have spoken in a manner partly tending to Evil. Speak plain to us," Yellow Serpent demanded.

A second concern was that the treaty commissioners had not consulted with the Indigenous People on the location of the reservations. The U.S. representatives had drawn up the reservation boundaries, "without our having any voice in the matter," Young Chief stated. The intent of the federal government, of course, was to separate the Columbia Plateau People from their ancestral lands and resources, and to obtain lands for the railroad and for the benefit of emigrating farmers. To the Yakama this meant leaving religious, spiritual, cultural and traditional areas. This was most troubling since nearly all lands proposed to be ceded contained the graves of their ancestors. Culturally and spiritually to the Indian People present at the council, this meant being torn from their ties to the past, a traumatic deprivation that would leave them alone in the present.

Thirdly, the Yakama believed every rock and tree of their homeland, every stream and lake, animal and bird - all things - were imbued with spirit: their land literally was alive to them, not dead matter. All that exists - not just humans, animals, plants - but rock, water, air - is alive and sacred. From our place among the beings of the world, the traditional Yakama seek to maintain relationships with everything that is alive. These relationships must be in order: for as these beings are sacred, so these relationships are sacred. Something is sacred only when it is in its proper place. It could even be said that being in their place is what makes them sacred, for if they are taken out of their place, even in thought, the entire order of the universe would be destroyed. Sacred objects therefore contribute to the maintenance of order in the universe by occupying the places allocated to them. To occupy our own place in a correct proportion and balance to the rest of creation is central to Yakama spirituality. To place ourselves above other life would be presumptuous and violate Yakama cultural and spiritual ideals of generosity and hospitality.

The Yakama People' relationship to the land is indicative of this respect. The Earth is everyone's mother. She supports all life: from her all the People - salmon, roots, berries, humans - take their sustenance. The People' relationship to the Earth must always be one of recognition of their dependence. The proper balance must be nourished and renewed between the People and the continuing creation of the Earth. It is inconceivable to traditional Yakama to "own" their mother. Rather, the human people see themselves as a living part of a living whole.

At the treaty negotiations, the Indians made the following statements:

YOUNG CHIEF: "I wonder if this ground has anything to say: I wonder if the ground is listening to what is said. I wonder if the ground would come to life and what is on it; though I hear what this earth says, The Earth says, God has placed me here. The Earth says, that God tells me to take care of the Indians on this earth: The Earth says to the Indians that stop on the Earth feed them right. God named the roots that he should feed the Indians on:

"The water speaks the same way: God says feed the Indians upon the earth: The grass says the same thing: feed the horses and cattle.

"The Earth and water and grass says God has given our names and we are told those names; neither the Indians or the Whites have a right to change those names: The Earth says, God has placed me here to produce all that grows upon me, the trees, fruit, etc. The same way the Earth says, it was from her, man was made. God on placing them on the Earth desired them to take good care of the earth and do each other no harm."

STICKUS: "If your mothers were here in this country who gave you birth and suckled you, and while your suckling; some person came and took away your mother and left you alone and sold your mother, how would you feel then? This is our mother, this country, as if we drew our living from her. My friends, all of this you have taken."

CHIEF OWHI: "God gave us the day and night, the night to rest in, and the day to see, and that as long as the earth shall last, he gave us the morning with our breath; and so he takes care of us on this earth and here we have met under his care. In the earth before the day or the day before the earth. God was before the earth, the heavens were clear and good and all things in the heavens were good. God looked one way then the other and named our lands for us to take care of. God made the other. We did not make the other, we did not make it, he made it to last forever. It is the earth that is our parent or it is God is our elder brother.

"This leads the Indian to ask where does this talk come from that you have been giving us. Almighty made us and gave us breath; we are talking together and God hears all that we say today. God looks down upon his children today as if we were all in one body. He is going to make one body of us; we Indians present have listened to your talk as if it came from God.

"God named this land to us that is the reason I am afraid to say anything about this land ... I am afraid of the Almighty that is the reason of my hearts being sad: this is the reason I cannot give you an answer. I

am afraid of the almighty. Shall I steal this land and sell it? Or what shall I do? ... Shall I give the lands that are part of my body and leave myself poor and destitute? ... I cannot say, I am afraid of the Almighty.

"I love my life is the reason why I do not give my lands away. I am afraid I would be sent to hell. I love my friends. I love my life, this is the reason why I do not give my lands away."

The Indians treaty attendees' final concern was that they would be obliged to live with tribes other than their own.

The U.S. treaty commissioners achieved much of what they sought, but it would appear that they coerced agreement by supporting their arguments with threat. According to two settlers present at the evening meeting, Stevens told the interpreters to tell the chiefs that "if they don't sign this treaty they will walk in blood knee deep." Threats, the promise of increased annuities to the chiefs, and probably a great weariness at the length and frustration with the negotiations, finally combined to force the chiefs' submission. In total, fifty-six chiefs signed the treaties that ceded sixty thousand square miles to the United States.¹

The Yakima People paid a great price with the Treaty of 1855; we are determined to protect our remaining aboriginal rights as well as those rights expressly reserved in the 1855 Treaty. From the early sixteenth century to the adoption of the United States Constitution in 1789, there had been nearly 300 years of treaties - legal contracts between sovereign states - of various descriptions between European powers and Indigenous American Nations. The adoption of the U.S. Constitution, and the subsequent treaties up to 1871, in combination with subsequent Acts of Congress and Supreme Court cases, contribute to the current, well-established existence of Indian Nations as sovereign entities. In a decision in 1831, the Supreme Court stated Indian nations were distinct, self-governing political entities. Indian Nations recognized by the federal government have a unique relationship to the U.S. political system: they are separate political entities, to which the United States Constitution does not apply.

This political separateness is rigorously guarded and maintained by the Nation's governing body. Aboriginal sovereignty is not something that the Yakama Nation delegates elsewhere for representation. The Yakama Nation has always maintained sole responsibility to perpetuate its status as a sovereignty and to exercise its rights retained by treaty or conferred by statute.

¹ T. O'Donnell, AN ARROW IN THE EARTH, General Joel Palmer and the Indians of Oregon, ch.9.

We are greatly perplexed by the lack of trust responsibility for the protection of Yakima rights and resources reflected in the SOR. As we have so many times in the past, we again find Yakama Nation interests caught in the web of conflicting interests that routinely occurs within U.S. governmental agencies.

The Department of Interior, through the Bureau of Indian Affairs, has a trust responsibility to defend the Yakima Nation's trust assets when they are threatened by other interests. Often times these threats come from other agencies within the Department of Interior and their constituencies. Indian land and water interests frequently conflict with the activities or designs of the Bureau of Reclamation, the Bureau of Land Management, the National Park Service, the Forest Service, and occasionally, the Bureau of Mines and Office of Surface Mining Reclamation and Enforcement. Indian fishing interests frequently conflict with those of the U.S. Fish and Wildlife Service. All of these agencies are within the Department of Interior, and many of them have political support far in excess of that of the Bureau of Indian Affairs. As a result, Indian interests may suffer when compromises are made at the Secretary's level between competing bureaus.

The American Indian Religious Freedom Act recently was amended by the Religious Freedom Restoration Act of 1993 to better protect Native Americans' rights to practice their religion. The requirements of this new legislation must be considered and an analysis included in the SOR. Of particular importance, we would point out, is section 3 of the Act that requires the government to demonstrate that any action imposing a burden upon the exercise of religion be the "least restrictive means" of achieving a "compelling governmental interest." The Yakama encourage the agencies responsible for the SOR to complete such an analysis and include the same in future SOR documentation.

The Yakima Nation has many vested cultural, spiritual, and economic interests in the environment of the Columbia River System. Many of these are addressed by the following SOR working groups:

1. anadromous fish
2. resident fish
3. recreation
4. irrigation
5. flood control
6. water quality
7. wildlife
8. power
9. navigation
10. cultural resources

Since the work of each of these working groups impinges directly or indirectly upon continued salmon survival - the protection of which rests on both aboriginal and treaty rights - the Yakima Nation should be a principal in the ongoing deliberations of these groups.

TECHNICAL EXHIBITS

EXHIBIT G

NEZ PERCE TRIBE



Nez Perce

CULTURAL RESOURCE PROGRAM

P.O. Box 365 • LAPWAI, IDAHO 83540-0365 • (208) 843-7328 • Fax (208) 843-7329

September 6, 1995

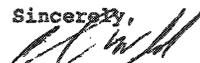
Ms. Linda Burbach
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621

Dear Ms. Burbach:

Attached please find the Nez Perce Tribe's comments regarding the "Comprehensive Summary of Tribal Issues/Concerns".

If you have any questions please contact me at (208) 843-7328. Thank-you.

Sincerely,


Chris Webb
Director

DEPARTMENT OF NATURAL RESOURCES



SYSTEM OPERATION REVIEW
CULTURAL RESOURCES

SUBJECT: Comment/Response to "Comprehensive Summary of Tribal
Issues/Concerns (CRWG)

In reviewing the document outlining significant tribal issues and concerns relating to the SOR (Dave Rice CENPS-PE-PL-ER, the Corp of Engineers, dated June 9, 1995), we submit comments on the most significant issues that should be addressed. The contents of the Comprehensive Summary do merit consideration of approval and should be incorporated into the overall SOR plans, where applicable or appropriate, to assure the affected tribes adequate protection of their concerns and interest.

EIS CATAGORY

Anadromous and resident fish, wildlife, cultural resources, the water quality and socio-econommic issues are some of the major concerns to the Nez Perce Tribe, for which comments are being provided.

Of course, power generation, flood control, navigation, the irrigation projects and recreation activities have effects of adverse impact to cause the Nez Perce some concern. In all possibilities, corrective measures should be taken to eliminate any such adverse impact.

PROCEDURAL ISSUE

Under "Tribal Consultation" the need of the government-to-government process should be extended to include involvement of the affected Tribes in making policy decisions in the SOR operations. This would represent the true concept of the government-to-government relationship.

The tribal governments are the policy decision makers, which normally act on the recommendations of the tribal staff, as liaison between the SOR and the tribe. The membership of the Tribal Government are elected into office by the tribal members at-large, under a duly authorized Constitution and By-Laws, approved by the Secretary of the Interior. They are the duly delegated officials to represent the Nez Perce Tribe in all matters concerning Federal and state issues.

Federal Trust responsibilities have been well defined and recognized by many federal agencies, by which the SOR should

also be willing and obligated to accept. The United States government entered into a treaty with the Nez Perce Tribe. The Treaty of 1855 (12 Stat. 957) has been recognized by a number of federal and state court litigations, in upholding Federal Trust responsibilities and in obligating such agencies to work with the Tribe, confirming the policy of a "government-to-government" relationship.

Treaties executed with tribes supersede Executive Orders by definition of the United States Constitution, the treaties are the supreme law of the land. Thus, issues concerning the Columbia River and the SOR should be the guiding factor, in recognizing the sovereignty of each tribe, by virtue of the treaties made with the United States government.

The definition of "ceded lands" have repeatedly been identified and recognized by federal courts. The term of "ceded lands" has been defined as the aboriginal lands owned by the Tribe and that was relinquished to the United States and, thus, reducing the Tribe's ownership to "reservation" lands.

The "Possessory Useage" concept has also been practiced, in exercising the "usual and accustomed place" interpretation. (e.g. Celilo Falls and Zone 6 fish harvest)

ANADROMOUS FISH ISSUES

The return of the salmon has an important meaning in the practice of our native religion. Special ceremonies and feasts are performed, acknowledging the return of the salmon, and a time of thanksgiving to the Hanyawat (The Creator).

The continued loss of the migratory fish has become a major concern among the Native American people, especially where the return extended to the upper Columbia River, the Snake River and its tributaries.

The same considerations should be given to Idaho rivers and streams for the returning salmon coming through Zone 6, since the numbers of returning salmon are not exclusively destined for Zone 6 area spawning. A better operational system need to be implemented to allow smolt passage through dams.

The question of Treaty access sites are being resolved with the intent to restore fishing facilities that were inundated by the backwaters of the dams between the Corp of Engineers and the treaty tribes.

Cultural identity and survival remains to be an important part to the affected tribes. The Native American people are closely associated with nature. Allowing the salmon to be destroyed also destroys a part of our traditional culture

and the native religion. In effect it becomes another act of genocide, destroying a part of our cultural values.

There are many causes that may be attributed to the loss of the great runs of salmon. Much of this can be focused upon the problems with fish passage facilities through the four dams located on the Lower Columbia and the four on the Lower Snake River.

There is a definite need for more effective law enforcement coordination, that would offer the safeguard the fishery, wildlife and the native cultural resources. Such coordination should be implemented between all Federal and state law enforcement agencies and where applicable with tribal law enforcement agencies, in providing better management.

Provisions for fish protection is integral and an important part to the SOR operations since it is designed to address the overall operation of the Columbia River system. If no attention is made by the SOR, then to whose benefit will the overall SOR operational functions be? Certainly, not to protecting the Native American cultural resources, or other issues that may be addressed to the SOR.

In considering the habitat loss due to "drawdowns", the lack of any statistics makes it difficult to determine what kind of comments should be presented in relating to drawdown effects. Based on such information comments would be made to include any adverse effects on archaeological sites.

The tribes still maintain the harvest of subsistence foods and plants, including medicinal herbs and plant useage. Some of these areas are now underwater, because of the dams.

Future protection of such foods and plants, along with the fish and wildlife should be incorporated into the SOR "programmatic agreement" to be made with the effected tribes.

FLOOD CONTROL

Limited efforts have been made by the Corp of Engineers calling for the protection of Indian lands and facilities, as compared to non-Indian lands. Consequently, a lot of land (soil) has been washed away due to erosion, depleting the landbase of the respective tribes involved with the SOR.

In the early 1960's the Nez Perce Tribe requested the Army Corp of Engineers to help address such erosion problems along the streams located on the Reservation, involving trust lands. At that time the Tribe was confronted with technical and legal problems and no action was ever taken.

Dredging activities should definitely be restricted, allowing such activities to an absolute minimum, or necessity.

Tribal and public notices should be made in relating to the shipment of any hazardous cargo. Spills would effect the water habitat, including fish. The tribes need to know the extent of any hazardous shipments being made on the Columbia River, such as radioactive material, etc. This would give the tribes the opportunity to express their concerns for the potential danger, safeguards, or opposition to the responsible federal agencies. This would become a matter of record and future reference.

IRRIGATION

The use of agri-chemical fertilizers and pesticides have had a serious effect to the water quality. Excessive contamination have resulted and evidence shows the extinction of a variety of water habitat species.

Stronger regulatory measures should be made in regards to the water diversion for irrigation purposes, especially during the time of fish migration. There should be a "balance" for the need and use of the water. Agricultural interests should not be permitted to irrigate during high precipitation periods.

RECREATION

Recreation is a good past-time. However, curious people and amateur "archaeologist" who see good opportunities during the recreation season, looting and/or grave robbing from near-by native cultural sites. Vandalisim and destruction of such sites have increased.

Streambank erosional actions poses problems of exposing cultural sites. Close monitoring process should be made by the responsible SOR task force, or agency. It may attract disturbance and/or destruction.

WATER QUALITY

The water quality has deteriorated due to a number of causes, such as pesticides and herbicides transferred by irrigation systems into the river drainage.

Industrial chemical spills have caused extensive contamination to the Columbia River system. Strict enforcement, or penalties should be imposed for such neglect and danger to life.

It is rather difficult to make any comments on the extent of water temperature effects on the fish. No doubt, it has had considerable amount of effects on the fish. The pools have been allowed to become stagnant via slow movement of the water.

Nuclear radiation has had a significant part in contaminating the river system, as we are learning from the river pathways studies that have been conducted under the Technical Steering Panel for the Hanford Environmental Dosage Reconstruction Project (HEDRP). Final report of these studies are pending.

SOCIAL ECONOMIC

As stated earlier, the reduction of salmon resources has had a serious impact on the traditional ceremonial activities and especially as it relates to the native religious practices.

The tribes are consulted by the SOR managers with limited involvement and the staff people have given tribes partial consideration in recognizing the term "sovereignty" status.

Cultural sensitivity is an important part to be entered in any negotiation process between the SOR and the tribes. This is what it is all about, as far as the tribes are concerned.

Adequate funding should be provided to assist the tribes to become more extensively involved. The tribes are faced with budgetary restraints, due to the limited resources on the reservation, that would, otherwise, enable them to adequately meet their annual administrative and program expenses. The various federal programs have given assistance to help relieve the Tribe's financial obligations.

The SOR should assist the tribes in the preparation of a cultural resource management plan and to include appropriate tribal employment opportunities in the SOR cultural resource related programs, that would represent more direct involvement.

The tribal cultural resource programs should be recognized as qualified to acquire Federal agency contracts, since their personnel carry out similar work responsibilities as SHPO and carry the credentials, or expertise in working in such field.

There are definite needs to offer the adequate protection of isolated ancient village and burial sites.

Definitely, the Snake River drainage is important to the SOR and should hold the same status as the Columbia River. It is integral to the issues that have been raised with the Columbia River operations.

IN SUMMARY: The Nez Perce Tribe hopes that the SOR management team will offer all the opportunities for better working relationship and the needed cooperation in addressing the effected tribes concerns, the critical issues confronting the Columbia River system. It has become important to our children, in leaving them with the responsibilities to preserve and protect the

knowledge and cultural values. Make them aware of the problems and issues that tend to destroy those values.

There will be other comments to be submitted in relating to the SOR administrative operations, as time goes by, or in follow-up to future tribal/SOR meetings.

Ethno/Culture Resource Program
June 27, 1995 (Revised 7-18-97)

*Nez Perce***CULTURAL RESOURCES PROGRAM**

P.O. Box 365 • LAPWAI, IDAHO 83540-0365 • (208) 843-7328 • Fax (208) 843-7329

June 20, 1994

Bonneville Power Administration
Attention: Linda Burbach - PG
P. O. Box 3621
Portland, OR 97208-3621

Dear Linda:

As per our discussion on the phone, here are the Nez Perce Tribe's comments on cultural resource impact on the Lower Snake River and the SOR; this is in fulfillment of the contract.

If you have any questions, please feel free to contact me at the above address or phone (208) 843-7313.

Sincerely,



Chris Webb,
Cultural Resource Director

Enclosures

cc: file

CW:art

DEPARTMENT OF NATURAL RESOURCES



SYSTEM OPERATION REVIEW

Subject: Comments on Cultural Resource Impact On The Lower Snake River Affecting the Nez Perce Tribe under the Columbia River Drainage SOR.

INTRODUCTION:

The following comments will describe the Nez Perce Tribe's concerns which will have an adverse impact on its native cultural values and traditions. The pathways of the river are located within the ceded lands under the Treaty of 1855 (12 Stat. 957.), including lands located in southeastern part of Washington and northeastern part of Oregon, as well as, north central Idaho.

The objective of this report is to relate the needed information which would compliment the environmental impact concerns to the System Operation Review concerns and the Columbia River system. It will relate the extent the adverse impacts have had on the native culture, and exemplify the need to protect the remaining historical, sacred and religious concerns. The conclusions made will recognize the process that **cultural genocide** persists, working along side the modern-day developments, called "progress."

The summarization will reflect on specific recommendations which will address the adverse impacts and offer some consolation for what may have already become extinct.

Historically, the Nimiipu (Nez Perce Tribe) claimed some of the key spawning streams, for which native Nimiipu names were given and to this day, are identified by such names. Significant names which relate to the native fishing activities, or the native religion and traditions can be found throughout the ceded lands.

The lower river areas were known as the more permanent village sites, which were normally used during the winter seasons. The Nimiipu (Nez Perce) cultural resources can be found in various forms and can be demonstrably identified as integral to pre-history, historical events, traditional practices, archaeological locations, historical structures, objects, or landscapes. All can be categorized in three parts:

- a) Historic property
- b) Traditional use area
- c) Sacred sites

These categories encompass the Columbia River system, including the lower Snake River drainage and the SOR process.

LEGAL CONCERNS:

Fortunately, the United States began to realize an important part of the American heritage was gradually becoming extinct. The United States Congress began enacting laws which would offer a better means of preservation and protection the culture of the indigenous people. Many states followed suit, including Washington, Oregon, and Idaho, to protect ancient village and burial sites from vandalism and grave-robbing.

The United States government, by virtue of the treaties, made a commitment for trust responsibilities with the Native American Indian tribes, including the Sahaptin people, who are the Yakama, the Confederated Tribes of the Umatilla, the Warm Springs and the Nez Perce, whose interests rests with the Treaty of 1855 and the Columbia River system.

Therefore, the concept of a "government-to-government" relationship has become very important. It should be maintained and the United States government should accept the responsibility to monitor and enforce the existing laws effecting native culture. The representative Federal agencies and non-Federal agencies are obligated to respect those laws and regulations.

HISTORICAL BACKGROUND:

From time immemorial, the Sahaptin people co-existed with the Columbia River and its tributaries. We consider the water and the streams a part of the land and the natural resources. The water was the "blood" which ran through the veins of our "Mother Earth," to give life. The Nimiipu have always viewed their heritage and spiritual relationship with the earth and natural resources as being sacred.

One hundred forty-seven miles of river bottom has been altered by the construction of dams on the Snake River system, beginning with Ice Harbor, in 1961, covering approximately 9,200 acres of land to Lower Granite, in 1975, covering 10,200 acres. There have been a total of seven dams which have been constructed, this includes Dworshak on the Clearwater, the Brownlee and Oxbow on the Snake River. These dams have affected Nez Perce ceded lands.

The localities of the constructed dams have had a definite impact on the Nimiipu (Nez Perce) historic, traditional usage and sacred sites, which have been inundated, or destroyed by the backwaters of these dams.

IDENTIFICATION OF CULTURAL IMPACT UNDER SOR:

A number of illustrations can be made as examples of significant cultural impact. The modern-day developments have caused a rapid

depletion of native Nimiipu cultural resources. Due, in many instances, to the alteration of the landscape, river and stream pathways. Alterations have caused poor water quality and increasing water temperatures have affected anadromous and resident fish habitat. It has become an immeasurable concern to the Nez Perce Tribe.

The anadromous fish, especially the salmon species which returned to spawn in the upper tributaries, were definitely an integral part of our culture. They foretold the time of the year, or season which affected the people's lifestyle and traditional practices. The salmon also had a significant meaning to the native religious practices.

This is yet another part of the native culture which now faces extinction, because of the problems that have been created by the construction and the operations of hydropower dams.

The backwater pools have become stagnant, with increasing water temperatures which thwart the survival of fish. The passage of the fish through the dam facilities has taken its toll.

The drawdown of the backwaters of the dams has become an important concern for the Nimiipu, because of the exposure of ancient village sites, archaeological sites, burial, and other culture related areas have become accessible to vandalism, grave robbing, and taking of relics, or artifacts.

Under Part 3.1 **Geomorphic Analysis**, the geomorphic equilibrium of a reservoir should be monitored very closely, in determining the impact on shoreline cultural sites, which may be caused by excessive erosion process along the 147 mile stretch of the river.

In this respect, shoreline monitoring becomes an important part of the SOR, as it relates to the three reservoir zones: littoral, wave impact and inundation areas.

It is also interesting to learn the effect of chemical changes in the water, especially as it relates to Ph and the presence of phosphate and nitrogen in the water. Excessive deposits of these chemicals may have originated from up-river industrial sites. Since the Hanford Nuclear Project site released similar chemicals into the Columbia River, reducing good water quality; it would seem logical any industrial site located up-river is no exception.

It has been noted these chemicals effect certain artifacts which have been exposed are deposited in the reservoir.

The Nez Perce Tribe recognizes the possible damages which have accrued during the operational process of these dams, resulting from effects of:

- 1) New reservoir levels upset dynamic equilibrium.
- 2) The rapid drawdown process accelerates ongoing process of soil creep, landsliding, riparian damage, etc.
3. Rapid pool fluctuation increases erosion within the reservoir and downstream.

Excessive use of powerboats generate wave action, which causes some geomorphic changes that can destroy intact archaeological deposits.

There isn't much we can do about wind generated wave action. Perhaps some regulatory considerations could be made for the powerboat operations, especially along known archaeological sites. It is known fact, powerboats have been used to gain accessibility to ancient village and burial locations along the rivers.

3.2.2 Numeric Analysis calls for methods to monitor reservoir elevations which may cause shoreline erosion and drawdown zone exposure. This would help determine the potential locations which would be monitored, depending on the extent of damage incurred. The Tribe should be closely advised in relating to the exposed areas which may result from reservoir level changes.

The seven System Operation Strategies (SOS) can be best served by the available expertise, in addressing the technical areas and determine what would be best to accommodate the Tribe's concerns and safeguards of archaeological and cultural properties. The SOS offers a variety of alternatives, which can be best served by the personnel responsible for SOS projects.

The Tribe recommends it be currently informed with an update of operation effects under the SOS. This would help the Tribe in knowing what needs to be addressed to the SOR and the Cultural Resources Working Group (CRWG). It would also provide the needed action for compliance of existing Federal statutes, or regulations, as was stated in the introductory of this review.

Some laws may not require full cultural resource surveys to be conducted before development begins; cultural properties have been "discovered" after projects have been approved and the construction has begun. If this was the case with the SOR, then the purpose and intent of the SOR would become void.

Considerable damage and alteration of the land continues with modern developments and improvements of roads, camping and recreational areas along the reservoirs. Some of these developments may be too close to above-water archaeological, ceremonial and religious sites. These sites would be easily accessible to curious users.

Commercialization encourages tourists to visit and "explore" the sites, by increased numbers. Pittsburg Landing, on the Snake River is a prime example of commercialization. Downriver boat landing facilities are no exception. Because of such developments, or improvements; boat excursions have become popular on the rivers.

More so, due to the conveniences provided for the public, the disturbance of gravesites and other cultural properties have been on the increase because they have become more easily accessible. Limited patrol of these sensitive areas and the lack of stronger enforcement has encouraged such illegal activities along the shores of the river.

The SOR should encourage stronger methods of monitoring, or the surveillance that would call for better protection and preservation of these ancient cultural areas.

There are a number of other causes which can be related to the impact of the archaeological, or cultural properties effects the Snake River and the reservoirs of the dams. Because of the population growth, garbage and sewage disposal, as well as, the routine agricultural usage of insecticides, herbicides and other hazardous chemical wastes, coming from upstream areas of industrial sites; the siltation, or the sedimentation tend to settle in the reservoirs, coming from upstream erosion and timber harvest operations.

SUMMARY:

The SOR team and the Nez Perce Tribe should make diligent efforts to work together in addressing these problems. It would not only promote a better working relationship, it would also promote a better understanding of the Columbia River System Operation Review purpose and objectives.

The agencies should provide a more aggressive approach to the federal and state agencies to enlist their support for the awareness and sensitivity of native culture. This can be best served by monitoring or surveillance methods which would help assess the effectiveness of the federal and state protection and preservation enforcement activities.

The SOR Team should provide guidance on regulatory compliance to any federal; state, or tribal project contractors and individuals responsible for SOR related projects, involving the dams, reservoirs, or adjacent lands.

Finally, all parties concerned be committed to a better means of consultation/communication process between the federal, state and the Nez Perce Tribe, on issues pertaining to the SOR related operations or projects.

The Nez Perce Tribe is confident, a better understanding and working relationship would be in the best interest of all parties, by giving the foregoing comments serious consideration.

By: aps/Cultural Resource Program

TECHNICAL EXHIBITS
EXHIBIT H
COEUR D'ALENE TRIBE



COEUR D'ALENE TRIBE

ROUTE 1 • BOX 11-F.A.
TRIBAL HEADQUARTERS
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

REFERENCE:

RECEIVED BY SOR PUBLIC INVOLVEMENT LOG # <i>SOR-11-011</i>
RECEIPT DATE OCT : 2 1995

October 2, 1995

Mr. Philip Thor
SOR Managers
% Columbia River Coordination Office
825 N.E. Multnomah Street, Suite 1110
Portland, Oregon 97232-1235

Dear Mr. Thor:

The Coeur d'Alene Tribe has received its copy of the Preliminary Final Environmental Impact Statement concerning the Columbia River System Operation Review (SOR). The Tribe requests the following comments and the attached review be included in the final EIS.

The Coeur d'Alene Tribe has previously expressed its objection to the Columbia River System Operation Review process in general. The Tribe particularly noted its objections to the failure of the interagency team to include the Tribe in the early stages of this Systems Operation Review when it would have been particularly useful for affected tribes to work with the three agencies on a government to government basis to determine the scope of the review, its objectives and alternative plans for managing the Columbia River System.

We feel the final EIS should indicate that from the beginning of the SOR process, as early as 1990, tribes affected by the SOR asked for participation in the process. Tribes were informed at that time their participation was not required and that since then tribes have been distrustful of the sincerity to include tribes as co-managers of the SOR.

As you know, the Preliminary Final EIS document is quite lengthy and very complex. The task of developing a coherent and manageable approach for the Columbia River System is an equally daunting one that demands a comprehensive, holistic approach to managing the Columbia River System. We have noted our objections previously to the inherent limitations of this EIS; that it does not consider the impacts of private dams, or what will be the proper relationship between the

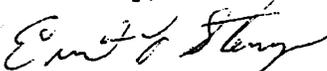
Canadian government, the three agencies, the Federal government and the tribes to effectively manage the Columbia River System.

While these comments are not intended to be a formal review of the PFEIS, we expect that the following comments be made part of the final EIS and for any Record of Decision which is forthcoming. The Tribe expects language affirming an arrangement for co-managing cultural sites be included in the final EIS. A government to government consultation meeting involving the three agencies and the Coeur d'Alene Tribe was held in Boise, Idaho on July 12, 1995. At the Boise meeting the heads of the three agencies committed to an arrangement for co-management of cultural resources.

In addition to the co-management arrangement for cultural sites, the Tribe also requests that funding be provided directly to individual tribes, respectively, to assist the tribes in fulfilling their roles as co-managers of their own particular cultural sites and resources. This funding is essential for effective tribal participation and also reinforces the government to government relationships that a project of this magnitude requires.

Appendicies F and S concern fish and wildlife. The Tribe has expressed its comments to the interagency team regarding the almost total depletion of anadromous fish runs in the Columbia River, including the extension of the runs above Grand Coulee Dam. This letter contains preliminary comments regarding the negative impacts the Columbia River hydro-electric system has had on the Coeur d'Alene fish resources. We ask that these comments be included in the final EIS.

Sincerely,



Ernest L. Stensgar, Chairman
Coeur d'Alene Tribe



COEUR D'ALENE TRIBE

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PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

REFERENCE:

THE COEUR D'ALENE TRIBAL
COMMENTS REGARDING THE PRELIMINARY FINAL
DRAFT OF THE COLUMBIA RIVER SYSTEM OPERATION REVIEW
ENVIRONMENTAL IMPACT STATEMENT

The Coeur d'Alene Tribe requests the following comments be made a part of the final EIS.

We are requesting that any reference contained in the EIS show the Tribe's official name as COEUR D'ALENE TRIBE. (see page 12-1) (Capitalization is for emphasis purposes to catch the eye of the reviewer.)

The Coeur d'Alene Tribe is extremely concerned that the SOR EIS is so complex a logical choice for management of the entire Columbia River System is impossible. There are too many trade offs, too many dams which do not fall under the scope of the EIS, large amounts of interpretative modeling done with a small amount of actual data, an unknown in terms of the Canadian portion of the system, and finally the entire interplay of how the system will be operated in context with the listing of the anadromous fish species and the Kootenai River White Sturgeon.

As stated on page 1-15 of the PFEIS, the SOR is supposed to be designed to help better resolve the conflicts between resources. It is further stated that "the issue is not so much what decisions will be made, but how those decisions will be made". The Tribe is concerned with the number of compromises necessary to reach these management decisions. For instance, with all the resource decisions subject to the Endangered Species Act (ESA) classification and the resulting Biological Opinion (BO), as well as the needs of the developed industries adjacent to the River, how will this all be balanced? We recognize the System will never return to the original "run of the river" pre-dam conditions, but what will the ultimate costs be as the attempt is made to operate the system to meet all perceived goals?

Main Report

Issues related to anadromous fish and resident fish are shown on page 1-17. The Coeur d'Alene Tribe lost all access to

anadromous fish at their fishing sites due to the construction of Grand Coulee Dam. Therefore the resident fish issue increases in importance, not from the standpoint of a sports fishery or a business which serves the sportsmen, but as substitution for the lost anadromous fish stocks. From the view point of the Coeur d'Alene Tribe resident fish programs and anadromous fish programs should be balanced. Both resources are equally important to the respective Tribes and one should not be sacrificed over another.

Wildlife and wildlife habitats are listed as issues on page 1-17. Mitigation for loss of riparian wildlife habitat has taken less priority than other issues. In many cases the mitigation requires acquisition of offsite lands which can be used in lieu of the original lands. This is expensive, and will become increasingly more expensive with the future increase in land values. Habitat restoration around the reservoirs will continue to be difficult to reclaim with fluctuating pool levels.

Finally on page 1-18 it is stated "Native Americans, professional and amateur archaeologists and historians, and state and Federal agencies are particularly interested in protecting the region's cultural resources". One of the main themes throughout all the meetings held with the Tribes of the region was their demand for co-management of the cultural resources, with adequate funding levels to give the Tribes assurances that cultural sites would be protected. This is not addressed in a forthright manner anywhere in the entire SOR EIS.

We acknowledge that eventually programmatic agreements will be in place which will address site specific needs. However, the Coeur d'Alene Tribe has serious doubts that this issue will ever be properly addressed without a firm commitment by the Federal agencies for co-management and funding. As an example, the Coeur d'Alene Tribe has provided a draft programmatic agreement which could be utilized by the Federal agencies as a base document to which the individual Tribal programmatic agreements could be tiered. This document was completed early in 1995. To date there has been no response from the three agencies regarding their thoughts about the Tribal issues.

Section 2.2.1 on page 1-21 states that the various parties involved in the SOR have divergent views on the definition and appropriate treatment of cultural resources. Further in the section there is the statement that the SOR agencies have attempted to incorporate the tribes's views in the impact

analysis and will continue to consider them while developing mitigation plans. Appendix D more fully covers this aspect of how cultural resources are defined. The Coeur d'Alene Tribe wants to emphasize that the professional definition contained in Section 301 of the National Historic Preservation Act does not meet the Tribe's needs. It is our continued hope that the Federal agencies will finally accept the Tribal viewpoint in this matter.

Included with this report is a copy of page 2-23 which contains a typo error showing the duplication of a statement in two separate paragraphs.

In the On-Reservation Resources section on page 2-27, the document provides a poor definition of Indian lands. The Coeur d'Alene Tribe requests the SOR definition be replaced with the following which was taken from 18 U.S.C. & 1151 (1976):

Indian lands means (a) all land within the limits of any Indian Reservation under the jurisdiction of the United States government, not withstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Page 2-28 lists tribes which have extensive areas used for crops or grazing. You should include the Coeur d'Alene Reservation in this list because of the 345,000 acres within the reservation, 141,665 acres are agricultural.

At the top of page 2-31 the EIS lists common examples of Indian trust assets. Land, air and cultural sites should be included with this listing because these resources are definitely a trust asset.

In the Cultural Survival section on page 2-31, water quality is indicated as a human health risk due to pollution of the lower Columbia River fish by heavy metals, chemicals and radiation exposure. Water quality itself should be examined for what is occurring in the Columbia River system and how it affects human health. For example, the dumping of 400 tons per day of slag into the Columbia River by the Cominco mill

at Trail, British Columbia, should be addressed in this section. What effects has this had on human health and natural resources of the area?

On page 9-3 the PFEIS lists those tribes which attended the September 29, 1993 coordination meeting in Spokane Washington. The Coeur d'Alene Tribe was not listed when in fact the Tribe attended the meeting. This omission should be noted in the final EIS.

Page 9-7 shows how the tribes were included in the Cultural Resources Work Group meetings. The lack of tribal involvement has been well documented in this report as well as in the past responses by other tribes.

Due to the restricted time constraints imposed by the SOR managers the Coeur d'Alene Tribe could only conduct a cursory review of the following Appendices:

Appendix B: Air Quality

The Coeur d'Alene Tribe did a quick review of this appendix and had several concerns which should be addressed by the SOR managers:

- We have concern for the "downwinders" of the reservoirs; for example, consider the amount of powdered slag which has been deposited into the Columbia River by Canadian sources. When drawdown occur this material becomes dry powder on the exposed shore. What happens then to those recreation users of Lake Roosevelt when the slag becomes windborn? The PM-10 fugitive dust particles from this material may contain hazardous chemicals from the milling process, and should be evaluated by the SOR managers.

- What type of on site air quality monitoring has been done to establish the base levels of fugitive materials from the reservoirs, especially during pool drawdowns in the dry months?

- While it is true that there are low resident populations in the vicinity of the reservoirs, the fact that Lake Roosevelt, Lower Granite and John Day have recreational use exceeding 1,000,000 individuals indicates a potential problem with fugitive dust particles.

- How are the tribes adjacent to the reservoirs affected by fugitive dust and PM-10 materials?

- Has any testing been done to determine chemical pollution of the lands adjacent to the reservoirs, especially those which may have heavy metals associated with the materials deposited into the Columbia River.

- The Tribe is concerned with the effects of high winds funnelling through the Columbia River valley and the ability of these winds to transport PM-10 material. We use the deposition of high amounts of Mt. St. Helens ash onto the Coeur d'Alene Reservation in 1980 as an example of these wind deposits.

Appendix D: Cultural Resources

The Cultural Resource Working Group began to involve the tribes in the SOR process after the September, 1993 meeting in Spokane, Washington. Resulting from these meetings the appendix lists numerous tribal issues and concerns starting on page 1-1.

1.1.1.6b states that fish restoration should be considered in power sales agreements. The bigger issue should be the inclusion of restoration projects, ESA costs, etc. equally to all the groups which adversely impact the Columbia system. The Federal dams are not the only negative impact on salmon stocks, wildlife losses, reduction of air and water quality or destruction of cultural sites. While the Federal agencies fall under the various acts of Congress, reality shows that the private dams, irrigation interests, etc. cause as great an impact on these resources. The Bonneville Power Administration has been forced to absorb these costs which should really be spread to all the users of the system.

Section 1.5.1 continues to show the exclusion of the Tribes from the scoping process for the SOR. Why did the agencies utilize the lead agency cultural resource specialists and coordinators (Tier 1), and then expand this group to include counterparts from cooperating agencies (Tier 2) in the initial scoping process? How much was lost by not including the tribal experts in this initial process?

Section 1.5.2 states that "no public coordination was undertaken because it was not possible to describe the Federal action comprehensively ...". Tribes are governments and should be treated as such.

Section 1.5.4 discusses the screening phase, and how the alternatives affect the cultural resources. While the full pool alternative is regarded as the optimum for cultural resource protection, it should also be noted in this section that all alternatives will adversely affect cultural resources.

Section 2.11.1, Affected Area, states that projected effects at non-Federal projects are not within the scope of the SOR. We continue to be totally against this concept. If the entire system is to be considered a management unit then all users of the Columbia River system should be looked at in the SOR. We also disagree with modeling the system using assumed data related to the operations in Canada rather than being based on actual studies.

Section 4.5.3, Albeni Falls, states the cultural sites are mostly complete. Based on conversations with Tribal elders we have doubts this is true. Many sites are now inundated and have not been reported by the individuals who know of their existence. The Coeur d'Alene Tribe questions the intertie agreement entered into by BPA with other agencies to do the cultural studies at this location. Why were the local tribes not contracted with instead of the Federal agencies?

We have concerns about what happens to the cultural sites located on the non-Federal dams in the Columbia River system. Have the cultural sites been surveyed and registered according to all applicable federal laws? Who reviews the work and insures compliance? How are the cultural sites protected and what involvement do the various tribes have in this process?

We agree with the statement on page 5-9 that the system operation has an adverse cumulative effect on all cultural resources. Without adequate protection and management of these resources how will these adverse effects be reduced or eliminated? We are afraid that eventually the Federal agencies will say there are not enough funds available to meet the applicable laws and not mitigate any losses.

As has been mentioned previously, the Federal management responsibilities shown in Chapter 6 require a programmatic agreement (PA). Unfortunately, we do not see much action in this regard. The Coeur d'Alene Tribe expects to hold the Federal agencies to task in developing the overall agency level PA, including government-to-government consultation on this matter. Additionally, the individual PA with the Tribe

requires future meetings to smooth out the final points after the general agreement has been developed.

Based on the government-to-government consultation process held in Boise, Idaho this past July the Coeur d'Alene Tribe expects the three SOR agencies to develop a policy establishing co-management responsibilities for cultural resources with the Tribes, including adequate funding levels. The Coeur d'Alene Tribe would like acknowledgment to be included in the EIS and resulting Record of Decision (ROD). of the need for the SOR agencies to establish this policy.

Appendix M: Water Quality

This is a very complex appendix, with little tribal involvement in its preparation. The Coeur d'Alene Tribe could find little information presented on the Spokane River or the Coeur d'Alene River basins. Heavy metal loading from the Coeur d'Alene River basin is quantified by a large amount of data available which should have been placed in the Appendix. As mentioned on page 1-5 of the Appendix, the limitations to the study are clear:

- Only the main stem of the Columbia River and Snake River were assessed.
- The linkage to contamination from point sources is lacking.

System regulation can be accurately modeled for water quality impacts associated with water temperature, dissolved gas saturation and suspended sediment. All remaining parameters are assessed qualitatively.

With over 1500 NPDES permits in Idaho, Oregon and Washington there should be more additional information and modeling available on fecal coliform, Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Dioxin, metals, Total Phosphorus and other nutrients. Metals and nutrients from the Coeur d'Alene Basin and Canada should also be analyzed.

There is no mention of Total Maximum Daily Load Requirements under Section 303(d) of the Clean Water Act (page 2-11 and 2-12). There are 62 basins in Washington under a 5 year program and 6 designated basins in Idaho. Tribal water quality standards (such as the Colville Tribal Water Quality Standards) and future proposed tribal clean water act programs may be affected by this system regulation.

Stormwater discharges are another water quality impact to be considered.

Technical Exhibit H (the HEC-5Q Model Water Quarterly) is very good but very complex. We suggest that a summarized chemical analysis be placed in the first chapters of the appendix. This clarification may make the preferred alternative impacts easier to understand.

Appendix O: Economic and Social Impacts

Reference is made to a July, 1995 document prepared for the Confederated Tribes of the Umatilla Indian Reservation. This document titled "Economic Consequences of Management Strategies for the Columbia and Snake Rivers" was prepared by ECONorthwest of Eugene, Oregon.

The above document provides an excellent review of the economic and social analysis prepared by the SOR managers relating to the various alternatives for managing the Columbia River system.

Two analyses were conducted in the ECONorthwest document analysis. The first critiques the methodology employed in the SOR draft EIS. In addition to commenting on the general methods and assumptions reported in the SOR draft EIS, specific shortcomings associated with the analysis of the irrigated agriculture and waterborne transportation sectors were highlighted. In the second analysis estimated economic consequences of the CTUIR's proposal to allocate more water from the Columbia and Snake rivers to anadromous fish were considered.

The Coeur d'Alene Tribal staff has reviewed the document and feel it raises many valid points which can be used to support rationale which protect the anadromous fish stocks, resident fish programs and wildlife issues. We feel this document should be addressed by the SOR managers and the points raised be evaluated for inclusion in Appendix O.

Appendix S: Fish and Wildlife Coordination Act Report

The draft Coordination Act Report (CAR) included with the PFEIS is not the latest version as prepared by the U.S. Fish and Wildlife Service. Our information indicates that the SOR managers were aware a revised version would be prepared for inclusion in the PFEIS, yet they chose to incorporate the initial draft. The revision was provided the Coeur d'Alene

Tribe by letter dated September 11, 1995. Our review is based on this latest draft.

On July 31, 1985, the Tribe responded to the Columbia Basin Fish and Wildlife Authority request to review the draft CAR covering the SOR. At that time written comments were made concerning the draft document and requested that the points we raised be included with the CAR. In addition, staff members had several discussions with members of the Columbia Basin Fish and Wildlife Authority regarding our comments. Many of our concerns were included in the revised draft of the document.

We wish to call attention to figures 1, 3, and 4 on pages 6, 8 and 9 of the CAR. As a very simplistic and direct visual aid these figures show what has happened to the Columbia River system and the anadromous fish runs. Especially graphic is the influence of the dams constructed in the early and middle 1970's and the reduction in spring chinook salmon runs.

If the Federal agencies are really interested in saving salmon stocks then a close look must be taken at changing how the system is operated. The CAR should make an effort to describe the chronology of the construction of the dams and develop an analysis for each dam evaluating the adverse effects on the salmon stocks. It is recognized that Federal structures are the subject of the SOR. However the privately owned utility dams in the Columbia system should be also considered when looking at the reduction in salmon stocks.

On page 3 the CAR incorrectly states the tribes were involved with the SOR process. On numerous occasions the Coeur d'Alene Tribe joined other tribes in raising the issue that the tribes of the Columbia Basin were not initially involved in the scoping process of the SOR. This lack of participation was not changed by the SOR managers until September of 1993. This caused many problems related to the way the tribes feel the process has worked. It is important to either change the way page 3 of the CAR is written, or acknowledge that the tribes feel left out of the process.

While fish and wildlife issues are covered in the CAR, water quality appears to be either downplayed or ignored. The quality of water plays an important part of the whole system. Little research or documentation of the needs of the fish within the system have been developed to address the adverse effects of farm chemicals, waste dumping by industry, sediment loading to the system and poor flushing of the whole

river due to the reservoirs. The CAR does not mention this lack of information. The only references which may reflect water quality relate to water temperatures and dissolved gases.

The Columbia River ecosystem is entirely too complex to study in a short 3 or 4 year time frame. Too much of the system is ignored, as discussed in the January 13, 1995, letter from the Fish and Wildlife Service to Randy Hardy. Due to political considerations no attempt has been made to correlate the influence the Canadian portion of the system or the upper Snake system into the SOR process. As mentioned in the Fish and Wildlife letter, it appears that treaty negotiations will result in an agreement outside the framework of the SOR, potentially resulting in further adverse effects on the fish and wildlife of the system. The CAR does not mention this in the document.

It should be noted that the upriver tribes have never been fully compensated for losses sustained from the construction of Grand Coulee and Chief Joseph dams. The Enhancement and Restoration Matrix covers mitigation which addresses base case or current operating strategies and does not address past mitigation for early damages, ie: actual construction and subsequent operation of Grand Coulee. We feel this would also apply to the tribes in the Snake River system. The Coeur d'Alene Tribe fears that the Biological Opinion (BO) will ultimately adversely affect the Tribe in its efforts to develop adequate resident fish substitutions for the loss of salmon runs. The CAR does not address this in the document.

We fully agree with the last 3 paragraphs on page 11 of the September 11 draft of the CAR. Additionally, the list of recommendations shown on pages 18, 19, and 20, as well as the Mitigation, Enhancement and Restoration Matrix shown in Appendix A of the CAR should become an integral part of the preferred alternative of the SOR as well as the Record of Decision.



COEUR D'ALENE TRIBE

ROUTE 1
TRIBAL HEADQUARTERS • C&A SUBAGENCY
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

REFERENCE:

November 2, 1994

SOR Interagency Team
P.O. Box 2988
Portland, Oregon 97208-2988

The Coeur d'Alene Tribe has conducted a preliminary review of Appendix D, Cultural Resources, Columbia River System Operation Review, Draft Environmental Impact Statement. The Tribe would like to have the following comments incorporated into the EIS, with the understanding that more detailed comments will be submitted upon the conclusion of the formal review being conducted under Contract Number 94BI32728.

The Coeur d'Alene Tribe's issues and concerns are as follow:

The Coeur d'Alene Tribe considers the SOR to be 50 years too late. Our input is similar to placing the cart before the horse and expecting the load to get to market with no trouble. Where was the request for government to government consultation before the SOR process steamrolled the Tribal reviews? The Tribes have stated in many meetings with the SOR Federal agencies that they question what value will be placed on the Tribes' comments in relation to the whole SOR process. It appears the whole process is demeaning to the Tribes.

Sections 1.3, 1.4.1, 1.4.2 and 1.4.3 all relate to how the Cultural Resources Working Group (CRWG) was formed and how it related with the Tribes. Section 1.3 mentions "trust responsibility", yet no mention is made of what this means to the SOR group, or how important this concept is for the Tribes. Section 1.4.1 and 1.4.2 both identify that Tribes were not in the development of system alternatives or initial screening process. Rather the Tribes were either contracted to make comments, or ignored because "CRWG determined that it was not possible to coordinate effectively with Indian tribes ...". Further, Section 1.4.3 states that "CRWG agreed that other factors affecting specific cultural sites would be taken into account in determining appropriate management or treatment measures once the operating strategy was chosen". Due to the sections listed above, we question the viability of the whole Cultural Resource Appendix based on the lack of Tribal input at the start of the SOR process.

Exhibits D, E, F, G and H from the 5 contracting Tribes all expressed grave concerns with the Cultural Resource Appendix as prepared by the SOR. The Coeur d'Alene Tribe agrees with each concern, and the lack of involvement by the Tribe in any planning stage of the SOR.

The definitions used to identify Cultural Resource areas are confusing and incorrect. We agree with the concerns expressed in Exhibit F, by the Confederated Tribes of the Warm Springs Indian Reservation, and Exhibit G, by the Confederated Tribes and Bands of the Yakima Indian Nation. The definitions used in the Appendix D do not account for the spiritual aspects of the culture of the Native Americans.

Consider for example as comparison what the public outcry would be if Arlington National Cemetery were to be located behind a dam and flooded. We all know what the spiritual value is for that area, and should not the same consideration placed on the burial places of the Native Americans?

Section 2.2.2, page 2-3, quotes the Yakima Indian Nation as follows: "The cultural and spiritual components of resources cannot be separated from other aspects of the resources. The proper balance must be nourished and renewed between the People and continuing creation of the Earth." Yet the following paragraph in the SOR document expresses the CRWG appendices from a technical nature, ignoring completely the close spiritual and cultural ties the Native Americans have with the earth. It is as if nobody was listening. Therefore, what value does the SOR place on the various Tribal comments?

Section 2.3.2, page 2-6, relates to the historical uses of the Upper Columbia, Kootenai, Pend Oreille and Flathead Rivers. No mention is made of the Coeur d'Alene Tribe and its use of the Pend Oreille River and lake. Yet interviews conducted by the cultural staff of the Tribe show historical use of this area by the Coeur d'Alene Tribe. Additionally, the map shown in Figure 2-1 does accurately reflect the use of the Pend Oreille system by the Coeur d'Alene Tribe. The map reflects linguistic families, not "on the ground" use or the close ties the Tribes of the area have with each other.

A main point of concern with Appendix D is the complete lack of recognition of all the Tribes within the Columbia basin covered by the SOR. Each Tribe is unique and has its individual culture. Yet in Section 2.3.3 only a brief description was made of the Colville and Nez Perce Tribes.

Section 2.3.5, page 2-10, relates to usage of the Lake Pend Oreille area by the Upper Kalispel and the Kootenai Tribes. Yet this area was also used by the Coeur d'Alene Tribe and the Pend Oreille Tribe, as documented through interviews with Tribal elders.

Any action regulating the Columbia River System will cause damage to the cultural sites of the Tribes. Unfortunately the review of the system is 50 years too late and, short of full removal of the dams, there is probably no way to eliminate the adverse effects caused by exposure of the river banks. It is important to recognize that any drawdown, and resulting bare ground, causes the exposure of burial sites, camp sites and petroglyph areas to looting and destruction. These areas are sacred to the Tribes and their protection is of vital necessity.

The September 9, 1994, 9th Circuit Court of Appeals action regarding the Northwest Power Planning Council's 1992 Strategy for Salmon may have a tremendous effect on the proposed SOR alternatives. It may be that in almost every case the effect of this decision will be a disaster to the protection of cultural sites. The SOR alternatives operate on the assumption that there will be water behind the dams to protect the cultural sites. What happens if mandated discharges are required to aid the salmon and large fluctuations occur in the reservoir levels?

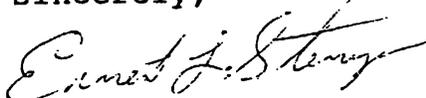
The Federal agencies must recognize that those sites which are not identified by the Federal agencies will not be released by the Tribes. We do not believe the agencies will keep the locations confidential due to the number of federal employees with the agencies, the possible release through Freedom of Information Act disclosure requests, and the overall distrust Native Americans have as a result of past Federal actions.

The Coeur d'Alene Tribe has burial and sacred sites behind Albeni Falls Dam, as well as in the slack water area of the Spokane River. Many of these sites are not known by Federal agencies. The Coeur d'Alene Tribe feels the ultimate protection of these sites should rest with the Tribe. This means funding must be provided directly to the Tribes by the Federal agencies to allow for protection activities. This will prevent strangers invading our relatives' resting place with the handling of the remains and artifacts, which would be a sacrilege to us as Indian people.

In closing, the Coeur d'Alene Tribe wants Bonneville Power Administration, U.S. Corps of Engineers and Bureau of Reclamation to address the Tribe as a sovereign nation and on a government to government basis. Second, as proclaimed by President Clinton on April 29, 1994, there needs to be a re-affirmation of the Federal government's commitment to the fulfillment of the trust responsibilities to the Indian nations. This requires open consultation on a government to government basis with each Tribal government. Third, assurances must be given to the Coeur d'Alene Tribe that we retain sole authority and jurisdiction on all issues with our respective territory.

Additionally, these comments to the EIS developed for the SOR group do not fully address the concerns of the Coeur d'Alene Tribe in relation to Appendix D or the concerns the Tribe has with the fisheries appendixes. Final comments will not be forthcoming from the Tribe until the middle of 1995 when all the data obtained through interviews of Tribal elders have been completed. Therefore, the Tribe wishes to make the point that any "no response" from the Tribe should not be considered as "consent" on any Federal action.

Sincerely,



Ernest L. Stensgar, Chairman
Coeur d'Alene Tribe



COEUR D'ALENE TRIBE

ROUTE 1
TRIBAL HEADQUARTERS • Cd'A SUBAGENCY
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

REFERENCE:

COEUR D'ALENE TRIBAL POSITION STATEMENT
RELATED TO THE
SYSTEM OPERATION REVIEW MANAGEMENT GROUPS' ATTITUDES
TOWARD THE 14 COLUMBIA RIVER TRIBES

The Coeur d'Alene Tribe, as one of the 14 Columbia River Tribes, is located in the upper reaches of the basin and has been adversely affected by the construction of the main stem dams on the Columbia River. As the result of the construction of Grand Coulee Dam in the 1930's the Tribe lost all salmon resources which were a major food source to the Tribal members. With the construction of the Albeni Falls Dam on the Pend Oreille River the Tribe lost additional valuable fishing and wildlife lands, as well as numerous cultural sites.

As a result of these losses the Tribe is very concerned with the way the Columbia River system is managed, and the effect of the changes in reservoir levels have on cultural sites of the Tribe. This concern has been manifested in the Tribal participation in the development of the System Operation Review (SOR) Environmental Impact Statement. However the Tribal representatives to the SOR meetings have felt a high level of frustration because the SOR managers refuse to acknowledge the sovereign relationship all the Tribes have with the Federal Government, and the technical expertise they bring to the SOR in the form of questions, information, and cultural insight.

Therefore, the Coeur d'Alene Tribe wishes to lodge a protest to the heads the Bureau of Reclamation, Bonneville Power Administration and Army Corps of Engineers which are involved with the development of the System Operation Review Environmental Impact Statement. This protest is in the form a position statement covering the following issues:

- * The SOR managers refuse to recognize the need to meet with each Tribal Government in a "GOVERNMENT TO GOVERNMENT CONSULTATION". Further the managers are failing to address the Federal Trust Responsibility to Indian Tribes in the planning and formulation of policy related to the operation of the Columbia River.
- * The Tribes feel the managers are practicing Ethnic Perceptibility in the form of racial discrimination and elimination. The managers appear to have attempted to actively stifle any involvement by the Tribes in the SOR process from the very conception of the process.

- * The SOR managers refuse to accept the Native American definition and understanding of Cultural Resources as being holistic, meaning that ALL resources and sites are a part of the culture. The managers appear to only use the "bones and stones" definition of Cultural Resources.
- * The SOR managers appear to be adverse in involving the Tribes in the development of Programmatic Agreements. Each time the Tribes attempt to work with the SOR managers a newly formatted Agreement is developed by the managers and no formal response provided to the samples developed by the Tribes. As with the SOR process, the Tribes were involved in the development of these Agreements late in the whole process, and only after the managers realized the Tribes HAD to be legally involved.
- * The SOR managers have repeatedly stated the SOR will be completed in August of 1995 with the Record of Decision (ROD) issued. Yet some of the Tribes are operating under contracts to produce data for the Environmental Impact Statement, with the data to be provided after the August 1995 date. The Tribes feel the current data is incomplete, inaccurate, or of such a small data base that meaningful computation cannot be done. Regardless of numerous protests by the Tribes, the managers will not delay the final date of the SOR.
- * The SOR managers, as a result of the comments received to the draft EIS, have developed new alternatives to the SOR. They will not allow the Tribes to fully review the effects of these new alternatives and then comment to the EIS. While the Tribes feel these new alternatives constitute a need for a revision to the EIS, the managers will not allow additional time to do an adequate review of the effects. The Tribes feel this is in violation of treaties as well as federal statutes and laws.

The Coeur d'Alene Tribe is formally requesting an extension to the SOR environmental impact Statement time lines. The Tribe is formally requesting the heads of each agency investigate the activities of the SOR managers in the way they are conducting themselves in working with the Tribes. Finally, the Tribe is requesting that the Tribes have a representative on the decision making board which will develop the final alliterative for the SOR Record of Decision.

JUNE 30, 1887 AGREEMENT WITH COEUR D'ALENE INDIANS

ARTICLE 1: Possessed a large and valuable tract of land lying in the Territories of Washington, Idaho and Montana. Indians have never ceded land to the United States. Settlers and owners deriving title from the United States. Indians never compensated for land.

ARTICLE 2: Coeur d'Alene Indians cede, grant, relinquish and quit claim to the United States all lands in said Territory except land of their present reservation.

ARTICLE 3: Coeur d'Alene Indians agree and consent that the Upper and Middle bands of Spokane Indians residing around Spokane Falls may be removed to the Coeur d'Alene Reservation.

ARTICLE 4: And it is further agreed that the tribe or band of Indians known as Calespels, and any other band or non-reservation Indians may be removed to the Coeur d'Alene Reservation.

ARTICLE 5: In consideration of the foregoing cession and agreement it is agreed that the Coeur d'Alene Reservation shall be held forever as Indian land and as homes for the Coeur d'Alene Indians, now residing on said reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement, and their posterity; and no part of said reservation shall ever be sold, occupied, open to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation.

ARTICLE 6: It is further agreed that the United States will expend for the benefit of said Coeur d'Alene Indians the sum of one hundred and fifty thousand dollars. The first year, thirty thousand dollars, and for fifteen years, eight thousand dollars. The remaining portion of thirty thousand dollars shall best promote the progress, comfort, improvement, education and civilization.

ARTICLE 7: It is further agreed that if it shall appear to the satisfaction of the Secretary of the Interior that in any year in which payments are to be made as herein provided said Coeur d'Alene Indians are supplied with such useful and necessary articles and do not need the same, and they will judiciously use the money, then said payment shall be made to them in cash.

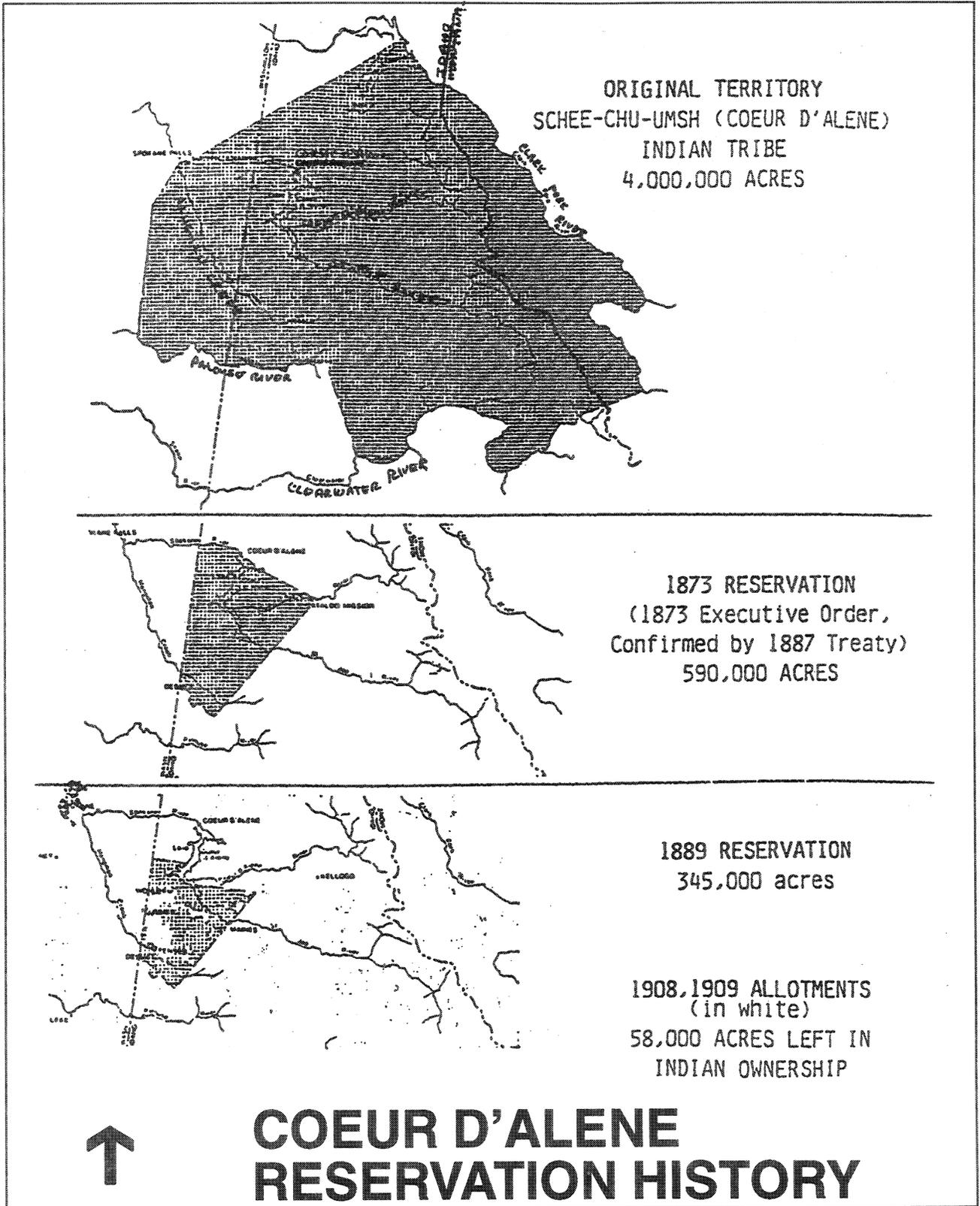
ARTICLE 8: It is further agreed that any money which shall not be used in the purchase of such necessary articles or paid over, as provided in article 7, shall be placed in the Treasury of the United States to the credit of the said Coeur d'Alene Indians.

ARTICLE 9: It is further agreed that in the purchase for distribution of said articles for the benefit of said Indians.

ARTICLE 10: It is further agreed that in the employment of engineers, millers, mechanics, and laborers of every kind, preference shall be given in all cases to Indians. It shall be the duty of all millers, engineers, and mechanics to teach all Indians placed under their charge their trades and vocations.

ARTICLE 11: Will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

ARTICLE 12: In order to protect the morals and property of the Indians, parties hereto, no female of the Coeur d'Alene Tribe shall be allowed to marry any white man unless, before said marriage is solemnized, said white man shall give such evidence of his character for morality and industry as shall satisfy the agent in charge the minister in charge, and the chief of that tribe he is a fit person to reside among the Indians.



COEUR D'ALENE TRIBAL HISTORY
CULTURAL RESOURCES & POSITION STATEMENT
BY BINGO SIJOHN

Our story begins when the Creator put the animals on Mother Earth. The stories of the Animal People has been here since the beginning of time. They have been handed down from generation to generation from Mother/Father to Daughter/Son to Grandchildren. The history of the Coeur d'Alene Tribe has been telling of the stories and of the way the animals formed Mother Earth into formations of rivers, gorges, mountains, valleys and lakes. It is the the belief of the Coeur d'Alene, through myths and legends that the "Schee-chu-umsh" was placed here by the Great Spirit to take care of this area.

In the mid 18th century of the Coeur d'Alene Tribe lived in an aboriginal area of approximately 4,000,000 acres located in Idaho parts of Washington and Montana. Marked by cool, wet winters and warm dry summers the are dominated by Pend Oreille Lake, Coeur d'Alene Lake, Hayden Lake, Coeur d'Alene River, St. Joe River and the Spokane River. The tribe depended on these water resources for their livelihood and transportation. It was mainly used for cultural and spiritual beliefs of all tribal families. The Coeur d'Alene Tribe has members who are descendants of the Pend Oreilles and Spokanes who was placed here in 1874.

Each of these Salishan tribal groups found their respective areas blessed with game and food. The salmon runs ascended to the highest streams, still not blocked by any dams or falls. The resident fish teemed in abundance. Remember that several thousand years eariler, Indians had fished and canoed on many lakes.

On September 10, 1809, David Thompson having entered Idaho from the north began to erect substantial log houses near the site of the present town of Hope on the northeast shore of Lake Pend Oreille. To the east at the mouth of the Clarkforks River was an emcampment at Indian Meadows of Pend Oreille Indians. The descendants of this band of Pend Oreille Indians now reside on the Coeur d'Alene and the Flathead Reservation.

The Coeur d'Alenes/Pend Oreilles had at least 32 villages. The bands originally had different names, but shared a common dialect of the Salish Indian language. In time they referred to themselves as the "Schee-chu-umsh" from the word meaning the found ones. Early fur traders called them the Skitswish or Coeur d'Alenes which means heart of a pointed awl or Pointed Hearts. The Coeur d'Alenes were known as shrewd bargainers in trading transactions.

They hunted deer and elk in their mountains, fished for salmon on Hangman Creek, the Little North Fork of the Clearwater and down at Spokane Falls. They went across the Bitterroot Pass for buffalo near Helena and Great Falls, Montana, dug camas and bitterroot in the fields at Spangle, Tensed and Emida and also picked huckleberries on their mountains. Some even had large herds of cattle and horses. But, in time, plagues and epidemic spread up the Columbia and over the Rockies from early traders and immigrants, contaminating these bands that had no immunity to these previously

unknown European diseases. Smallpox epidemics swept through the Tribe in the early 1800's. Original Indian population estimates vary from 3,000 to 4,000, based on the number of village sites.

A Coeur d'Alene head chief who lived near Kingston from about 1660 to 1760 had great visionary powers. His Raven Spirit would circle and tell of the presence of game or of approaching enemies, or future events and then return to inform the Chief. In a vision experience Circling Raven was told of a new kind of medicine man (The Black Robes) who would come to the Coeur d'Alenes to help them face their troubles in the changes that the white man would bring to their lands.

The Pend Oreille and Coeur d'Alene Indians appeal for a resident Missionary was so insistent that Father DeSmet decided to send a Black Robe to them during the following Autumn. Father Nicholas Point and Brother Charles Huet were the Missionaries detailed by Father DeSmet to establish a permanent mission among the Coeur d'Alenes.

During the eventful history of the Old Mission its lights have gleamed a welcome to the Indian, Explorer, Engineer, Soldier, Packer, Hunter and the Prospector. Its walls have echoed the fiery oratory of Indian Chiefs. The solemn chant of sacred music. The sounds of joyful revelry and in later years the rifle crack of labor warfare.

The trade market involved most of the tribes in the northwest. The items traded included weapons, furs, meats, and tools. The coastal tribes possessed obsidian which could be fashioned into the sharper tools used by our ancestors.

The Coastal and Upper Columbia Tribes traded salmon for meat that was not available to them in their region. The shrewd dealings of the Coeur d'Alenes made trading very difficult for prospective traders. History recalls the tribe as "always getting the better deal".

SOR INDIAN POLICY ISSUES

CDA Resolution 67 (95)

WHEREAS, The Coeur d'Alene Tribal Council has been empowered to act for and on behalf of the Coeur d'Alene Tribe pursuant to the Revised Constitution and By-Laws, adopted by the Coeur d'Alene Tribe by referendum, November 10, 1984, and approved by the Secretary of the Interior, Bureau of Indian Affairs, December 21, 1984; and

WHEREAS, The Coeur d'Alene Tribe as one of 14 Columbia River Tribes, has attempted to be an active member of the Culture Resource Working Group which is developing management alternatives for the operation of the Columbia River System while mitigating for damages to the important and sacred cultural sites in the river system; and,

WHEREAS, After over a year of meetings with the System Operating System (SOR) group in which all the 14 Columbia River Tribes have attempted to make the Federal Agencies of the SOS Management Team and Working Groups understand the unique sovereign trust relationship the agencies have with the Tribes; and

WHEREAS, After the meeting of February 8, 1995, in Portland, Oregon, when the full SOR Administrative Management Group was again implored to recognize the cultural importance of the Tribal resources, and to allow the Tribes to be a part of the decision process in developing the preferred alternative for the SOR Environmental Impact Statement; and,

WHEREAS, In direct opposition to the April 29, 1994, mandate given by President Clinton that the Tribes were to be consulted on a Government to Government basis, the Tribal representatives felt they were slighted and shown no respect by the SOR managers for the Tribal input.

NOW THEREFORE BE IT RESOLVED, the Coeur d'Alene Tribal Council has been informed of the events related to the meetings with the SOR managers as well as the Tribal Caucus held on February 9, 1995, in which the Tribal representatives prepared the following position statement; and,

67(95)

FURTHER BE IT RESOLVED, that the Coeur d'Alene Tribal Council approves the position statement and authorizes the Chairman to prepare the appropriate letters of complaint to the various heads of the Federal Agencies requesting a full investigation into the way the SOR is being developed utilizing input from the Columbia River Tribes.

CERTIFICATION

The foregoing resolution was adopted at a meeting of the Coeur d'Alene Tribal Council held at the Tribal Headquarters, near Plummer, Idaho on Feb 16, 1995, with the required quorum present, by a vote of 5 FOR and 0 AGAINST. 1 OUT

Ernest L. Stensgar
Ernest L. Stensgar, Chairman
Coeur d'Alene Tribal Council

Marjorie E. Zarate
Marjorie E. Zarate, Secretary
Coeur d'Alene Tribal Council

A Traditional Concept of the Coeur d'Alene Tribe

by

Alfred Nomee

Coeur d'Alene Tribal Member

Our stories and traditions have told us, that since the beginning of time, the Creator has shown great favor with our people. For when he created this world, he placed our people in this area that contained all that we would need to sustain our every need.

He created the animals, fish, birds, roots, berries, trees, air, waters and the people, and put us here in this land. We were told to take care of these gifts for our children, and our children's children would not want for anything for the generations to come.

The Creator taught the people, that there would be a time of a renewal of life, a time for gathering, and a time of preparation for harsh conditions, the seasons known as spring, summer, fall and winter. This harmony that existed between the people and our natural environment, was one the created a balance which precipitated from the Creators greatest of all gift -- the gift of life --.

Each of creations was given a specific purpose when he placed us here. Yet in their existence none were exactly alike or served the same purpose, animals of the same kind birds, deer, elk, etc... all behaved differently from each other. the leafs of a plant on the same stem, the branches of a tree, none are exactly like another, yet each has a purpose in the Creator's scheme of life.

Even when he created people and placed them here, each were given a different part of the world as well as each with their own individuality. Our people were given this region known today as Northern Idaho, Eastern Washington and Western Montana. Within this homeland the Creator provided everything necessary for the people to establish a way of life, which allowed us to live in harmony with nature, taking only what was needed to sustain our existence.

However, the good fortune the Creator provided for our people was not equally shared the same by others who would come to disrupt our way of life. Those who would come among us did not share the same concepts or harmony with this natural order. We must go back to the beginning of these intrusions in order to get a better understanding.

Some 500 years ago, a group of men sailed west from their homeland, searching for a western passage to India and the Far East. These men eventually landed some where in the islands that today are known as the West Indies. They had come to a new land which was unfamiliar and previously unknown to them in their day and age, with a different kind of people. Since they were looking for a new trade route to India, they mistakenly labeled these Native People, "Indians".

Their history documents their disenchantment with their purpose and their leadership on this trip. Lost, tired, sick and hungry, they argued to return to their homeland. The Native Peoples, welcomed these fair shined visitors. Cared for, fed and rested, these visitors sought to get provisions for their return voyage home, they

invited some of their Native hosts to return with them, to exhibit the wealth and wonders of this New World.

Many more voyages would be made to and from the new world in the coming decades. These men would come to claim this land in the names of their countries leaders, without any regard for the Native Peoples who occupied this land. One by one they came and made pictures on paper and drew lines that would divide and determine who would go where and to whom our allegiances would be owed.

The world and the lives of the Native Peoples would be changed forever by these intrusions. Our lives would no longer be measured in the terms of days or nights, or the changing of the seasons. From this time forward our concept of time would be locked in a sequence of measured increments, minutes, hours, days, weeks, month and years. Our prisons have been built and now the expansion and the destruction of our world begins.

In their long turbulent history, these people have forgotten the teachings of the Creator. They have not learned, that the land belongs to all for our use. One person does not own or possess the land, the air or the waters.

These people could not live here as we did, so they began to cut the trees to build their homes, and with the assistance of the Native Peoples, gradually established a new life on this land that would become the United States of America.

The Native People extended friendship, foods, assistance and land, yet the new comers were dissatisfied and wanted more and more land. Their concept of ownership, our cultural differences, spiritual beliefs, language and time are all determining factors that would work against all of our Native Peoples.

Treaties made then broken, friendships denied, the colonies continued their gradual expansion and pushed their way ever westward to the horizon. Moving the Native Peoples aside and taking both physically and through the force of their laws, that which the Creator had given to the Native Peoples.

It was in these first colonies that were established in the new world that our ancestors came to be identified as heathens, savages, worshipers of the devil and non-believers of their Christen God. One of the reasons many of these people left their old country was due to their religious beliefs, and yet when they came to this new land, they in turn tried to impose their beliefs on the Native Peoples and denied the Native religions as heathen or devil worship. Some of which we still experience today.

The further exploration, expansion and colonization of those areas to the west of the Mississippi River continued and inspired the interest of the various church organizations and sects, to make contact and christianize the savage hordes of the west.

In our first contact with the Blackrobes and the other Christian missionaries who were sent to bring the word of God to the ignorant savages. These men only questioned the methods of our beliefs and did not understand the meaning or the specific purpose of our ceremonies. Our People could see the many similarities between the teachings of these missionaries and those of our elders and ancestors, but these missionaries only saw the differences. Where ever they went, they wanted our peoples to put aside our traditional beliefs forever.

These men spoke of the mystery of God, but they could not see that our people prayed and sang to the same Creator, because our prayers took a form which was

unfamiliar to them. They said that we worshiped -- heathen Gods -- and prayed to animals, they dismissed our beliefs as "superstitious", revealing in their own use of this one word their fear of the unknown.

They looked to their books and spoke the word of their God and denied his power in the thunder, the winter wind, or a gentle flowing stream. All of the creatures and plants existed for the purpose given them by the Creator, but only the humans have come to a point where they no longer know why they exist. They do not use their hearts and have forgotten the secret knowledge of their bodies, their sense of dreams. They don't use the knowledge that the Creator had given to each person. Man is not totally aware of this, and so stumbles along blindly on a road to now where. One day of the week they meet inside their churches to read of their God from the book, while our people walked and lived daily within the great mystery of life. The Creator had given our people this land of mountains, rivers, lakes, meadows and an abundant food supply. Our people were content to use nature's gifts, we moved with the seasons to gather roots, berries, and moss, we took fish from the lakes and rivers, and the deer and elk from the hills and mountains, and we lived with our Creator in his world.

Then came the fur traders who would take the fur from the animals and discard the remains. Others would continue their westward movement until they reached the great water and could go no further. They had mapped out the region and later returned to settle the various parts and regions of our homeland. More and more people would come into our country, as they came, they did not hear our people when we told them who we were.

They did not understand our languages, and because of this lack of understanding they called us such names as Colville, Spokane, Pend Oreille, Kootenai, Kalispel, Coeur d'Alene, Nez Perce, Yakima, Flathead etc... in most cases these names were either a variation of the tribal name, or in some cases a particular trait that was attributed to a particular group of people.

In time our lands were inundated with people, based on the information fur traders, explorers and early settlers had sent back to the government leaders. They described our country and its many qualities and benefits. From this information these men would decide, because we did not use the land, the trees or the waters as they did, our people did not need the vast areas over where we moved during the seasons, and decided to limit our use in areas they determined was not specifically useful for their needs.

They came to our Tribal leaders and said, You have no need for all of this land, this is where you must move. Put your mark here on this paper and this will remain your land forever, and shall never be taken from you without your consent. The lives of all of our peoples would be significantly changed for generations to come.

The promises made to our Tribal leaders were as empty as our food baskets when the cold winter winds would release its grip on the traditional gathering areas. Our lands were taken, today, we see the lasting effects of progress, the Native Peoples of this country have retained very little of what was once our beautiful homeland. The mountains have been mined, the trees of the forest cut, the rivers damned, the waters polluted from industry, agriculture and mine wastes, the fisheries destroyed and now even our animal brothers are being displaced from their homes by ever expanding and increasing population centers. The homelands of our people are now shopping

malls, parking lots, highways, urban centers, and housing projects etc..., today our people are being asked how to change and fix all that has been damaged or destroyed? These men are coming and asking our people to put a dollar value on all that has been lost to us. For our people, this is not a question of money, money can only buy material goods that pacify one's existence. When something is gone, when a way of life has been changed or irretrievably destroyed, it is gone forever. Our people's old way of life has been changed and in some aspects irretrievably destroyed. All that we have left of this time are the stories, teachings and memories, left to us by our parents, grandparents, and our past generations. This legacy, has taught us, that what is disturbed by man can and will, one day be reclaimed by nature, when it has been abandoned and left to decay.

Our Peoples beliefs are deep rooted in nature, the earth, the sky and the waters. Our beliefs also gave us the capacity of our visions and dreams to guide and to provide a direction for our people in this life. A vision, when acquired never left the individual, it was his and what he was, there was a message that would guide him on his journey through this world. To our People a vision wasn't an assurance of what would be, but a glimpse of what was possible, with all the burdens for making the vision come true falling on the one who witnessed it. Through his vision a man learned, generosity,bravery, wisdom, fortitude and endurance, these same attributes were taught to each of us in our daily teachings as children.

Our visions are found in nature, from each of the four directions, from the sky, from the earth or from the waters the spirits will come to join with us. Our People continue to from nature, listening to its voices, for it is through nature that we truly understand the workings of the Creator. These visions and powers are not to be feared, for they allow each of us to look inward, filling one's whole being with energy, power, wisdom,and understanding.

The teachings, stories and traditions of our people are not meant to deny the beliefs of others, nor do we expect to have them denied by others, who do not accept our concept or perception of the creation.

