



US Army Corps
of Engineers®
Walla Walla District



— F I N A L —

Lower Snake River Juvenile
Salmon Migration Feasibility Report/
Environmental Impact Statement

APPENDIX Q

Tribal Consultation and Coordination

F e b r u a r y 2 0 0 2

FEASIBILITY STUDY DOCUMENTATION

Document Title

Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement

Appendix A (bound with B)	Anadromous Fish Modeling
Appendix B (bound with A)	Resident Fish
Appendix C	Water Quality
Appendix D	Natural River Drawdown Engineering
Appendix E	Existing Systems and Major System Improvements Engineering
Appendix F (bound with G, H)	Hydrology/Hydraulics and Sedimentation
Appendix G (bound with F, H)	Hydroregulations
Appendix H (bound with F, G)	Fluvial Geomorphology
Appendix I	Economics
Appendix J	Plan Formulation
Appendix K	Real Estate
Appendix L (bound with M)	Lower Snake River Mitigation History and Status
Appendix M (bound with L)	Fish and Wildlife Coordination Act Report
Appendix N (bound with O, P)	Cultural Resources
Appendix O (bound with N, P)	Public Outreach Program
Appendix P (bound with N, O)	Air Quality
Appendix Q (bound with R, T)	Tribal Consultation and Coordination
Appendix R (bound with Q, T)	Historical Perspectives
Appendix S*	Snake River Maps
Appendix T (bound with R, Q)	Clean Water Act, Section 404(b)(1) Evaluation
Appendix U	Response to Public Comments

*Appendix S, Lower Snake River Maps, is bound separately (out of order) to accommodate a special 11 x 17 format.

The documents listed above, as well as supporting technical reports and other study information, are available on our website at <http://www.nww.usace.army.mil/lsr>. Copies of these documents are also available for public review at various city, county, and regional libraries.

STUDY OVERVIEW

Purpose and Need

Between 1991 and 1997, due to declines in abundance, the National Marine Fisheries Service (NMFS) made the following listings of Snake River salmon or steelhead under the Endangered Species Act (ESA) as amended:

- sockeye salmon (listed as endangered in 1991)
- spring/summer chinook salmon (listed as threatened in 1992)
- fall chinook salmon (listed as threatened in 1992)
- steelhead (listed as threatened in 1997).

In 1995, NMFS issued a Biological Opinion on operations of the Federal Columbia River Power System (FCRPS). Additional opinions were issued in 1998 and 2000. The Biological Opinions established measures to halt and reverse the declines of ESA-listed species. This created the need to evaluate the feasibility, design, and engineering work for these measures.

The Corps implemented a study (after NMFS' Biological Opinion in 1995) of alternatives associated with lower Snake River dams and reservoirs. This study was named the Lower Snake River Juvenile Salmon Migration Feasibility Study (Feasibility Study). The specific purpose and need of the Feasibility Study is to evaluate and screen structural alternatives that may increase survival of juvenile anadromous fish through the Lower Snake River Project (which includes the four lowermost dams operated by the Corps on the Snake River—Ice Harbor, Lower Monumental, Little Goose, and Lower Granite Dams) and assist in their recovery.

Development of Alternatives

The Corps' response to the 1995 Biological Opinion and, ultimately, this Feasibility Study, evolved from a System Configuration Study (SCS) initiated in 1991. The SCS was undertaken to evaluate the technical, environmental, and economic effects of potential modifications to the configuration of Federal dams and reservoirs on the Snake and Columbia Rivers to improve survival rates for anadromous salmonids.

The SCS was conducted in two phases. Phase I was completed in June 1995. This phase was a reconnaissance-level assessment of multiple concepts including drawdown, upstream collection, additional reservoir storage, migratory canal, and other alternatives for improving conditions for anadromous salmonid migration.

The Corps completed a Phase II interim report on the Feasibility Study in December 1996. The report evaluated the feasibility of drawdown to natural river levels, spillway crest, and other improvements to existing fish passage facilities.

Based in part on a screening of actions conducted for the Phase I report and the Phase II interim report, the study now focuses on four courses of action:

- Existing Conditions
- Maximum Transport of Juvenile Salmon

- Major System Improvements
- Dam Breaching.

The results of these evaluations are presented in the combined Feasibility Report (FR) and Environmental Impact Statement (EIS). The FR/EIS provides the support for recommendations that will be made regarding decisions on future actions on the Lower Snake River Project for passage of juvenile salmonids. This appendix is a part of the FR/EIS.

Geographic Scope

The geographic area covered by the FR/EIS generally encompasses the 140-mile long lower Snake River reach between Lewiston, Idaho and the Tri-Cities in Washington. The study area does slightly vary by resource area in the FR/EIS because the affected resources have widely varying spatial characteristics throughout the lower Snake River system. For example, socioeconomic effects of a permanent drawdown could be felt throughout the whole Columbia River Basin region with the most effects taking place in the counties of southwest Washington. In contrast, effects on vegetation along the reservoirs would be confined to much smaller areas.

Identification of Alternatives

Since 1995, numerous alternatives have been identified and evaluated. Over time, the alternatives have been assigned numbers and letters that serve as unique identifiers. However, different study groups have sometimes used slightly different numbering or lettering schemes and this has led to some confusion when viewing all the work products prepared during this long period. The primary alternatives that are carried forward in the FR/EIS currently involve the following four major courses of action:

Alternative Name	PATH ^{1/} Number	Corps Number	FR/EIS Number
Existing Conditions	A-1	A-1	1
Maximum Transport of Juvenile Salmon	A-2	A-2a	2
Major System Improvements	A-2'	A-2d	3
Dam Breaching	A-3	A-3a	4

^{1/} Plan for Analyzing and Testing Hypotheses

Summary of Alternatives

The **Existing Conditions Alternative** consists of continuing the fish passage facilities and project operations that were in place or under development at the time this Feasibility Study was initiated. The existing programs and plans underway would continue unless modified through future actions. Project operations include fish hatcheries and Habitat Management Units (HMUs) under the Lower Snake River Fish and Wild life Compensation Plan (Comp Plan), recreation facilities, power generation, navigation, and irrigation. Adult and juvenile fish passage facilities would continue to operate.

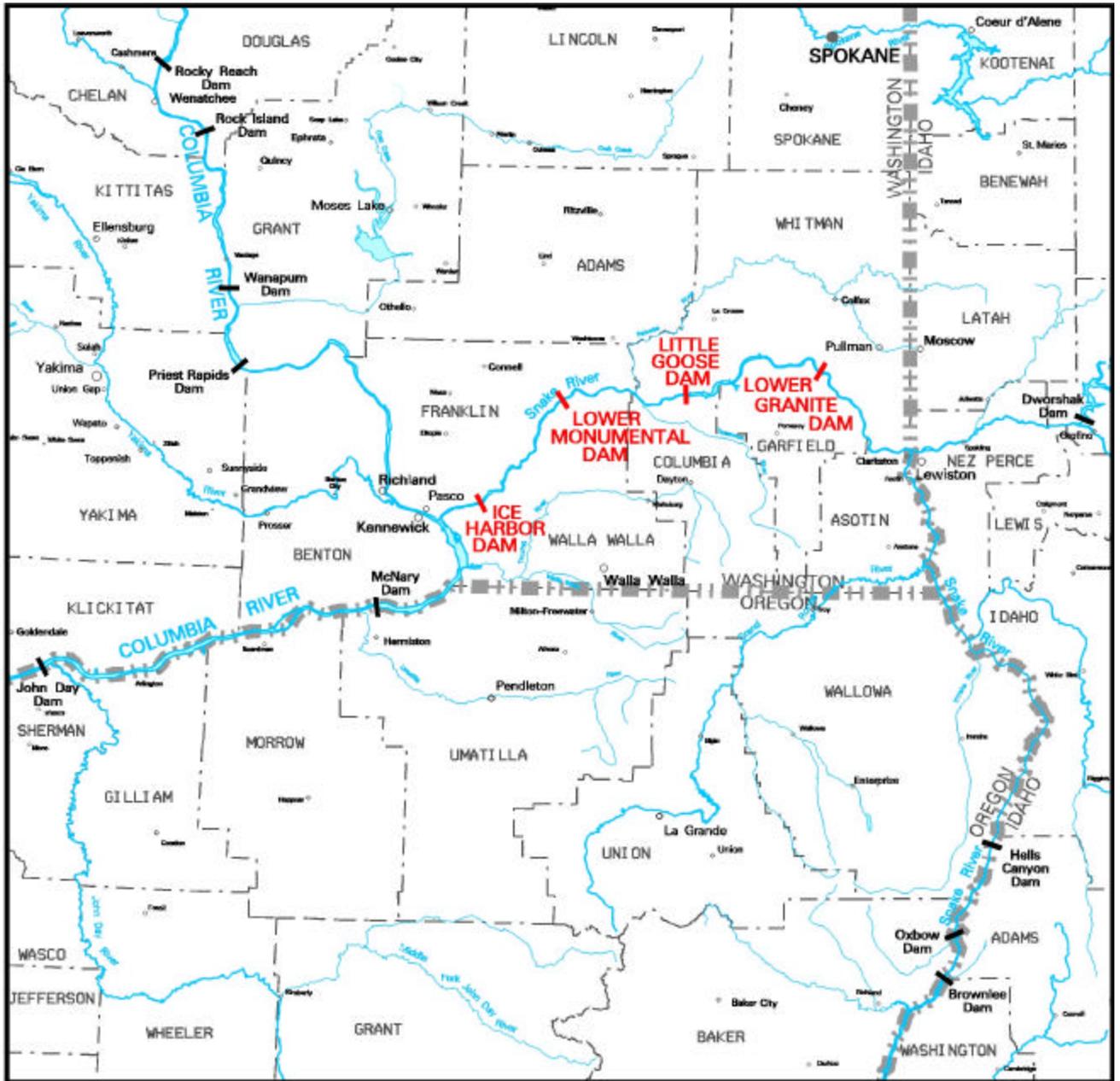
The **Maximum Transport of Juvenile Salmon Alternative** would include all of the existing or planned structural and operational configurations from the Existing Conditions Alternative. However, this alternative assumes that the juvenile fishway systems would be operated to maximize fish transport from Lower Granite, Little Goose, and Lower Monumental and that voluntary spill would not be used to bypass fish through the spillways (except at Ice Harbor). To accommodate this maximization of transport, some measures would be taken to upgrade and improve fish handling facilities.

The **Major System Improvements Alternative** would provide additional improvements to what is considered under the Existing Conditions Alternative. These improvements would be focused on using surface bypass facilities such as surface bypass collectors (SBCs) and removable spillway weirs (RSWs) in conjunction with extended submerged bar screens (ESBSs) and a behavioral guidance structure (BGS). The intent of these facilities would be to provide more effective diversion of juvenile fish away from the turbines. Under this alternative, an adaptive migration strategy would allow flexibility for either in-river migration or collection and transport of juvenile fish downstream in barges and trucks.

The **Dam Breaching Alternative** has been referred to as the “Drawdown Alternative” in many of the study groups since late 1996 and the resulting FR/EIS reports. These two terms essentially refer to the same set of actions. Because the term drawdown can refer to many types of drawdown, the term dam breaching was created to describe the action behind the alternative. The Dam Breaching Alternative would involve significant structural modifications at the four lower Snake River dams, allowing the reservoirs to be drained and resulting in a free-flowing yet controlled river. Dam breaching would involve removing the earthen embankment sections of the four dams and then developing a channel around the powerhouses, spillways, and navigation locks. With dam breaching, the navigation locks would no longer be operational and navigation for large commercial vessels would be eliminated. Some recreation facilities would close while others would be modified and new facilities could be built in the future. The operation and maintenance of fish hatcheries and HMUs would also change, although the extent of change would probably be small and is not known at this time.

Authority

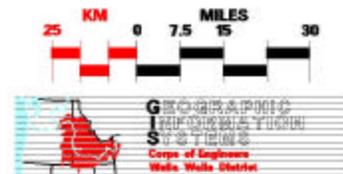
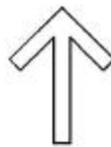
The four Corps dams of the lower Snake River were constructed and are operated and maintained under laws that may be grouped into three categories: 1) laws initially authorizing construction of the project, 2) laws specific to the project passed subsequent to construction, and 3) laws that generally apply to all Corps reservoirs.



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BOUNDARIES

State 
 County 



125,000 ACRES

 1 : 1,900,800

**LOWER SNAKE RIVER
 Juvenile Salmon Migration Feasibility Study**

**REGIONAL
 BASE MAP**



**US Army Corps
of Engineers®**

Walla Walla District

Final
Lower Snake River Juvenile Salmon
**Migration Feasibility Report/
Environmental Impact Statement**

Appendix Q
Tribal Consultation and Coordination

Produced by
U.S. Army Corps of Engineers
Walla Walla District

February 2002

FOREWORD

Appendix Q was prepared by U.S. Army Corps of Engineers (Corps), Walla Walla District staff. This appendix is one part of the overall effort of the Corps to prepare the Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement (FR/EIS).

The Corps has reached out to regional stakeholders (Federal agencies, tribes, states, local governmental entities, organizations, and individuals) during the development of the FR/EIS and appendices. This effort resulted in many of these regional stakeholders providing input and comments, and even drafting work products or portions of these documents. This regional input provided the Corps with an insight and perspective not found in previous processes. A great deal of this information was subsequently included in the FR/EIS and appendices; therefore, not all of the opinions and/or findings herein may reflect the official policy or position of the Corps.

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FIGURES

Figure 6-1. Regional Forum

Q6-1

ACRONYMS AND ABBREVIATIONS

BIA	Bureau of Indian Affairs
BOT	Board of Trustees
Corps	U.S. Army Corps of Engineers
CTCIR	Confederated Tribes of the Colville Indian Reservation
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
DEIS	Draft Environmental Impact Statement
DOD	Department of Defense
ESA	Endangered Species Act
FCRPS	Federal Columbia River Power System
Feasibility Study	Lower Snake River Juvenile Salmon Migration Feasibility Study
FEIS	Final Environmental Impact Statement
FR/EIS	Lower Snake River Juvenile Salmon Mitigation Feasibility Report/Environmental Impact Statement
NAGPRA	Native American Graves Protection and Repatriation Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NPTEC	Nez Perce Tribe Executive Council

ENGLISH TO METRIC CONVERSION FACTORS

<u>To Convert From</u>	<u>To</u>	<u>Multiply By</u>
<u>LENGTH CONVERSIONS:</u>		
Inches	Millimeters	25.4
Feet	Meters	0.3048
Miles	Kilometers	1.6093
<u>AREA CONVERSIONS:</u>		
Acres	Hectares	0.4047
Acres	Square meters	4047
Square Miles	Square kilometers	2.590
<u>VOLUME CONVERSIONS:</u>		
Gallons	Cubic meters	0.003785
Cubic yards	Cubic meters	0.7646
Acre-feet	Hectare-meters	0.1234
Acre-feet	Cubic meters	1234
<u>OTHER CONVERSIONS:</u>		
Feet/mile	Meters/kilometer	0.1894
Tons	Kilograms	907.2
Tons/square mile	Kilograms/square kilometer	350.2703
Cubic feet/second	Cubic meters/sec	0.02832
Degrees Fahrenheit	Degrees Celsius	(Deg F -32) x (5/9)

Executive Summary

The United States has long recognized the dependent sovereign status of Indian tribes. Principles outlined in the United States Constitution and treaties, as well as those established by Federal laws, regulations, and executive orders, continue to guide the nation's policy toward Indian nations.

The U.S. Army Corps of Engineers (Corps) conducts its government-to-government relationships with Federally recognized Indian tribes as a part of its obligations, just as it does with states, counties, and local governments. The relationship the Federal government maintains with tribes is unique and necessarily involves consultation with tribal governments. The Corps is responsible for assessing the impacts of agency activities, considering tribal interests, and assuring that tribal interests are considered in conjunction with Federal activities and undertakings.

The Corps recognizes that tribal governments are sovereigns located within and dependent upon the United States. Yet tribes have rights to set their own priorities, to develop and manage tribal resources, and to be consulted in Federal decisions and activities having the potential to affect tribal rights. The Corps has a responsibility to help fulfill the United States government's responsibilities toward tribes when considering actions that may affect tribal rights, resources, and assets.

Several tribal chairpersons and tribal representatives have met with Corps commanders and Walla Walla District representatives regarding the Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement (FR/EIS). The Corps has coordinated with other potentially affected tribes. This effort has involved programs for tribal representatives and staff to help ensure information is exchanged and a range of viewpoints held by tribes considered. Issues raised in these meetings have indicated concerns about agency actions and their effects on culturally significant species such as salmonids and Pacific lamprey fish, the effectiveness of proposed alternatives for fish passage through the hydropower facilities, effects on other natural resources and cultural resource sites, and how these influences would impact Indian communities.

This appendix along with numerous other appendices of the FR/EIS describe the Corps' work toward identifying, considering, and protecting tribal rights and integrating tribal interests and concerns into the planning process. The Corps is committed to carrying out Federal activities in a manner that is consistent with the United States' legal obligations toward tribes.

1. Introduction

The Federal government has a unique relationship with American Indian peoples and Federally recognized tribal governments. Principles outlined in the United States Constitution and treaties, historic executive orders, and mandates established in Federal laws, regulations, and modern executive orders, continue to guide our national policy towards American Indian nations.

Prior to the formation of Federally recognized tribes, the indigenous peoples of the lower Snake River region lived in villages comprised of several extended families. Groups of villages known as bands were bound together culturally, and collectively shared a homeland. The names of bands were typically taken from those of major villages. Through formal treaties and executive orders initiated by the United States government, groups of native bands were given Federal recognition as American Indian tribes. Although not always accurately represented in the treaties of the mid-1800s, the homelands of native peoples were thus ceded to the United States by tribes through treaties ratified by Congress. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. American Indian tribes are defined as “any Indian band, nation, village or community” the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. Thus, the word tribe denotes Federal recognition of an American Indian government.

The modern tribes with cultural heritage pertaining to the lower Snake River are comprised of numerous communities associated with the Umatilla, Yakama, Nez Perce, and Colville reservations, and families associated with the Wanapum community at Priest Rapids, Washington. Tribal members are both Americans and tribal citizens who may receive representation from Federal, state, county, and local governments. The unique manner in which tribal governments represent their members is perhaps the most sensitive to their immediate economic and cultural needs and values. The potential effects of the Lower Snake River Juvenile Salmon Migration Feasibility Study (Feasibility Study) and EIS alternatives on tribes have been characterized by both tribal representatives and in a study of five affected tribes (Meyer Resources, 1999) in terms of effects on natural resources, habitats, and places that are culturally significant to tribes and their communities. The effects may directly relate to tribal economies and cultural practices and indirectly to people’s health, social well-being, quality of life, and values for the natural and cultural environment associated with the lower Snake River.

Affected tribes and American Indian communities maintain cultural values in both natural and cultural resources managed by the Corps in the lower Snake River. Numerous aquatic, plant, and wildlife species retain cultural significance to tribes, e.g., salmonids, Pacific lamprey, sturgeon, whitefish, sculpin, deer, grouse, eagles, coyotes, bear, wolves, biscuitroot, Indian carrots, chokecherries, and tules. Values for the water, land, life forms, and places continue to be the source of Indian community concerns, as well as tribal governments’ desires to protect their legal rights. Such values are lodged in both traditional life ways and modern socio-economic needs, which influence and impact tribes.

Changes to tribes’ cultural identities and limitations imposed on traditional practices are ongoing. For example, the fisheries on and adjoining the lower Snake River system have been significantly altered over the past one and a half centuries in terms of access and habitat quality. Tribes that

desire to take treaty fish such as Pacific lamprey (largely a ceremonial and subsistence activity) find their fishermen displaced from local fishing stations. Tribes such as the Yakama, Nez Perce, and Umatilla currently catch lamprey from tributaries of the lower Columbia River.

Federally recognized tribes have the right to set their own priorities and develop and manage tribal resources within the Federal government framework. Efforts have been made to assess the impact of Federal agency activities on tribes and to ensure that tribal interests and rights are considered before Federal actions are undertaken (Meyer Resources, 1999). Tribal interests and rights are viewed by tribes and traditional communities with the spatial context of tribal ceded lands, traditional native homelands, and places traditionally used by native peoples. Places where tribes have rights to harvest resources may include fishing grounds and stations, root and berry fields, and hunting grounds. Of particular concern to tribes are the potential impacts from water resource management on anadromous fish runs and associated aquatic habitats, and tribal rights to fish for ceremonial, subsistence, and commercial needs.

In assessing effects of the Feasibility Study's proposed courses of action on tribes, the following factors may be considered: 1) economies of counties that encompass affected tribes and bands; 2) water quality and aquatic habitats; 3) accessibility to culturally and religiously significant places and resources; 4) viability and harvestability of culturally significant species; and 5) quality of habitat places that would impact treaty rights to hunt, fish, gather, and graze livestock. Short- and long-term effects on these factors are expected to differ.

2. American Indian Issues and Concerns

Some affected Indian tribes have significant interest in the development of the Feasibility Study and potential effects of its EIS. These tribes assert a general concern for the ecosystem of the area and cultural places, e.g., burial sites and harvest sites. Tribal concerns focus on the potential effects of the Feasibility Study on treaty rights—especially the right to fish for resources in the lower Snake River area. Most notably, tribes have emphasized the recovery of anadromous fish runs and interest in the potential to regain access to usual and accustomed harvest places. Specific interest in the location and potential use of tribal allotments and the precise process of agency-tribe consultation, although important, was secondary. Tribes expressed their understanding of cultural resources as inclusive of natural resources as well as historical and archaeological components. Tribes, therefore, would like their interests and rights considered within the context of certain tribal cultural values and perspectives not universally represented in Federal decision-making.

The Federal government's trust responsibilities to tribes are meant to occur through on-going meaningful Federal agency consultation with tribal governments. The context for tribal interest must be examined both from the perspective of Federal legal responsibilities as well as those points raised by tribal government representatives. Protection of treaty rights and resources and cultural resources are of interest to both tribes and the Corps.

3. Government-to-Government Relations

National policy statements originating from the executive branch of the Federal government provide direction to Federal agencies on how to formulate relations with American Indian tribes and people and deal with common issues. The following are those most often referred to by Federal and tribal representatives:

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

1984—Department of Defense Directive No. 4710.1 - June 21.

1993—Executive Order 12866, Regulatory Planning and Review. The Order enhanced planning and coordination concerning new and existing regulations. It made the regulatory process more accessible and open to the public. Agencies were directed to seek views of tribal officials before imposing regulatory requirements that might affect them.

1994—Executive Order 12898 on Environmental Justice.

1994—White House Memorandum for the Heads of Executive Departments and Agencies. This emphasized the importance of government-to-government relations with tribal governments and the need to consult with tribes prior to taking actions that may affect tribal interests, rights, or trust resources.

1994—Government-to-Government Relations with Native American Tribal Governments, Memorandum of 22 April 1994.

1995—Government-to-Government Relations. The United States Justice Department, Attorney General, issued and signed a policy statement on government-to-government relations on June 1, 1995. It includes references to tribes' sovereignty status and the Federal government's trust responsibility to tribal governments.

1998—Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, 14 May 1998.

Policy Guidance Letter No. 57, Indian Sovereignty and Government Relations with Indian Tribes, Implements Executive Order 13084.

1998—DOD American Indian and Alaskan Native Policy, 20 October 1998.

1999—Project Operations Native American Policy, 12 July 1999.

2000—Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 6 November 2000.

As noted in Executive Order 13084, the Federal government continues to work with tribes on issues concerning tribal self-government, trust resources, tribal treaty, and other rights as one government to another government. The Order directs agencies to consider affected Federally recognized tribes through the following policy principles:

1. The United States has a unique legal relationship with Indian Tribal governments as set forth in the Constitution, treaties, statutes, executive orders, and court decisions.
2. Tribes, as dependent nations, have inherent sovereign powers over their members and territories with rights to self-government. The United States works with tribes as one government to another government addressing issues concerning tribal self-government, trust resources, and tribes' treaty and other rights.
3. Agencies will provide regular, meaningful, and collaborative opportunities to address the development of regulatory practices that may have significant or unique effects on tribal communities.
4. Cooperation in developing regulations on issues relating to tribal self-government, trust resources, or treaty and other rights should use, where appropriate, consensus building methods such as rule-making.

The historic development of Federal relations with tribes is based also on many important legal concepts and congressional actions that now form the basis of modern government-to-government relations.

4. Consultation and Coordination Requirements

The relationships between the Federal government and different tribes and traditional Indian communities have evolved over our nation's history. Tribes retain certain inherent powers of self-government and thereby may seek to participate in Federal decisions or activities that have the potential to affect their rights and interests. Indian treaties, Federal statutes, executive orders, national policies, and court cases have collectively and over time caused changes in how these special Federal relationships are exercised. Currently, affected tribes and traditional Indian communities are involved in both local and regional Federal decisions/activities that have the potential to affect their rights and interests. Federal policies and statutes have directed Federal agencies to consult and coordinate with American Indian tribes and traditional communities about their actions. In facilitating this process, the Corps routinely seeks to provide "meaningful and timely opportunities" for tribes to comment on agency policies that may have significant or unique effects on tribal interests (DOD American Indian and Alaskan Native Policy, 20 October 1998).

4.1 Laws and Statutes Relating to Tribal Interests

There is an extensive list of Federal laws, executive orders, policy directives, and Federal regulations that place legal responsibilities on executive branch agencies. Collectively, these legally binding authorities, which continue to form the basis of how consultation is conducted, have had a profound impact on Federal-tribal relations. An example is the *National Environmental Policy Act of 1969 (NEPA; 83 Stat. 852; 42 U.S.C. 4321 et seq./P.L. 91-190)*, which established a framework of public and tribal involvement in land management planning and actions. NEPA also provides for consideration of historic, cultural, and natural aspects of our environment. The *National Historic Preservation Act of 1966 (P.L. 89-665, as amended by P.L. 91-423, P.L. 94-422, P.L. 94-458, and P.L. 96-515)*, known as NHPA, was amended in 1992. On July 1, 1999, new NHPA implementing regulations were adopted, which implement the Act and also clarify it. The NHPA explicitly directs Federal agencies to involve tribes along with other consulting parties in the process of identifying historic properties. Specifically, places of cultural and religious significance to tribes are to be considered by Federal agencies in policy and project planning. Cultural properties significant to traditional communities have become a type of historic property that Federal agencies must identify and manage.

"Consultation" is achieved through an effective communication process in which government officials engage in regular and meaningful discussions with representatives of Indian tribal governments (Executive Order 13084). The Walla Walla District Corps of Engineers is increasingly engaging and involving tribes in collaborative processes designed to facilitate the exchange of information and to effectively address effects of Federal actions and policies on tribal interests and rights.

4.2 Corps Policy Guidance and American Indian Tribes

In February 1998, Lt. General Joe N. Ballard, Chief of Engineering, published a Memorandum for Commanders, Major Subordinate Commands, and District Commands: Policy Guidance

Letter No. 57, Indian Sovereignty and Government-to-Government Relations with Indian Tribes. It is reproduced here:

1. Our Nation has long recognized the sovereign status of Indian tribes. The United States Constitution specifically addresses Indian sovereignty by classing Indian treaties among the “supreme law of the land,” and established Indian affairs as a unique focus of Federal concern. Principles outlined in the treaties, as well as those established by Federal laws, regulations, and Executive Orders, continue to guide our national policy towards Indian Nations.
2. On 29 April 1994, President Clinton reaffirmed the United States’ “unique legal relationship with Native American tribal governments.” In recognition of the special considerations due to tribal interests, the President directed Federal agencies to operate within a government-to-government relationship with Federally recognized Indian tribes; consult, to the greatest extent practicable and permitted by law, with Indian tribal governments; assess the impact of agency activities on tribal trust resources and assure that tribal interests are considered before the activities are undertaken; and remove procedural impediments to working directly with tribal governments on activities that effect [sic] trust property or governmental rights of the tribes....
3. I want to ensure that all Corps Commands adhere to principles of respect for Indian tribal governments and honor our Nation’s trust responsibility. To this end I have enclosed U.S. Army Corps of Engineers Tribal Policy Principles for use as interim guidance until more detailed statements are developed. These Principles have been developed with the Office of the Assistant Secretary of the Army (Civil Works) and are consistent with the President’s goals and objectives.

Tribal Sovereignty—The Corps recognizes that Tribal governments are sovereign entities, with rights to set their own priorities, develop and manage Tribal and trust resources, and be involved in Federal decisions or activities which have the potential to affect these rights.

Trust Responsibility—The Corps will work to meet trust obligations, protect trust resources, and obtain Tribal views of trust and treaty responsibilities or actions related to the Corps, in accordance with provisions of treaties, laws and Executive Orders as well as principles lodged in the Constitution of the United States.

Government-to-Government Relations—The Corps will ensure that Tribal Chairs/Leaders meet with Corps Commanders/Leaders and recognize that, as governments, tribes have the right to be treated with appropriate respect and dignity, in accordance with principles of self-determination.

Pre-Decisional and Honest Consultation—The Corps will reach out, through designated points of contact, to involve tribes in collaborative processes designed to ensure information exchange, consideration of disparate viewpoints before and during decision making, and utilize fair and impartial dispute resolution mechanisms.

Self Reliance, Capacity Building and Growth—The Corps will search for ways to involve tribes in programs, projects and other activities that build economic capacity and foster abilities to manage Tribal resources while preserving cultural identities.

Natural and Cultural Resources—The Corps will act to fulfill obligations to preserve and protect trust resources, comply with the Native American Graves Protection and Repatriation Act, and ensure reasonable access to sacred sites in accordance with published and easily accessible guidance.

In August 2001, Clifton P. Jackson, Jr., Executive Assistant for the Commander, published CENWD-NA Regulation No. 5-1-1, Native American Policy for the Northwestern Division, covering the policy, responsibilities, and implementation of the Corps' Tribal Policy Principles. This regulation applies to all Northwestern Division commands having responsibility for Civil Works (CW), military, and Hazardous, Toxic and Radioactive Waste (HTRW) functions. The policy and responsibilities associated with this regulation are reproduced here:

Policy—It is the policy of the Northwestern Division to apply the Corps' Tribal Policy Principles in all division activities that may impact any federally recognized Indian Tribe. In those activities where consultation is warranted, it is the policy of the Northwestern Division to consult on a government-to-government level consistent with guidance found in this regulation.

Responsibilities—

Division Commander responsibilities:

1. The Division Commander is responsible for integrating the Corps' Tribal Policy Principles into all division activities that may impact any federally recognized Indian Tribe.
2. The Division Commander will provide regional interface with Tribal governments for activities or issues involving multiple districts and refer appropriate actions to the affected district(s).
3. The Division Commander will develop a Tribal account management plan to guide business development and outreach opportunities that promote Corps capabilities while fostering Tribal self reliance, capacity building, and growth.
4. The Division Commander will formally designate and train a Native American Coordinator(s) with primary or collateral duties to provide quality assurance of district Native American programs and activities.

District Commander responsibilities:

1. The District Commander is responsible for integrating the Corps' Tribal Policy Principles into all district activities that may impact any federally recognized Indian Tribe.
 - ***Tribal Sovereignty***—The district will affirm the sovereign status of Tribal governments and work to develop and enhance a relationship which acknowledges the right of federally recognized Tribes to set their own priorities and develop and manage tribal and trust resources.
 - ***Trust Responsibility***—The district will work to meet Tribal needs related to district activities and work to protect trust resources.
 - ***Government-to-Government Relations***—The District Commanders and their designated staff representatives will meet with Tribal governments at the government-to-government level and observe tribal protocols and standards of dignity.
 - ***Pre-decisional and Honest Consultation***—The District Commanders and designated staff will consult with Tribal governments following the general concepts of the Guidelines for Army Consultation with Native Americans and DOD American Indian and Alaska Native Policy.

- ***Self-reliance, Capacity Building, and Growth***—The district will actively promote Corps’ capabilities, business development, and outreach opportunities with Tribes. The district will involve Tribes in district programs that foster self-reliance, build economic capacity and growth such as training, cultural and natural resources, recreation, watershed planning, environmental restoration, emergency management, and contracting opportunities.
 - ***Natural and Cultural Resources***—Consistent with procedures set forth in applicable federal laws, regulations, and policies, the district will proactively work to preserve and protect natural and cultural trust resources; establish Native American Graves Protection and Repatriation Act (NAGPRA) protocols and procedures; and allow reasonable access to sacred sites.
2. The District Commander will formally designate and train a Native American Coordinator with primary or collateral duties to assist the Commander and other functional staff elements in ensuring that Tribal Policy Principles and consultation are integrated into all district activities. The District Commander shall ensure Native American issues, activities, and contacts with Tribal governments are coordinated with the Native American Coordinator.

4.3 Off-Reservation Rights

Of special significance to the Feasibility Study are those tribes with treaty provisions dealing with off-reservation rights to hunt, fish, gather roots and berries, and graze livestock:

1855—June 9 Treaty with Yakama (12 Stat. 951 et seq). The treaty applies to 14 bands and tribes of the Yakama Indian Nation. Treaty Article 3 in part states, “The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with the citizens of the territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land” (see Annex A).

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

1855— June 11 Treaty with Nez Perces (12 Stat. 957). Treaty Article 3 in part states, “The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said 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” (see Annex A).

1863—June 9 Treaty with Nez Perce Tribe (14 Stat. 647). Treaty Article 8 states in part, “The United States also agree [sic] to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said

springs or fountains being enclosed; and further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians” (see Annex A).

1868—August 13 Treaty with the Nez Perces (15 Stat. 693). This treaty in part amended the Nez Perces treaty of 1863 and pertains to those lands set apart for the exclusive use and benefit of the Nez Perces Tribe, which were ceded to the U.S. Government, thereby diminishing the size of their reservation. Treaty Article 1 reads in part, “...and it is further agreed that those residing outside of the boundaries of the reservation and who may continue to so reside shall be protected by the military authorities in their rights upon the allotments occupied by them, and also in the privilege of grazing their animals upon surrounding unoccupied lands” (see Annex A).

1868—July 3 Fort Bridger Treaty (15 Stat. 673). Treaty Article 4 reads in part, “The Indians herein named...shall have the right to hunt on the unoccupied lands of the United States so long as the game may be found thereon, and as long as the peace subsists among the whites and the Indians on the borders of the hunting districts” (see Annex A).

The language in each of these treaties identified certain pre-existing rights that were retained by the tribal governments through which tribal citizens could exercise rights, e.g., the right to fish at usual and accustomed places and hunt, gather roots and berries, and pasture livestock on open and unclaimed land. In turn, tribal lands, including those along the lower Snake River along with the rest of their homelands, were to be ceded to the United States Government with the exception of their Indian Reservations.

5. Affected Tribes and Bands

There are 14 American Indian tribes and bands whose interests and/or rights may be affected by the proposed Federal actions in the Lower Snake River Feasibility Study and its EIS. The Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, and Nez Perce Tribe either have treaty rights, ceded lands, or other direct interests in the Feasibility Study area that may be affected by FR/EIS alternatives. The Confederated Tribes of the Colville Indian Reservation and the Wanapum band have interests and some rights within the lower Snake River area. The District also identified nine other tribes that may be affected directly or indirectly by proposed Federal actions:

- Burns Paiute Tribe of the Burns Paiute Indian Colony
- Coeur d'Alene Tribe
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Kalispel Indian Community of the Kalispel Reservation
- Kootenai Tribe of Idaho
- Northwestern Band of the Shoshoni Nation
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- Shoshone-Paiute Tribes of the Duck Valley Reservation
- The Spokane Tribe of the Spokane Reservation.

A Tribal Circumstances Report (Meyer Resources, 1999) was contracted by the Corps, which focused on five study tribes, and developed specific information concerning the alternatives and their potential to affect the Native American rights and interests. The study tribes were selected from those affected tribes with ceded lands and treaty rights near the lower Snake River: Confederated Tribes of the Umatilla Reservation, Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, and Nez Perce Tribe. The Confederated Tribes of the Warm Springs Reservation of Oregon and the Shoshone-Bannock Tribes of the Fort Hall Reservation were also selected, as they have similar rights and interests in an area that is outside the Feasibility Study and that could be affected by management decisions at the lower Snake River hydropower facilities. The Confederated Tribes of the Warm Springs Reservation was included to consider potential effects on a tribe with interests and rights outside of the Feasibility Study under EIS alternatives, e.g., effects on treaty fishing rights. The study of these five tribes was intended to provide a framework to assess potential effects on their rights and interests, and consider those effects in conjunction with the other 11 identified affected tribes.

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

5.1 Burns Paiute Tribe of the Burns Paiute Indian Colony

Members of the Walpapi Band of the Northern Paiute signed a Treaty with the “Snake” band in 1865. The tribe signed a treaty with the U.S. Government in December 1868; Congress failed to ratify it. The Executive Order of March 1872 established the Malheur Indian Reservation and recognized the Burns Paiute Indians. In 1883, however, another executive order dissolved the reservation and the tribe lost Federal recognition. The 1.8-million-acre Malheur Indian Reservation was terminated and the land was made public domain. The 1887 Indian Allotment Act allowed for 160 acres to be claimed by each tribal head of household. The Burns Paiute Tribe is located in eastern Harney County, Oregon. Tribal headquarters are in Burns, Oregon. In 1972 the United States transferred title to 762 acres to the Burns Paiute and established the Burns Paiute Reservation through Public Law 92-488.

The current reservation consists of 771 acres, and another 11,786 acres of allotments is owned by tribal members. An additional 360 acres is held in trust and administered for the Tribe by the Bureau of Indian Affairs. The tribe is self-governing. A Tribal Council of seven elected members was established by the tribe in 1988.

The peoples represented by the tribe are of the Great Basin Cultural Region consisting of the northern division of the Paiute peoples. The original homeland of the Northern Paiute peoples included southeast Oregon, most of northwestern Nevada, and a portion of southwest Idaho. Northern Paiute associated with the Burns Indian Reservation include the remnants of the Wadaika band (Wada Eaters who historically lived around Malheur and Harney lakes); the Hunipui (Juniper-Deer Eaters of the Crooked River area); the Walpapi (Elk Eaters of the upper John Day River area); the Tagu (Salmon Eaters of the Owyhee River area); the Kidu (Groundhog Eaters of the Fort Bidwell area); and the Koa’agai. Northern Paiute and English are spoken by the tribe. Major religious affiliations include traditional Indian religions and denominations of Christianity.

5.2 Coeur d’Alene Tribe

In 1867 an entity called the Coeur d’Alene Reservation was created for the Coeur d’Alene, Kalispel, Spokane, Sanpoil, and Colville “bands.” The Coeur d’Alene never moved to that reservation. In 1873, a 592,000-acre reservation was created by Executive Order for the Coeur d’Alene Tribe. In following years, the reservation area was reduced, lands ceded, and portions removed from the reservation. Today’s reservation consists of 345,000 acres in northern Idaho.

Tribal government is under a constitution originally approved September 2, 1949. The Tribal Council is the legislative body. Tribal headquarters are in Plummer, Idaho.

Peoples represented by the tribe are of the Plateau Cultural Region and are of the Coeur d’Alene, Spokane, and St. Joe River Tribes and Bands. In 1842 a Catholic mission for the tribe was established near St. Maries by Father Pierre DeSmet. Today religious affiliations include traditional Indian religions and denominations of Christianity. Interior Salish and English are spoken by the tribal peoples.

5.3 Confederated Tribes of the Colville Indian Reservation

The basis for formal Federal recognition of the Confederated Tribes of the Colville Indian Reservation (CTCIR) and the CTCIR’s inherent sovereignty was established through the “Nez

Perce” and “Yakama” Treaties of June 9, 1855. Executive Order of April 9, 1872, which was superseded by Executive orders of March 6, 1879, February 23, 1883, March 6, 1880, and May 1, 1886; Agreements of May 9, 1891, July 1, 1892, December 1, 1905, and March 22, 1906; and the Act of June 20, 1940, all helped refine the Colville Tribe’s relationship with the United States government.

The Colville Reservation was established in April 9, 1872, in north-central Washington. Modifications to the reservation size, status, and location in later years resulted in the present 1.4-million-acre reservation in north-central Washington. The basis of the tribe’s off-reservation rights and interests is derived from the Yakama and Nez Perce treaties of 1855, Article 3, and a 1891 Agreement, Article 6. It is through the Yakama Treaty that members of the Palous band moved onto the Colville Reservation in the late 19th century. The Colville tribe asserts rights and interests in ceded lands of the Palous people along the lower Snake River.

The Colville Tribe did not adopt the Indian Reorganization Act of 1934, but did establish a constitutional form of government with a Business Council in 1938. The tribe’s Business Council membership is chosen from four reservation districts comprised of two groups of seven council members who are elected to 4-year terms in staggered biennial elections. The chair and vice-chair Business Council positions are filled through elections held by its Executive Committee, while all other positions are elected by the entire Business Council membership. The General Council meets biannually to provide direction to the Business Council. Since 1995, the Colville Tribes have operated under a tribal self-determination agreement with the Bureau of Indian Affairs (BIA) that has integrated BIA staff positions with the tribe’s. Colville Tribal Headquarters are located in Nespelem, Washington.

The CTCIR represent peoples of the Plateau Culture Area including the Methow, Sanpoil, Lakes, Colville (Sweelpoo), Kalispel, Spokane, Entait, Nespelem, Chelan, Columbia (Senkaiuse), Chief Joseph Band of the Nez Perce (Nimipu), Wenatchee (Wenatchapum), Southern Okanogan (Sinkaietk), Palous, and Lakes (Senijextee). Interior Salish, Sahaptin, and English are spoken by the tribal population. Religious affiliations include traditional Indian religions and denominations of Christianity.

5.4 Confederated Tribes of the Umatilla Indian Reservation

The 1855 “Treaty with the Walla Walla, Cayuse, and Umatilla Tribes,” subsequent treaties, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Constitution form the basis for formal recognition of the tribes’ inherent sovereignty. The tribal government’s off-reservation treaty rights are recognized in Article 1 of the treaty. Congress ratified this treaty in 1859 and a reservation was established encompassing 254,699 acres in what has become northeastern Oregon. The size of the reservation was reduced through subsequent congressional acts and today consists of 89,350 acres of trust and allotted lands. The tribes rejected the Indian Reorganization Act in 1935 by tribal referendum. A Constitution and By-laws were, however, adopted in 1949. The tribal governing body consists of a General Council and a Board of Trustees (BOT). The BOT is a nine-member council that sets tribal policy and makes final tribal decisions. The BOT members are elected together in a single election for two-year terms. All BOT members, except the chairperson, participate in tribal commissions and committees and thereby oversee tribal business. Tribal headquarters are in Mission, Oregon.

The bands represented by the CTUIR were affiliated with the southern Plateau Culture Area. English, Sahaptin dialects, and the Nez Perce language are spoken by tribal citizens. Major religious affiliations include traditional Indian religions and Christian denominations.

5.5 Confederated Tribes of the Warm Springs Reservation of Oregon

In 1855, the sovereignty of the Confederated Tribes of the Warm Springs Reservation was recognized in the “Treaty with the Tribes of Middle Oregon.” Today’s reservation, in central Oregon, consists of 640,000 acres, 480,196 acres of which is tribal-owned.

The tribes adopted the Indian Reorganization act in 1935 and adopted a constitution and by-laws in 1938. The tribes have an elected Tribal Council and various tribal committees and boards. The tribes are self-governing. Tribal headquarters are in Warm Springs, Oregon.

Peoples represented on the Reservation are of Plateau and Great Basin cultural regions and are from the Wasco Bands—Dalles, Ki-ga-twa-l-la, and Dog River; Warm Springs — Taih or Upper Deshutes, Wyam (Lower Deshutes), Tenino, Dock-Spus (John Day River); and Northern Paiutes (removed to Warm Springs Reservation in the 1880s) groups. Languages spoken by tribal members include English, Chinookan, Sahaptin, and Shoshonean (Northern Paiute). Major religious affiliations include traditional Indian religions, traditional belief systems, and Christian denominations.

5.6 Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation

In 1855, the “Yakima Treaty” established the Yakama Nation and a reservation in what is now south-central Washington. Pre-treaty lands included about a quarter of the modern State of Washington. Other binding treaty documents include the Agreement of January 13, 1885; Executive Order of November 21, 1892; and Executive Order 11670. A number of land ownership changes have resulted in the current 1.2-million-acre reservation. As a point of interest, the spelling of Yakama was changed from Yak[i]ma back to the original spelling in the Treaty of 1855 by a vote of the Tribal Council on January 24, 1994. In 1999, the tribal government has also indicated a preference to be known as the Yakama Nation.

The Tribal Council comprised of 14 members is the governing body. The General Council elects Tribal Council members in elections held every 2 years wherein half of the Tribal Council is elected to 4-year terms. The tribe’s democratic government is regulated by General Council and Tribal Council resolutions. The tribe rejected the Indian Reorganization Act in 1935. The tribe has a self-determination form of government and operates under traditional laws, ordinances, and resolutions as opposed to having a constitution. The Tribal Council oversees tribal business through eight standing committees and seven special committees. The General Council meets annually for an extended period of time to provide direction to the Tribal Council. The Tribal Headquarters are in Toppenish, Washington.

The 14 bands represented on the Reservation include the Klickitat, Klinquit, Li-ay-was, Kow-was-say-ee, Oche-chotes, Palous, Shyiks, Pisquose, Se-ap-cat, Skinpah, Wishram, Wenatshpam, Yakama, and Kah-milt-pah. These are all peoples of the southern Plateau Cultural Area.

Religious affiliations include traditional Indian religions and belief systems, and denominations of Christianity. Languages spoken on the reservation include English, numerous dialects of Sahaptin, Chinookan, and Salish.

5.7 Kalispel Indian Community of the Kalispel Reservation

This tribe's inherent sovereignty was recognized through an agreement with about half of the Kalispel Tribe in an Executive Order dated April 21, 1887. In 1904, another executive order established a reservation for the tribe. However, the U.S. Government wanted to move the Kalispel to the Flathead Reservation. In the end, a second 4,630-acre reservation was established in northeastern Washington on March 23, 1914. Today the reservation is about 4,550 acres. A Tribal Constitution and Charter was originally adopted on March 24, 1938. In addition to the constitution, tribal council resolutions create tribal law. The tribal headquarters are in Usk, Washington.

Peoples from tribes and bands of the "People of the Pend Oreille" are represented on the reservation. These peoples are of the Plateau Cultural Region. Major religious affiliations include Christian denominations, primarily Catholic. English and Interior Salish dialects are spoken.

5.8 Kootenai Tribe of Idaho

The Treaty with the Flathead, Kootenai, and Upper Pend d'Oreilles of July 16, 1855 established the tribe's sovereignty of the Kootenai Tribe of Idaho. Some Kootenai living in the vicinity of the Canadian border did not move to the Flathead Reservation in Montana when it was established. A group of Kootenai families living near Bonners Ferry were recognized by the U.S. Government in 1894. By 1972 a reservation existed of approximately 2,683 acres. Today's reservation is approximately 1,300 acres. The tribe adopted a constitution in 1947. A revision of the constitution has been proposed. In addition to the constitution, the tribe is regulated by a code of conduct. Tribal Headquarters is in Bonners Ferry, Idaho.

The Kootenai peoples were composed of two groups, Upper and Lower. Two of the three bands of Lower Kootenai now reside in Canada. Major religions followed by the tribe include denominations of Christianity and traditional belief systems. Languages spoken are English and Kitunahan dialects.

5.9 Nez Perce Tribe

The "Nez Perce Treaty" of June 11, 1855, and subsequent treaties, acts, agreements, and proclamations established the legal status of the Nez Perce Tribe. A reservation of 7.7 million acres was established in 1855. In 1863 the reservation was re-established with 780,000 acres. The present reservation is 750,000 acres between the Clearwater and Snake rivers in Idaho. The tribe rejected the Indian Reorganization Act in 1935 by tribal referendum. A constitution and by-laws were originally adopted in 1927. The tribe is self-governing under a constitution, which was adopted in 1958 and revised in 1961. The Nez Perce Tribe Executive Council (NPTEC) is the tribe's primary governing authority and it meets formally twice a month. The tribe's governing body (composed of tribal membership) is the general council and it meets twice a year. The general council elects three of the nine NPTEC members every year in September. There is no

provision under the Nez Perce Council to hold special General Council meetings. Tribal headquarters are in Lapwai, Idaho.

People represented by the tribal government are of the tribe and bands of the Nez Perce People (Nee-Mee-Poo) and are associated with the southern Plateau Culture Area. Major religious affiliations include Christian denominations and traditional Indian religions and belief systems. English and Sahaptin Nez Perce language dialects are spoken. There is a Nez Perce newspaper published by the tribe.

5.10 Northwestern Band of the Shoshoni Nation

Legal status of the Northwestern Band of the Shoshone Nation is based on the “Treaty of Box Elder” of June 30, 1863, and subsequent Acts and Agreements. By 1900 many of the Northwestern Band resided on the Fort Hall Reservation. Others now reside in Utah and Idaho communities. In 1989 the tribe acquired 187 acres of land that constitutes the present reservation in north-central Utah. Other, nearby land parcels are held in trust by the BIA. A constitution was approved on August 24, 1987. The tribe did not accept the Indian Reorganization Act of 1935. The tribe is self-governing with a General Council of all adult enrolled tribal members and an elected Tribal Council. Tribal headquarters are in Brigham, Utah.

The Northwestern Band of Shoshoni includes the Weber Utes, Northwestern Shoshoni, and other Shoshoni people from the Lemhi area of southeastern Idaho. Traditional religions and denominations of Christianity are the major religious affiliations. Shoshone and English are spoken.

5.11 Shoshone-Bannock Tribes of the Fort Hall Reservation

The Treaty with the Eastern Shoshoni Tribe of 1863 and subsequent treaties, acts, and agreements form the basis for the sovereignty of the Shoshone-Bannock tribes. The Treaty reservation was originally established at 1.8 million acres. The present reservation comprises 544,000 acres in southeast Idaho. The Tribal governments for the Shoshone and Bannock peoples operate under a constitution and by-laws adopted in 1977, the Land Use Ordinance, the Big Game Code, the Law and Order Code, inherent sovereignty, customs, and traditions. The legislative body is the elected Fort Hall Business Council.

The Shoshone-Bannock Tribes compose one Federally recognized tribe that includes two distinct groups: the Northern or Snake River Shoshone, and the Bannocks. The four Northern Shoshone Band divisions include the Western Shoshone (Warraekas), including the Boise and Bruneas; the Mountain Lemhi Shoshone, including the Tukuerukas (Sheepeaters) and the Agaidikas (Salmon Eaters); the Northwestern Shoshone, including the Bear Lakes, Cache Valley, Bannock Creek, and Weber Ute; and the Pohogue (Fort Hall) Shoshone. Major religious affiliations include Christian denominations, the Native American Church, and traditional beliefs. Languages spoken include English, Shoshone, Bannock, and other dialects.

5.12 Shoshone-Paiute Tribes of Duck Valley Reservation

The Executive Order of April 16, 1877, set aside the Duck Valley Reservation for several Western Shoshoni bands that traditionally lived along the Owyhee River of southeastern Oregon, southwestern Idaho, and the Humbolt River of northeastern Nevada. Later, Paiute from the lower Weiser country of Idaho and other Northern Paiute families joined the Shoshoni on the

reservation. The reservation was expanded in 1886 to a half million acres to include a Northern Paiute group (Paddy Cap's Band), who arrived in 1884 following their release from the Yakama Reservation. The current reservation is of 294,242 acres. The entire reservation is owned by the tribe, forming a contiguous block of property located partially in southwestern Idaho and partially in northern Nevada.

The tribe adopted a constitution in 1936 in conformance with the Howard-Wheeler Act of 1934. The tribe is one of the original 17 tribes that achieved a self-governing status, having shed BIA's supervision. The tribe has General Council meetings of adult tribal members and a six-member elected Tribal Council. Tribal headquarters are in Owyhee, Nevada. Western Shoshone and Northern Paiute peoples are represented on the reservation. Traditional religious beliefs and Christian denominations form the tribe's primary religious affiliations.

5.13 The Spokane Tribe of the Spokane Reservation

The Executive Order of January 18, 1881, and subsequent agreements and acts form the basis for the Spokane tribe's sovereignty. The first reservation was established in 1881 in northeast Washington. Today the reservation comprises 137,002 acres of fee, allotted, and trust lands. The tribe approved a constitution in May 1951, establishing a Business Council. Today a general election chooses a five-member General Council, which then elects members to the Business Council. At least once a year adult tribal members meet to advise the General Council. The tribe is self-governing. Tribal headquarters are in Wellpinit, Washington.

Peoples represented by the tribe are of the Northern Plateau and represent Upper Spokane (Snxwemi'ne: people of the steelhead trout place); Middle Spokane (Sqasi'lni: fishers, after a village name); Lower Spokane (Sineka'lt: rapids, after a village name); and Chewelah groups. Major religious affiliations are Christian denominations, primarily Catholic. English and Interior Salish are spoken by the tribe.

5.14 Wanapum Band

The Wanapum Band today is a traditional Indian community that lives along the middle Columbia River within their native homeland. The community is comprised of a longhouse and families that follow traditional social, subsistence, and religious customs while having adapted to modern societal and economic demands. The Wanapum people believe that their Creator gave them the land as a sacred trust and would not take it away from them. The families who live at Priest Rapids maintain the responsibility to address concerns on their ancestral homeland. The Wanapum have never left their homeland because of the sacred trust, and their responsibilities as handed down to them by their elders.

6. Regional Coordination

6.1 Forum Process

The Lower Snake River Feasibility Study has participated in many of the ongoing regional processes, coordinating with other Federal agencies, tribes, and interested regional parties in matters related to the salmon issues. The Corps has also coordinated with other affected tribes, bands, and other interested parties on a host of other concerns and issues that relate to proposed alternative pathways addressed in the Feasibility Study. This is an ongoing effort that will continue throughout the planning and implementation stages of the Feasibility Study and EIS. See Appendix O, Public Outreach Program, for further information on this subject.

The following are examples of these regional organizations and not intended to be an inclusive listing.

6.2 Regional Forum

The Regional Forum was created by the National Marine Fisheries Service (NMFS) in 1996 to coordinate the implementation of programs (primarily the 1995 Biological Opinion [NMFS, 1995]) for at-risk Snake River salmon stocks with other programs for fish and wildlife, primarily the Northwest Power Planning Council, throughout the Columbia Basin. The tribes participated in this forum along with other interested parties. However, the tribes subsequently withdrew from active participation and threw their support to the Framework process, now known as the Columbia Basin Forum.

The Regional Forum is one of many regional activities within which the Corps has coordinated the Feasibility Study. Its basic structure is shown below:

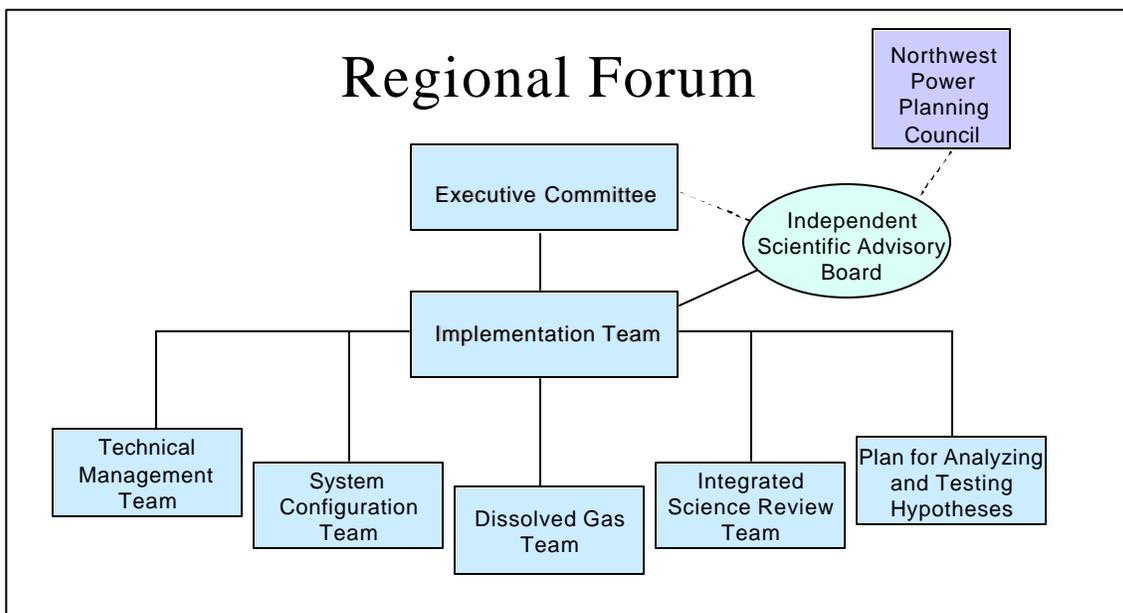


Figure 6-1. Regional Forum

6.3 Columbia Basin Forum

The Columbia Basin Forum is made up of representatives from the four Northwest states, the 14 Columbia Basin Tribes, and the Federal agencies involved in the Columbia River. Its purpose is to provide a high-level policy forum to coordinate the use of its members' respective authorities in addressing fish and wildlife management and related habitat issues in the Columbia Basin. This forum provides a place for governments and interested parties in the region to discuss alternative management approaches to the basin and test regional agreement on the various alternatives.

6.4 The Multi-Species Framework

The Northwest region's governments and stakeholders are working to develop and analyze alternative management plans for the Columbia River Basin. This regional effort is being coordinated through the Multi-Species Framework project and the Columbia Basin Forum. Participants include state governments, tribal governments and Federal agencies, with a management committee representing all three entities. The Framework aims to develop a science-based vision for Columbia Basin fish and wildlife management that recognizes the interrelated parts of the basin's ecosystem. The state governments, tribal governments, and Federal agencies expect the Framework to guide the development of the Federal Columbia River Power System (FCRPS) alternatives, including the lower Snake River, by providing information on the likely biological, social, and economic outcomes of those alternatives.

6.5 Federal Caucus

Nine Federal agencies are involved in various aspects of management of the Columbia River. Several of these Federal agencies will be involved in the Endangered Species Act (ESA) consultations on operation and configuration of the FCRPS. These Federal agencies have a specific statutory responsibility under the ESA, including the preparation of a Biological Assessment and a Biological Opinion for listed species. To ensure coordination and effective representation in the Framework and Forum, and to prepare for this ESA consultation, the Federal agencies formed a Federal Caucus.

6.6 Tribal Caucus

The 14 Indian tribes in the Columbia Basin represent sovereign entities with management authorities for fish, water, and wildlife resources within their reservations, as well as various legal rights that extend off-reservation as expressed in treaties and executive orders.

To ensure coordination and effective representation in the Framework and Forum, the tribes have formed a Tribal Caucus. The Tribal Caucus serves to identify consensus between participating tribes where it exists. The Federal and Tribal caucuses will provide key mechanisms for communications between the Federal agencies and the tribes.

6.7 Columbia River Inter-Tribal Fish Commission

The United States entered into several treaties with Columbia River tribes (see Annex A). A key provision in these treaties was the exclusive right of Indians to take fish at usual and accustomed places, in common with citizens of the United States, from streams running through and bordering on reservation land. These treaty fishing rights were supported and clarified in several court decisions, including *Sohappy v. Smith* (1969), the *United States v. Oregon* (1969) and *United States v. Washington* (1974). The *United States v. Washington* decision found that Indian treaty fishermen are entitled to take up to one-half of harvestable salmon and steelhead that return to usual and accustomed places. A 5-year management and allocation agreement for upper Columbia River fish runs was approved in 1977, and parties to *United States v. Oregon* agreed to cooperatively pursue and promote fish habitat and hatchery rearing programs in the upper Columbia Basin. In August 1977, four tribes that were parties to *United States v. Oregon* established the Columbia River Inter-Tribal Fish Commission. The Commission presents a strong, unified tribal voice as a technical advocacy group and provides a venue where tribes and Federal agencies can communicate regarding issues and alternatives associated with fisheries habitat management and the natural environment.

7. Feasibility Study Consultation and Coordination with Affected Tribes and Bands

Tribal consultation on the Lower Snake River Juvenile Salmon Migration Feasibility Study (Feasibility Study) was initiated in July 1997, when the Walla Walla District hosted a meeting with the region's tribes to discuss tribal coordination and formal consultation for the Feasibility Study process. At the July meeting, the participants agreed to a consultation process that included periodic status letters from the Corps and also provided the tribes the opportunity to review and comment on the various components of the study. Those agreements and the proposed consultation milestones throughout the remainder of the study were identified in a letter to the tribes dated April 7, 1998. The Corps also agreed to followup meetings as a part of the continuing consultation process.

A second tribal consultation meeting was hosted by the Corps of Engineers in Walla Walla on August 19, 1998. Information concerning the nature of the Feasibility Study and the status of its Draft Environmental Impact Statement (DEIS) appendices/reports was shared with tribal representatives from the affected tribes of the Colville, Shoshone-Paiute, and Umatilla Indian reservations. The Corps clarified that the meeting was intended as an opportunity to consult with some affected tribes and that formal consultation would occur prior to the release of the DEIS. The issues raised at the meeting included the following: a) how and at what cost might existing hydropower facility equipment be removed/salvaged; b) obligations concerning property rights for livestock-watering corridors; c) the need to consider EIS effects on Palouse band's interests; d) dam-breaching effects on river sediment levels and remedies; and e) the findings of how effective facility surface bypass equipment would be to divert fish away from dam turbines at Lower Granite Dam.

The Corps of Engineers hosted a third tribal consultation meeting in Richland, Washington, on February 22, 1999. The meeting was arranged to share technical information and discuss policy issues related to the Feasibility Study. Representatives from the Umatilla and Nez Perce reservations and the Wanapum community attended the meeting. These representatives advised the Corps to consult in the future with affected tribes on an individual basis concerning the Feasibility Study. Tribal concerns discussed at the meeting included the following: a) political influences on the decision-making process; b) limited value of the analysis concerning transporting anadromous fish in barges past dam facilities; c) need for implications of treaty rights to be fully examined in the DEIS; d) concern for adult fish passage problems through bypass features at dams; e) how tribes will be permitted opportunities to review DEIS appendices; and f) drawdown alternative costs to modify Potlatch facility in Idaho in case compliance with water quality standards is necessary for the lower Snake River. The tribe also requested that the Feasibility Study examine Executive orders 13007 (Sacred Sites) and 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations).

The CTUIR requested a formal consultation meeting with the Corps in a letter dated February 22, 1999, to Col. Eric Mogren. In response, a meeting took place in Mission, Oregon, on May 12, 1999. The tribe presented seven points it expects the Corps to deal with in consultation with the

CTUIR, including the protection of treaty rights, trust resources, and natural/cultural resources, and preventing the extinction of salmonids and Pacific lamprey. The tribe's general council chairman stressed the importance of the tribe's treaty rights; the agency-tribe consultation process; the cultural significance of fish species and their importance in contributing to the tribe's quality of life; and the Corps' trust responsibilities toward the tribe. A copy of the tribe's consultation process and protocols was given to the Corps.

Tribal concerns expressed at the May 12 meeting include the following: a) effects on tribal treaty rights from agency decision-making and need for collaborative management to recover anadromous fish species; b) lack of agency-tribe consultation in past for several salmonid-recovery planning efforts to restore aquatic habitats; c) cost of breaching lower Snake River dams; d) need for long-term management planning for cultural resources, and environmental rehabilitation plan for a drawdown alternative; e) lessons learned from other dam-removal cases; f) how effects on Pacific lamprey are being addressed; and g) need to address the carrying capacity of the Snake River System and human uses. The Corps presented information concerning the Feasibility Study, economic reports, and the John Day Dam drawdown study. A copy of the Northwestern Division Native American Policy was given to the tribe.

On July 16, 1998, representatives from the Walla Walla District of the Corps presented information on the nature and status of the Feasibility Study to the Shoshone-Bannock Tribal Council on the Fort Hall Reservation. Both the economic and tribal circumstances report updates were provided. Tribal representatives expressed the point that the Federal understanding of cultural resources did not include both natural and cultural resources, which the tribe wanted to be viewed together in light of its interests and rights. Other topics discussed included the upper Snake River flow augmentation and its possible effects on the lower Snake River, and concerns for anadromous fish populations.

Shoshone-Bannock Council members and representatives from the Walla Walla District of the Corps met at the Fort Hall Business Council Center in Fort Hall, Idaho, on April 13, 2000, to discuss the Feasibility Study. Council members strongly urged breaching of the dams and trucking fish instead of barging them. They also raised concerns about preservation of treaty rights and their way of life, both of which they considered to be jeopardized by the length of time being used to complete the Study. Other topics discussed included cost displays (there being no way to place a price tag on life), failure of the Study to address true tribal impacts and costs associated with the lack of access to fish and their way of life, and the large investments in fish passage system improvements since the latter could cloud a decision to breach the dams.

Information sharing and coordination efforts with affected tribes also include the following:

- Tribal Reviews of DEIS Appendices—In May 1999, copies of the outline for the Cultural Resources Appendix were distributed to the five participating tribes and one band of the Walla Walla District's Payos Kuus Ts'uukwe tribal cooperating group for review.
- The Tribal Circumstances and Impacts of the Lower Snake River Project on the Nez Perce, Yakama, Umatilla, Warm Springs and Shoshone Bannock Tribes (Meyer Resources, 1999) has been reviewed by the Columbia River Inter-Tribal Fish Commission and the five study tribes discussed in the report. In addition, copies of the report were distributed in mid-September 1999 to the full 14 tribes that may be affected by decisions in the FR/EIS.

- Future Consultation—The Corps is seeking input from tribes on how they want the Corps to fulfill government-to-government consultation for the Feasibility Study. The Corps plans on either additional consultation meetings with affected tribes or consultation meetings with individual tribes.
- The issues addressed in the Feasibility Study have also been discussed in other venues and forums. Representatives of eight Federal agencies and Northwest Indian tribes have shared opinions about many important issues including sovereignty, treaty rights, salmon preservation and recovery, hatcheries, access to fishing locations, harvest decisions, habitat management, hydroelectric operations, fish and wildlife mitigation in the Columbia River Basin, and cultural resources.

8. Literature Cited

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9. Glossary

Ceded lands: Land formally granted, as through a treaty agreement, from one government (an American Indian tribe) to another government (the United States Government). In the case of ceded lands within the lower Snake River basin, responsible tribes transferred all right and title in lands held by their peoples to the United States through treaties.

Culture Area: A term in anthropology used to identify a group of distinct cultures that share common cultural traits. Usually such cultures share a geographical region defined by the extent of their territories.

Executive Order: The term refers to orders of the Chief Executive (the President of the United States). Executive orders have historically included the setting aside of land within the boundaries of the United States from general settlement, or the establishment of a particular land use through public laws. For example, the Confederated Tribes of the Colville Reservation were Federally recognized and their reservation established through executive orders.

Treaty: An agreement or contract between two or more nations or sovereigns, formally signed by commissioners properly authorized, and solemnly ratified by the participating sovereigns or the supreme power of each state. A treaty is not only a law, but a contract between two nations and must, if possible, have all its parts given full force and effect (Black's Law Dictionary, 1968).

Tribe: An American Indian tribe, band, nation, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a.

ANNEX A

Treaties

- 1855—June 9 Treaty with the Yakima (12 Stat. 951 et seq)
- 1855—June 9 Treaty with the Walla Walla, Cayuse, and Umatilla (12 Stat. 945 et seq)
- 1855—June 11 Treaty with the Nez Perces (12 Stat. 957)
- 1855—July 16 Treaty with Flathead, Kootenai, and Upper Pend d'Oreilles (12 Stat. 975)
- 1855—July 25 Treaty with Tribes of Middle Oregon (12 Stat. 963)
- 1863—June 9 Treaty with the Nez Perces (14 Stat. 647)
- 1863—July 2 Treaty with the Eastern Shoshoni Tribe (18 Stat. 685)
- 1865—August 12 Treaty with the Snake (14 Stat. 683)
- 1868—August 13 Treaty with the Nez Perces (15 Stat. 693)
- 1868—July 3 Treaty with the Eastern Band Shoshoni and Bannock (15 Stat. 673)

Note: The above treaties were appended from Kappler (1973).

TREATY WITH THE YAKIMA, 1855.

June 9, 1855.

12 Stat., 951.
Ratified Mar. 8, 1859.
Proclaimed Apr. 18,
1859.

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, Pisuouse, Wenatshapam, Klikatat, Klinguit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-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-ne-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

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.

Payments by the United States.	<p>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.</p>
How to be applied.	<p>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.</p>
United States to establish schools.	<p>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.</p>
Mechanics' shops.	
Sawmill and flouring mill. Hospital.	
Salary to head chief; house, etc.	<p>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.</p>
Kamaiakun is the head chief.	<p>And it is distinctly understood and agreed that at the time of the conclusion of this treaty Kamaiakun is the duly elected and authorized</p>

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.

Tribes 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-defense.

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 Wenatshapam River, and known as the "Wenatshapam 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.

Wenatshapam 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.]

Kamaiakun, 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.]
Owhi, his x mark.	[L. s.]	Shee-ah-cotte, his x mark.	[L. s.]
Te-cole-kun, his x mark.	[L. s.]	Tuck-quille, his x mark.	[L. s.]
La-hoom, 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.]	Sla-kish, his x mark.	[L. s.]

Signed and sealed in the presence of—

James Doty, secretary of treaties,
Mie. les. Pandosy, 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, 1859.
 Proclaimed Apr. 11,
 1859.

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-Wallas, 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 privi-
 leges 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-luke, 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 bands 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

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 hereunto 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.

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, 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.

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 sawmills, 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.

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.

\$10,000 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,* 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

Patents may issue therefor. Conditions.

Restrictions not to be removed, unless, etc.

Assignments of patents may be canceled.

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, Weyatenatemany, 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. I. 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.

Isaac 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 chief of Walla-Wallas.	[L. s.]	U-wait-quaick, his x mark.	[L. s.]
Meani-teat or Pierre, his x mark.	[L. s.]	Tilch-a-waix, his x mark.	[L. s.]
Weyatenatemany, his x mark, head chief of Cayuses.	[L. s.]	La-ta-chin, his x mark.	[L. s.]
Wenap-snoot, his x mark, head chief of Umatilla.	[L. s.]	Kacho-rollich, his x mark.	[L. s.]
Kamaspello, his x mark.	[L. s.]	Kanocey, his x mark.	[L. s.]
Steachus, his x mark.	[L. s.]	Som-na-howlish, his x mark.	[L. s.]
Howlish-wampo, his x mark.	[L. s.]	Ta-we-way, his x mark.	[L. s.]
Five Crows, his x mark.	[L. s.]	Ha-hats-me-cheat-pus, his x mark.	[L. s.]
Stocheania, his x mark.	[L. s.]	Pe-na-cheanit, his x mark.	[L. s.]
Mu-howlish, his x mark.	[L. s.]	Ha-yo-ma-kin, his x mark.	[L. s.]
Lin-tin-met-cheania, his x mark.	[L. s.]	Ya-ca-lox, his x mark.	[L. s.]
Petamyo-mox-mox, his x mark.	[L. s.]	Na-kas, his x mark.	[L. s.]
Watash-te-waty, his x mark.	[L. s.]	Stop-cha-yeou, his x mark.	[L. s.]
She-yam-na-kon, his x mark.	[L. s.]	He-yeau-she-keaut, his x mark.	[L. s.]
Qua-chim, his x mark.	[L. s.]	Sha-wa-way, his x mark.	[L. s.]
Te-walca-temany, his x mark.	[L. s.]	Tam-cha-key, his x mark.	[L. s.]
Keantoan, his x mark.	[L. s.]	Te-na-we-na-cha, his x mark.	[L. s.]
		Johnson, his x mark.	[L. s.]
		Whe-la-chey, his x mark.	[L. s.]

Signed in the presence of—

James Doty, secretary treaties.
Wm. C. McKay, secretary treaties.
C. Chirouse, O. M. I.
A. D. Pamburn, interpreter.
John Whitford, his x mark, interpreter.
Mathew Dofa, his x mark, interpreter.
William Craig, interpreter.
James Coxey, his x mark, interpreter.
Patrick McKenzie, interpreter.
Arch. Gracie, jr., brevet second lieutenant, Fourth Infantry.
R. R. Thompson, Indian agent.
R. B. Metcalfe, Indian sub-agent.

TREATY WITH THE NEZ PERCÉS, 1855.

June 11, 1855.
 12 Stats., 967.
 Ratified Mar. 8, 1859.
 Proclaimed Apr. 29,
 1859.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, this eleventh 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.

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-na-ne-shè 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.

Boundaries.

Reservation.

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-

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 Umatilla 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-pan-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 fencing 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. 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.

Sawmill. 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.

Hospital. 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

Salary to head chief; house, etc.

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

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.]	Tippelanecbupooh, 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-cun, his x mark. [L. s.]	Te-hole-hole-soot, his x mark. [L. s.]
Spotted Eage, 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-cus, 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-pooh, his x mark. [L. s.]
	Tow-wish-au-il-pilp, his x mark. [L. s.]
	Kay-kay-mass, his x mark. [L. s.]

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Speaking 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-mat-tute-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.]
Wahpt-tah-shooshe, his x mark.	[L. s.]	Nicke-el-it-may-ho, his x mark.	[L. s.]
Bead Necklace, his x mark.	[L. s.]	Say-i-ee-ouse, his x mark.	[L. s.]
Koos-koos-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-lecteim, his x mark.	[L. s.]	Kwin-to-kow, his x mark.	[L. s.]
Pee-poome-kah, his x mark.	[L. s.]	Pee-wee-au-ap-tah, his x mark.	[L. s.]
Hah-hah-stlil-at-me, his x mark.	[L. s.]	Wee-at-tenat-il-pilp, his x mark.	[L. s.]
Wee-yoke-sin-ate, his x mark.	[L. s.]	Pee-oo-pee-u-il-pilp, his x mark.	[L. s.]
Wee-ah-ki, his x mark.	[L. s.]	Wah-tass-tum-mannee, his x mark.	[L. s.]
Necalahsin, 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-tam-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. Chirouse, O. M. T.
Mie. Cles. Pandosy,
Lawrence Kip,
W. H. Pearson.

TREATY WITH THE FLATHEADS, ETC., 1855.

July 16, 1855.

12 Stats., 975.
Ratified Mar. 8, 1859.
Proclaimed Apr. 18,
1859.

Articles of agreement and convention made and concluded at the treaty-ground at Hell Gate, in the Bitter Root Valley, this sixteenth day of July, 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 chiefs, head-men, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them. It being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead Nation, with Victor, the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, head-men, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognise Victor as said head chief.

Cession of lands to
the United States.

ARTICLE 1. The said confederated 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:

Boundaries.

Commencing on the main ridge of the Rocky Mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay River and Clarke's Fork, thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115°,) thence in a southwesterly direction to the divide between the sources of the St. Regis Borgia and the Cœur d'Alene Rivers, thence southeasterly and southerly along the main ridge of the Bitter Root Mountains to the divide between the head-waters of the Koos-koos-kee River and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into the Salmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said main ridge to the place of beginning.

Reservation.

ARTICLE 2. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation, upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington who may agree to be consolidated with the tribes parties to this treaty, under the common designation of the Flathead Nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

Boundaries.

Commencing at the source of the main branch of the Jocko River; thence along the divide separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork between the Camash and Horse Prairies; thence northerly to, and along the divide bounding on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning.

Whites not to reside
thereon unless, etc.

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 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 confederated

tribes, and the superintendent and agent. And the said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime 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 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 an equal value shall be furnished him as aforesaid.

Indians to be allowed for improvements on land ceded.

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.

Roads may be made through reservation.

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

Rights and privileges of Indians.

ARTICLE 4. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty the sum of one hundred and twenty thousand dollars, in the following manner—that is to say: For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

Payments by the United States.

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.

How to be applied.

ARTICLE 5. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books, and stationery, to be located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors. To furnish one blacksmith shop, to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and plough-maker's shop; and to keep the same in repair, and furnished with the

United States to establish schools.

Mechanics' shop.

necessary tools. To employ two farmers, one blacksmith, 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 the necessary furniture the buildings required for the accommodation of 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.

Hospital. And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

To pay salary to head chiefs. 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 tribes. 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.

Certain expenses to be borne by the United States and not charged on annuities. **ARTICLE 6.** The President may from time to time, at his discretion, cause the whole, or such portion 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 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.

Lots may be assigned to individuals. **ARTICLE 7.** The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

Ante, p. 612. **ARTICLE 8.** The aforesaid confederated tribes 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. 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 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 jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

Annunities not to pay individuals' debts. **ARTICLE 9.** The said confederated tribes 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 of Indians who is guilty of bringing

Indians to preserve friendly relations.

Indians to pay for depredations, not to make war except, etc.

To surrender offenders.

Annunities to be reserved from those who drink, etc., ardent spirits.

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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.

ARTICLE 10. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain of the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading-post on the Pru-in River by the servants of that company.

Guaranty of reservation against certain claims of Hudson Bay Company.

ARTICLE 11. It is, moreover, provided that the Bitter Root Valley, above the Loo-lo Fork, shall be carefully surveyed and examined, and if it shall prove, in the judgment of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo Fork, shall be opened to settlement until such examination is had and the decision of the President made known.

Bitter Root Valley to be surveyed, and portions may be set apart for reservation.

Meanwhile not to be opened for settlement.

ARTICLE 12. 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 chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes 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 Indian Affairs W. T.

Victor, head chief of the Flathead Nation, his x mark. [L. s.]	Big Canoe, his x mark. [L. s.]
Alexander, chief of the Upper Pend d'Oreilles, his x mark. [L. s.]	Kootel Chah, his x mark. [L. s.]
Michelle, chief of the Kootenays, his x mark. [L. s.]	Paul, his x mark. [L. s.]
Ambrose, his x mark. [L. s.]	Andrew, his x mark. [L. s.]
Pah-soh, his x mark. [L. s.]	Michelle, his x mark. [L. s.]
Bear Track, his x mark. [L. s.]	Battiste, his x mark. [L. s.]
Adolphe, his x mark. [L. s.]	<i>Kootenays.</i>
Thunder, his x mark. [L. s.]	Gun Flint, his x mark. [L. s.]
	Little Michelle, his x mark. [L. s.]
	Paul See, his x mark. [L. s.]
	Moses, his x mark. [L. s.]

James Doty, secretary.
R. H. Lansdale, Indian Agent.
W. H. Tappan, sub Indian Agent.

Henry R. Crosire,
Gustavus Sohon, Flathead Interpreter.
A. J. Hoecken, sp. mis.
William Craig.

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: Sym-tustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Taih or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talkish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-Spus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of Wascoes; and Wal-la-chin, chief of the Dog River band of Wascoes.

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;

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thence to the summit of said mountains; thence southerly to Mount Jefferson; thence down the main branch of De Chutes River; heading in this peak, to its junction with De Chutes 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 bands 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 Wascopum, Tiah, or Upper De Chutes, and the Lower De Chutes bands of Walla-Wallas 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, 1865.

Proviso in case any band 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, the several sums of money following, to wit:

Payments by the United States.

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.

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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 sawmill 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, mechanics, 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 Chutes bands of Walla-Wallas, and for the Wasco 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

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 whensoever, 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.

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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 hereunto 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.]

Wasco:		Pouh-que, his x mark.	[L. s.]
Mark, his x mark.	[L. s.]	Eye-eya, his x mark.	[L. s.]
William Chenook, his x mark.	[L. s.]	Kam-kus, his x mark.	[L. s.]
Cush Kella, his x mark.	[L. s.]	Sim-yo, his x mark.	[L. s.]
Lower De Chutes:		Kas-la-chin, his x mark.	[L. s.]
Stock-etley, his x mark.	[L. s.]	Pio-sho-she, his x mark.	[L. s.]
Iso, his x mark.	[L. s.]	Mop-pa-man, his x mark.	[L. s.]
Upper De Chutes:		Sho-es, his x mark.	[L. s.]
Simtustus, his x mark.	[L. s.]	Ta-mo-lits, his x mark.	[L. s.]
Locksquissa, his x mark.	[L. s.]	Ka-lin, his x mark.	[L. s.]
Shick-ame, his x mark.	[L. s.]	Ta-yes, his x mark.	[L. s.]
Kuck-up, his x mark.	[L. s.]	Was-en-was, his x mark.	[L. s.]
Tenino:		E-yath Kloppy, his x mark.	[L. s.]
Alexsee, his x mark.	[L. s.]	Paddy, his x mark.	[L. s.]
Talekish, his x mark.	[L. s.]	Sto-quin, his x mark.	[L. s.]
Dog River Wasco:		Charley-man, his x mark.	[L. s.]
Walachin, his x mark.	[L. s.]	Ile-cho, his x mark.	[L. s.]
Tah Symph, his x mark.	[L. s.]	Pate-cham, his x mark.	[L. s.]
Ash-na-chat, his x mark.	[L. s.]	Yan-che-woc, his x mark.	[L. s.]
Che-wot-nleth, 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.]	Pich, 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.]	Ischa Ya, his x mark.	[L. s.]
Ta-cho, his x mark.	[L. s.]	George, his x mark.	[L. s.]
Penop-teyot, his x mark.	[L. s.]	Jim, his x mark.	[L. s.]
Elosh-kish-kie, his x mark.	[L. s.]	Se-ya-las-ka, his x mark.	[L. s.]
Am. Zelic, his x mark.	[L. s.]	Ha-lai-kola, his x mark.	[L. s.]
Ke-chac, his x mark.	[L. s.]	Pierro, his x mark.	[L. s.]
Tanes Salmon, his x mark.	[L. s.]	Ash-lo-wash, his x mark.	[L. s.]
Ta-kos, his x mark.	[L. s.]	Paya-tilch, his x mark.	[L. s.]
David, his x mark.	[L. s.]	Sae-pa-waltcha, his x mark.	[L. s.]
Sowal-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.]
Own-ape, his x mark.	[L. s.]	Wacha-chiley, his x mark.	[L. s.]
Kossa, his x mark.	[L. s.]	Chi-kal-kin, his x mark.	[L. s.]
Pa-wash-ti-mane, 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.]
Tipso, his x mark.	[L. s.]	Keau-i-sene, his x mark.	[L. s.]
Jim, his x mark.	[L. s.]	Che-chis, his x mark.	[L. s.]
Peter, his x mark.	[L. s.]	Sche-noway, his x mark.	[L. s.]
Na-yoct, his x mark.	[L. s.]	Scho-ley, his x mark.	[L. s.]
Wal-tacom, 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-sta, 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. Kolps, his x mark.	[L. s.]
La-wit-chin, his x mark.	[L. s.]	Walimtalín, 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-can, his x mark.	[L. s.]
Charley, his x mark.	[L. s.]	Ta-wait-ela, his x mark.	[L. s.]
Copefornia, his x mark.	[L. s.]	Patoch Snort, his x mark.	[L. s.]
Wa-toi-mettla, 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.]	Passayei, 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.]	Ta-wash, his x mark.	[L. s.]
Ya-wa-clax, his x mark.	[L. s.]	A-nouth-shot, his x mark.	[L. s.]
Tam-cha-wit, his x mark.	[L. s.]	Hanwake, his x mark.	[L. s.]
Tam-mo-yo-cam, his x mark.	[L. s.]	Pata-la-set, his x mark.	[L. s.]
Was-ca-can, his x mark.	[L. s.]	Tash-weict, his x mark.	[L. s.]
Talle Kish, his x mark.	[L. s.]	Wescha-matolla, his x mark.	[L. s.]
Waleme Toach, his x mark.	[L. s.]	Chle-mochle-mo, his x mark.	[L. s.]
Site-we-loch, his x mark.	[L. s.]	Quae-tus, his x mark.	[L. s.]
Ma-ni-nect, his x mark.	[L. s.]	Skuilt, his x mark.	[L. s.]
Pich-kan, his x mark.	[L. s.]	Panospam, his x mark.	[L. s.]

Stolameta, his x mark.	[L. s.]	Ash-ka-wish, his x mark.	[L. s.]
Tamayechotote, his x mark.	[L. s.]	Pasquai, his x mark.	[L. s.]
Qua-losh-kin, his x mark.	[L. s.]	Wasso-kui, his x mark.	[L. s.]
Wiska Ka, his x mark.	[L. s.]	Quaino-sath, his x mark.	[L. s.]
Che-lo-tha, his x mark.	[L. s.]	Cha-ya-tema, his x mark.	[L. s.]
Wetone-yath, his x mark.	[L. s.]	Wa-ya-lo-chol-wit, his x mark.	[L. s.]
We-ya-lo-cho-wit, his x mark.	[L. s.]	Flitch Kui Kui, his x mark.	[L. s.]
Yoka-nolth, his x mark.	[L. s.]	Walcha Kas, his x mark.	[L. s.]
Wacha-ka-polle, his x mark.	[L. s.]	Watch-tla, his x mark.	[L. s.]
Kon-ne, his x mark.	[L. s.]	Enias, his x mark.	[L. s.]

Signed in presence of—

Wm. C. McKay, secretary of treaty, O. T.
 R. R. Thompson, Indian agent.
 R. B. Metcalfe, Indian sub-agent.
 C. Mespotie.
 John Flett, interpreter.
 Dominick Jondron, his x mark, interpreter.
 Mathew Dofa, his x mark, interpreter.

TREATY WITH THE NEZ PERCÉS, 1863.

Articles of agreement made and concluded at the council-ground, in the valley of the Lapwai, W. T., on the ninth day of June, one thousand eight hundred and sixty-three, between the United States of America, by C. H. Hale, superintendent of Indian affairs, and Charles Hutchins and S. D. Howe, U. S. Indian agents for the Territory of Washington, acting on the part and in behalf of the United States, and the Nez Percé Indians, by the chiefs, head-men, and delegates of said tribe, such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the 11th day of June, 1855.

June 9, 1863.
14 Stats., 647.
Ratified Apr. 17, 1867.
Proclaimed Apr. 20, 1867.

ARTICLE 1. The said Nez Percé tribe agree to relinquish, and do hereby relinquish, to the United States the lands heretofore reserved for the use and occupation of the said tribe, saving and excepting so much thereof as is described in Article II for a new reservation.

Cession of lands to the United States.

ARTICLE 2. The United States agree to reserve for a home, and for the sole use and occupation of said tribe, the tract of land included within the following boundaries, to wit: Commencing at the northeast corner of Lake Wa-ha, and running thence, northerly, to a point on the north bank of the Clearwater River, three miles below the mouth of the Lapwai, thence down the north bank of the Clearwater to the mouth of the Hatwai Creek; thence, due north, to a point seven miles distant; thence, eastwardly, to a point on the north fork of the Clearwater, seven miles distant from its mouth; thence to a point on Oro Fino Creek, five miles above its mouth; thence to a point on the north fork of the south fork of the Clearwater, five miles above its mouth; thence to a point on the south fork of the Clearwater, one mile above the bridge, on the road leading to Elk City, (so as to include all the Indian farms now within the forks;) thence in a straight line, westwardly, to the place of beginning.

Reservation.

Boundaries.

All of which tract shall be set apart, and the above-described boundaries shall be 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 that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the country hereby relinquished, and remove to and settle upon the lands herein reserved for them, (except as may be hereinafter provided.) In the meantime it shall be lawful for them to reside upon any ground now occupied or under cultivation by said Indians at this time, and not included in the reservation above named.

Reservation to be for the sole use of the tribe, who shall settle thereon within a year.

And it is provided, that any substantial improvement heretofore made by any Indian, such as fields inclosed and cultivated, or houses erected upon the lands hereby relinquished, 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 therefor shall be made in stock or in improvements of an equal value for said Indian upon the lot which may be assigned to him within the bounds of the reservation, as he may choose, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until said payment or improvement shall have been made. And it is further provided, that if any Indian living on any of the land hereby relinquished should prefer to sell his improvements to any white man, being a loyal citizen of the United States, prior to the same being valued as aforesaid, he shall be allowed so to do, but the sale or transfer of said improvements shall be made in the presence of, and with the consent

Improvements on lands ceded to be paid for.

May be sold to loyal whites.

and approval of, the agent or superintendent, by whom a certificate of sale shall be issued to the party purchasing, which shall set forth the amount of the consideration in kind. Before the issue of said certificate, the agent or superintendent shall be satisfied that a valuable consideration is paid, and that the party purchasing is of undoubted loyalty to the United States Government. No settlement or claim made upon the improved lands by any Indian will be permitted, except as herein provided, prior to the time specified for their removal. Any sale or transfer thus made shall be in the stead of payment for improvements from the United States.

Certificates of sale. ARTICLES 3. The President shall, immediately after the ratification of this treaty, cause the boundary-lines to be surveyed, and properly marked and established; after which, so much of the lands hereby reserved as may be suitable for cultivation shall be surveyed into lots of twenty acres each, and every male person of the tribe who shall have attained the age of twenty-one years, or is the head of a family, shall have the privilege of locating upon one lot as a permanent home for such person, and the lands so surveyed shall be allotted under such rules and regulations as the President shall prescribe, having such reference to their settlement as may secure adjoining each other the location of the different families pertaining to each band, so far as the same may be practicable. Such rules and regulations shall be prescribed by the President, or under his direction, as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon.

Boundary lines to be marked and lands surveyed into lots. When the assignments as above shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs, or under his direction, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased, or otherwise disposed of, only to the United States, or to persons then being members of the Nez Percé tribe, and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior or the Commissioner of Indian Affairs shall prescribe; and if any such person or family shall at any time neglect or refuse to occupy and till a portion of the land so assigned, and on which they have located, or shall rove from place to place, the President may cancel the assignment, and may also withhold from such person or family their proportion of the annuities or other payments 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 such tribe. The residue of the land hereby reserved shall be held in common for pasturage for the sole use and benefit of the Indians: *Provided, however,* That from time to time, as members of the tribe may come upon the reservation, or may become of proper age, after the expiration of the time of one year after the ratification of this treaty, as aforesaid, and claim the privileges granted under this article, lots may be assigned from the lands thus held in common, wherever the same may be suitable for cultivation. No State or territorial legislature shall remove the restriction herein provided for, without the consent of Congress, and no State or territorial law to that end shall be deemed valid until the same has been specially submitted to Congress for its approval.

Hends of families may locate on lot. ARTICLES 4. In consideration of the relinquishment herein made the United States agree to pay to the said tribe, in addition to the annuities provided by the treaty of June 11, 1855, and the goods and provisions distributed to them at the time of signing this treaty, the

Certificates therefor.

These lots to be exempt from levy, taxes, etc.

Residue to be held in common.

Restriction not to be removed without the consent of Congress.

Payments to the tribe.

sum of two hundred and sixty-two thousand and five hundred dollars, in manner following, to wit:

First. One hundred and fifty thousand dollars, to enable the Indians to remove and locate upon the reservation, to be expended in the ploughing of land, and the fencing of the several lots, which may be assigned to those individual members of the tribe who will accept the same in accordance with the provisions of the preceding article, which said sum shall be divided into four annual instalments, as follows: For the first year after the ratification of this treaty, seventy thousand dollars; for the second year, forty thousand dollars; for the third year, twenty-five thousand dollars; for the fourth year, fifteen thousand dollars.

Second. Fifty thousand dollars to be paid the first year after the ratification of this treaty in agricultural implements, to include wagons or carts, harness, and cattle, sheep, or other stock, as may be deemed most beneficial by the superintendent of Indian affairs, or agent, after ascertaining the wishes of the Indians in relation thereto.

Third. Ten thousand dollars for the erection of a saw and flouring mill, to be located at Kamia, the same to be erected within one year after the ratification hereof.

Fourth. Fifty thousand dollars for the boarding and clothing of the children who shall attend the schools, in accordance with such rules or regulations as the Commissioner of Indian Affairs may prescribe, providing the schools and boarding-houses with necessary furniture, the purchase of necessary wagons, teams, agricultural implements, tools, &c., for their use, and for the fencing of such lands as may be needed for gardening and farming purposes, for the use and benefit of the schools, to be expended as follows: The first year after the ratification of this treaty, six thousand dollars; for the next fourteen years, three thousand dollars each year; and for the succeeding year, being the sixteenth and last instalment, two thousand dollars.

Fifth. A further sum of two thousand five hundred dollars shall be paid within one year after the ratification hereof, to enable the Indians to build two churches, one of which is to be located at some suitable point on the Kamia, and the other on the Lapwai.

Churches.

ARTICLE 5. The United States further agree, that in addition to a head chief the tribe shall elect two subordinate chiefs, who shall assist him in the performance of his public services, and each subordinate chief shall have the same amount of land ploughed and fenced, with comfortable house and necessary furniture, and to whom the same salary shall be paid as is already provided for the head chief in article 5 of the treaty of June 11, 1855, the salary to be paid and the houses and land to be occupied during the same period and under like restrictions as therein mentioned.

Subordinate chiefs

And for the purpose of enabling the agent to erect said buildings, and to plough and fence the land, as well as to procure the necessary furniture, and to complete and furnish the house, &c., of the head chief, as heretofore provided, there shall be appropriated, to be expended within the first year after the ratification hereof, the sum of two thousand five hundred dollars.

And inasmuch as several of the provisions of said art. 5th of the treaty of June 11, 1855, pertaining to the erection of school-houses, hospital, shops, necessary buildings for employe[e]s and for the agency, as well as providing the same with necessary furniture, tools, &c., have not yet been complied with, it is hereby stipulated that there shall be appropriated, to be expended for the purposes herein specified during the first year after the ratification hereof, the following sums, to wit:

Further appropriation.

First. Ten thousand dollars for the erection of the two schools, including boarding-houses and the necessary out-buildings; said schools to be conducted on the manual-labor system as far as practicable.

Schools.

Hospital.	Second. Twelve hundred dollars for the erection of the hospital, and providing the necessary furniture for the same.
Blacksmith's shop, tools, etc.	Third. Two thousand dollars for the erection of a blacksmith's shop, to be located at Kamia, to aid in the completion of the smith's shop at the agency, and to purchase the necessary tools, iron, steel, &c.; and to keep the same in repair and properly stocked with necessary tools and materials, there shall be appropriated thereafter, for the fifteen years next succeeding, the sum of five hundred dollars each year.
Houses, mills, etc.	Fourth. Three thousand dollars for erection of houses for employe[e]s, repairs of mills, shops, &c., and providing necessary furniture, tools, and materials. For the same purpose, and to procure from year to year the necessary articles—that is to say, saw-logs, nails, glass, hardware, &c.—there shall be appropriated thereafter, for the twelve years next succeeding, the sum of two thousand dollars each year; and for the next three years, one thousand dollars each year.
Matrons, teachers, mechanics, millers.	And it is further agreed that the United States shall employ, in addition to those already mentioned in art. 5th of the treaty of June 11, 1855, two matrons to take charge of the boarding-schools, two assistant teachers, one farmer, one carpenter, and two millers.
Payment to the chief, Timothy.	All the expenditures and expenses contemplated in this treaty, and not otherwise provided for, shall be defrayed by the United States. ARTICLE 6. In consideration of the past services and faithfulness of the Indian chief, Timothy, it is agreed that the United States shall appropriate the sum of six hundred dollars, to aid him in the erection of a house upon the lot of land which may be assigned to him, in accordance with the provisions of the third article of this treaty.
Claims for services and for horses to be paid.	ARTICLE 7. The United States further agree that the claims of certain members of the Nez Percé tribe against the Government for services rendered and for horses furnished by them to the Oregon mounted volunteers, as appears by certificate issued by W. H. Fauntleroy, A. R. Qr. M. and Com. Oregon volunteers, on the 6th of March, 1856, at Camp Cornelius, and amounting to the sum of four thousand six hundred and sixty-five dollars, shall be paid to them in full, in gold coin.
Authority, etc., of the United States acknowledged.	ARTICLE 8. It is also understood that the aforesaid tribe do hereby renew their acknowledgments of dependence upon the Government of the United States, their promises of friendship, and other pledges, as set forth in the eighth article of the treaty of June 11, 1855; and further, that all the provisions of said treaty which are not abrogated or specifically changed by any article herein contained, shall remain the same to all intents and purposes as formerly,—the same obligations resting upon the United States, the same privileges continued to the Indians outside of the reservation, and the same rights secured to citizens of the U. S. as to right of way upon the streams and over the roads which may run through said reservation, as are therein set forth.
Roads and highways.	But it is further provided, that the United States is the only competent authority to declare and establish such necessary roads and highways, and that no other right is intended to be hereby granted to citizens of the United States than the right of way upon or over such roads as may thus be legally established: <i>Provided, however,</i> That the roads now usually travelled shall, in the mean time, be taken and deemed as within the meaning of this article, until otherwise enacted by act of Congress or by the authority of the Indian Department.
Hotels and stage stands.	And the said tribe hereby consent, that upon the public roads which may run across the reservation there may be established, at such points as shall be necessary for public convenience, hotels, or stage-stands, of the number and necessity of which the agent or superintendent shall be the sole judge, who shall be competent to license the same, with the privilege of using such amount of land for pasturage and other pur-

poses connected with such establishment as the agent or superintendent shall deem necessary, it being understood that such lands for pasturage are to be enclosed, and the boundaries thereof described in the license.

And it is further understood and agreed that all ferries and bridges within the reservation shall be held and managed for the benefit of said tribe.

Ferries and bridges.

Such rules and regulations shall be made by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, as shall regulate the travel on the highways, the management of the ferries and bridges, the licensing of public houses, and the leasing of lands, as herein provided, so that the rents, profits, and issues thereof shall inure to the benefit of said tribe, and so that the persons thus licensed, or necessarily employed in any of the above relations, shall be subject to the control of the Indian Department, and to the provisions of the act of Congress "to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."

All timber within the bounds of the reservation is exclusively the property of the tribe, excepting that the U. S. Government shall be permitted to use thereof for any purpose connected with its affairs, either in carrying out any of the provisions of this treaty, or in the maintaining of its necessary forts or garrisons.

Timber.

The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians.

Springs or fountains.

ARTICLE 9. Inasmuch as the Indians in council have expressed their desire that Robert Newell should have confirmed to him a piece of land lying between Snake and Clearwater Rivers, the same having been given to him on the 9th day of June, 1861, and described in an instrument of writing bearing that date, and signed by several chiefs of the tribe, it is hereby agreed that the said Robert Newell shall receive from the United States a patent for the said tract of land.

Robert Newell to receive a patent for a tract of land.

ARTICLE 10. 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.

Treaty, when to take effect.

In testimony whereof the said C. H. Hale, superintendent of Indian affairs, and Charles Hutchins and S. D. Howe, United States Indian agents in the Territory of Washington, and the chiefs, headmen, and delegates of the aforesaid Nez Perce tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Calvin H. Hale,
 Superintendent Indian Affairs, Wash. T. [SEAL.]
 Chas. Hutchins,
 United States Indian agent, Wash. T. [SEAL.]
 S. D. Howe,
 United States Indian agent, Wash. T. [SEAL.]

Fa-Ind-7-1803 Lawyer,		We-as-cus, x	[SEAL.]
Head Chief Nez Perces Nation.	[SEAL.]	Pep-hoom-kan, (Noah,) x	[SEAL.]
Ute-sin-male-e-cum, x	[SEAL.]	Shin-ma-sha-ho-soot, x	[SEAL.]
Ha-harch-tuesta, x	[SEAL.]	Nie-ki-lil-meh-hoom, (Jacob,) x	[SEAL.]
Tip-ulania-timecca, x	[SEAL.]	Stoop-toop-nin, x	[SEAL.]
Es-coatum, x	[SEAL.]	Su-we-cus, x	[SEAL.]
Timothy, x	[SEAL.]	Wal-la-ta-mana, x	[SEAL.]
Levi, x	[SEAL.]	He-kaikt-il-pilp, x	[SEAL.]
Jason, x	[SEAL.]	Whis-tas-ket, x	[SEAL.]
Ip-she-ne-wish-kin, (Capt.		Neus-ne-keun, x	[SEAL.]
John,) x	[SEAL.]	Kul-lou-o-haikt, x	[SEAL.]
Weptas-jump-ki, x	[SEAL.]	Wow-en-am-ash-il-pilp, x	[SEAL.]

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Kan-pow-e-eeen, x	[SEAL.]	Tuck-e-tu-et-as, x	[SEAL.]
Watai-watai-wa-haikt, x	[SEAL.]	Nic-a-las-in, x	[SEAL.]
Kup-kup-pellia, x	[SEAL.]	Was-atis-il-pilp, x	[SEAL.]
Wap-tas-ta-mana, x	[SEAL.]	Wow-es-en-at-im, x	[SEAL.]
Peo-peo-ip-se-wat, x	[SEAL.]	Hiram, x	[SEAL.]
Louis-in-ha-cush-nim, x	[SEAL.]	Howlish-wampum, x	[SEAL.]
Lan-lim-si-lilp-nim, x	[SEAL.]	Wat-ska-leeks, x	[SEAL.]
Tu-ki-lai-kish, x	[SEAL.]	Wa-lai-tus, x	[SEAL.]
Sah-kan-tai, (Eagle,) x	[SEAL.]	Ky-e-wee-pus, x	[SEAL.]
We-ah-se-nat, x	[SEAL.]	Ko-ko-il-pilp, x	[SEAL.]
Hin-mia-tun-pin, x	[SEAL.]	Reuben, Tip-ia-la-na-ny-kala-	[SEAL.]
Ma-hi-a-kim, x	[SEAL.]	tsekin, x	[SEAL.]
Shock-lo-turn-wa-haikt, (Jo-	[SEAL.]	Wish-la-na-ka-nin, x	[SEAL.]
nah,) x	[SEAL.]	Me-tat-neptas, (Three Feathers,) x	[SEAL.]
Kunness-tak-mal, x	[SEAL.]	Ray-kay-mass, x	[SEAL.]
Tu-lat-sy-wat-kin, x	[SEAL.]		

Signed and sealed in presence of—

George F. Whitworth, Secretary.	Harrison Olmstead.
Justus Steinberger, Colonel U. S. Volunteers.	Jno. Owen, (Bitter Root.)
R. F. Malloy, Colonel Cavalry, O. V.	James O'Neill.
J. S. Rinearson, Major First Cavalry Oregon Volunteers.	J. B. Buker, M. D.
William Kapus, First Lieutenant and Adjutant First W. T. Infantry U. S. Volunteers.	George W. Elber.
	A. A. Spalding, assistant interpreter.
	Perrin B. Whitman, interpreter for the council.

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TREATY WITH THE EASTERN SHOSHONI, 1863.

July 2, 1863.
 18 Stats., 685.
 Ratified Mar. 7, 1864.
 Proclaimed June 7,
 1869.

Articles of Agreement made at Fort Bridger, in Utah Territory, this second day of July, A. D. one thousand eight hundred and sixty-three, by and between the United States of America, represented by its Commissioners, and the Shoshone nation of Indians, represented by its Chiefs and Principal Men And Warriors of the Eastern Bands, as follows:

ARTICLE 1.

Friendly relations
 reestablished: perpet-
 ual peace.

Friendly and amicably relations are hereby re-established between the bands of the Shoshonee nation, parties hereto, and the United States; and it is declared that a firm and perpetual peace shall be henceforth maintained between the Shoshonee nation and the United States.

ARTICLE 2.

Routes of travel;
 safety of travelers;
 settlements and posts;
 offenders.

The several routes of travel through the Shoshonee country, now or hereafter used by white men, shall be and remain forever free and safe for the use of the government of the United States, and of all emigrants and travellers under its authority and Protection, without molestation or injury from any of the people of the said nation. And if depredations should at any time be committed by bad men of their nation, the offenders shall be immediately seized and delivered up to the proper officers of the United States, to be punished as their offences shall deserve; and the safety of all travellers passing peaceably over said routes is hereby guaranteed by said nation. Military agricultural settlements and military posts may be established by the President of the United States along said routes; ferries may be maintained over

the rivers wherever they may be required; and houses erected and settlements formed at such points as may be necessary for the comfort and convenience of travellers.

ARTICLE 3.

The telegraph and overland stage lines having been established and operated through a part of the Shoshonee country, it is expressly agreed that the same may be continued without hindrance, molestation, or injury from the people of said nation; and that their property, and the lives of passengers in the stages, and of the employes of the respective companies, shall be protected by them.

Telegraph and overland stage lines.

And further, it being understood that provision has been made by the Government of the United States for the construction of a railway from the plains west to the Pacific ocean, it is stipulated by said nation that said railway, or its branches, may be located, constructed, and operated, without molestation from them, through any portion of the country claimed by them.

Railway.

ARTICLE 4.

It is understood the boundaries of the Shoshonee country, as defined and described by said nation, is as follows: On the north, by the mountains on the north side of the valley of Shoshonee or Snake River; on the east, by the Wind River mountains, Peenahpah river, the north fork of Platte or Koo-chin-agah, and the north Park or Buffalo House; and on the south, by Yampah river and the Uintah mountains. The western boundary is left undefined, there being no Shoshonees from that district of country present; but the bands now present claim that their own country is bounded on the west by Salt Lake.

Boundaries of Shoshoni country.

ARTICLE 5.

The United States being aware of the inconvenience resulting to the Indians in consequence of the driving away and destruction of game along the routes travelled by whites, and by the formation of agricultural and mining settlements, are willing to fairly compensate them for the same; therefore, and in consideration of the preceding stipulations, the United States promise and agree to pay to the bands of the Shoshonee nation, parties hereto, annually for the term of twenty years, the sum of ten thousand dollars, in such articles as the President of the United States may deem suitable to their wants and condition, either as hunters or herdsmen. And the said bands of the Shoshonee nation hereby acknowledge the reception of the said stipulated annuities, as a full compensation and equivalent for the loss of game, and the rights and privileges hereby conceded.

Annuity: acceptance as a compensation for loss of game.

ARTICLE 6.

The said bands hereby acknowledge that they have received from said Commissioners provisions and clothing amounting to six thousand dollars, as presents, at the conclusion of this treaty.

Presents acknowledged.

ARTICLE 7.

Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said Treaty with said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.

Amendment.

S. Doc. 319, 58-2, vol 2—54

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Done at Fort Bridger the day and year above written.

James Duane Doty,
Luther Mann, jr.,
Commissioners.

Washakee, his x mark.
Wanapitz, his x mark.
Toopsapowet, his x mark.
Pantoshiga, his x mark.
Ninabitzee, his x mark.
Narkawk, his x mark.
Taboonshea, his x mark.
Weerango, his x mark.
Tootsahp, his x mark.
Weeahyukee, his x mark.
Bazile, his x mark.

In the presence of—
Jack Robertson, interpreter.
Samuel Dean.

TREATY WITH THE SNAKE, 1865.

Aug. 12, 1865.
 14 Stat., 683.
 Ratified July 5, 1866.
 Proclaimed July 10,
 1866.

Articles of agreement and convention made and concluded at Sprague River Valley, on this twelfth day of August, in the year one thousand eight hundred and sixty-five, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, on the part of the United States, and the undersigned chiefs and head-men of the Woll-pah-pe tribe of Snake Indians, acting in behalf of said tribe, being duly authorized so to do.

Peace.
 Prisoners and slaves.

ARTICLE 1. Peace is declared henceforth between the United States and the Woll-pah-pe tribe of Snake Indians, and also between said tribe and all other tribes in amity with the United States. All prisoners and slaves held by the Woll-pah-pe tribe, whether the same are white persons or members of Indian tribes in amity with the United States, shall be released; and all persons belonging to the said Woll-pah-pe tribe now held as prisoners by whites, or as slaves by other Indian tribes, shall be given up.

Cession of lands to the United States.
 Boundaries.

ARTICLE 2. The said tribe hereby cedes and relinquishes to the United States all their right, title, and interest to the country occupied by them, described as follows, to wit: Beginning at the Snow Peak in the summit of the Blue Mountain range, near the heads of the Grande Ronde River and the north fork of John Day's River; thence down said north fork of John Day's River to its junction with the south fork; thence due south to Crooked River; thence up Crooked River and the south fork thereof to its source; thence southeasterly to Harney Lake; thence northerly to the heads of Malheur and Burnt Rivers; thence continuing northerly to the place of beginning.

Indians to remove to reservation.

ARTICLE 3. The said tribe agree to remove forthwith to the reservation designated by the treaty concluded on the 14th [15th] of October, 1864, with the Klamath, Moadoc, and Yahooskiu Snake Indians, there to remain under the authority and protection of such Indian agent, or other officer, as the Government of the United States may assign to such duty, and no member of said tribe shall leave said reservation for any purpose without the written consent of the agent or superintendent having jurisdiction over said tribe.

To submit to the United States and not depredate.

ARTICLE 4. The said Woll-pah-pe tribe promise to be friendly with the people of the United States, to submit to the authority thereof, and to commit no depredations upon the persons or property of citizens thereof, or of other Indian tribes; and should any member of said tribe commit any such depredations, he shall be delivered up to the agent for punishment, and the property restored. If after due notice the tribe

Offenders to be given up.

neglect or refuse to make restitution, or the property is injured or destroyed, compensation may be made by the Government out of the annuities hereinafter provided. In case of any depredation being committed upon the person or property of any member of the aforesaid Woll-pah-pe tribe, it is stipulated that no attempt at revenge, retaliation, or reclamation shall be made by said tribe; but the case shall be reported to the agent or superintendent in charge, and the United States guarantee that such depredation shall be punished in the same manner as if committed against white persons, and that the property shall be restored to the owner.

Wrongs upon Indians, how redressed

ARTICLE 5. The said tribe promise to endeavor to induce the Hoo-ne-boo-ey and Wa-tat-kah tribes of Snake Indians to cease hostilities against the whites; and they also agree that they will, in no case, sell any arms or ammunition to them nor to any other tribe hostile to the United States.

Hostile tribes, sale of arms, etc.

ARTICLE 6. The United States agree to expend, for the use and benefit of said tribe, the sum of five thousand dollars to enable the Indians to fence, break up, and cultivate a sufficient quantity of land for their use, to supply them with seeds, farming-implements, domestic animals, and such subsistence as may be necessary during the first year of their residence upon the reservation.

Fencing and cultivating lands.

Seeds, tools, etc.

ARTICLE 7. The United States also agree to expend, for the use and benefit of said tribe, the sum of two thousand dollars per annum for five years next succeeding the ratification of this treaty, and twelve hundred dollars per annum for the next ten years following, the same to be expended under the direction of the President of the United States for such objects as, in his judgment, will be beneficial to the Indians, and advance them in morals and knowledge of civilization.

Beneficial expenditures.

ARTICLE 8. The said tribe, after their removal to the reservation, are to have the benefit of the services of the physician, mechanics, farmers, teachers, and other employés provided for in the treaty of the 15th October, 1864, in common with the Klamaths, Moadocs, and Yabooskiu Snakes, and are also to have the use of the mills and school-houses provided for in said treaty, so far as may be necessary to them, and not to the disadvantage of the other tribes; and, in addition, an interpreter who understands the Snake language shall be provided by the Government. Whenever, in the judgment of the President, the proper time shall have arrived for an allotment of land in severalty to the Indians upon the said reservation, a suitable tract shall be set apart for each family of the said Woll-pah-pe tribe, and peaceable possession of the same is guaranteed to them.

Physicians, mechanics, etc.

Mill and school houses.

Interpreter.

ARTICLE 9. The tribe are desirous of preventing the use of ardent spirits among themselves, and it is therefore provided that any Indian who brings liquor on to the reservation, or who has it in his possession, may in addition to the penalties affixed by law, have his or her proportion of the annuities withheld for such time as the President may determine.

Possession of ardent spirits on reservation, how punished.

ARTICLE 10. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the Senate of the United States.

Treaty, when to be obligatory.

In testimony whereof, the said J. W. Perit Huntington, superintendent of Indian affairs, and the undersigned chiefs and headmen of the tribe aforesaid, have hereunto set their signatures and seals, at the place and on the day and year above written.

J. W. Perit Huntington,		
Superintendent Indian Affairs in Oregon.		[SEAL.]
Pah-ni-ne,	his x mark.	[SEAL.]
Hau-ni-noo-ey,	his x mark.	[SEAL.]
Ki-nau-ney,	his x mark.	[SEAL.]
Wa-ak-chau,	his x mark.	[SEAL.]

Chok-ko-si,	his x mark.	[SEAL.]
She-zhe,	his x mark.	[SEAL.]
Che-em-ma,	his x mark.	[SEAL.]
Now-hoop-a-cow-.c.,	his x mark.	[SEAL.]
Ki-po-weet-ka,	his x mark.	[SEAL.]
Hau-ne, or Shas-took,	his x mark.	[SEAL.]
Sah-too-too-we,	his x mark.	[SEAL.]

Executed in our presence—

W. V. Rinehart, major First Oregon Infantry.
Wm. Kelly, captain First Cavalry, Oregon Volunteers.
Lindsay Applegate.
Wm. C. McKay, M. D., acting interpreter.
Albert Applegate, second lieutenant, First Oregon Infantry,
commanding escort.
F. B. Chase.

TREATY WITH THE NEZ PERCÉS, 1868.

Aug. 13, 1868.
 15 Stats., 693.
 Ratified Feb. 16,
 1869.
 Proclaimed Feb. 24,
 1869.

Whereas certain amendments are desired by the Nez Percé tribe of Indians to their treaty concluded at the council ground in the valley of the Lapwai, in the Territory of Washington, on the ninth day of June, in the year of our Lord one thousand eight hundred and sixty-three; and whereas the United States are willing to assent to said amendments; it is therefore agreed by and between Nathaniel G. Taylor, commissioner, on the part of the United States, thereunto duly authorized, and Lawyer, Timothy, and Jason, chiefs of said tribe, also being thereunto duly authorized, in manner and form following, that is to say:

Reservation.

ARTICLE 1. That all lands embraced within the limits of the tract set apart for the exclusive use and benefit of said Indians by the 2d article of said treaty of June 9th, 1863, which are susceptible of cultivation and suitable for Indian farms, which are not now occupied by the United States for military purposes, or which are not required for agency or other buildings and purposes provided for by existing treaty stipulations, shall be surveyed as provided in the 3d article of said treaty of June 9th, 1863, and as soon as the allotments shall be plowed and fenced, and as soon as schools shall be established as provided by existing treaty stipulations, such Indians now residing outside the reservation as may be decided upon by the agent of the tribe and the Indians themselves, shall be removed to and located upon allotments within the reservation: *Provided, however,* That in case there should not be a sufficient quantity of suitable land within the boundaries of the reservation to provide allotments for those now there and those residing outside the boundaries of the same, then those residing outside, or as many thereof as allotments cannot be provided for, may remain upon the lands now occupied and improved by them, provided, that the land so occupied does not exceed twenty acres for each and every male person who shall have attained the age of twenty-one years or is the head of a family, and the tenure of those remaining upon lands outside the reservation shall be the same as is provided in said 3d article of said treaty of June 9th, 1863, for those receiving

Allotments.

allotments within the reservation; and it is further agreed that those now residing outside of the boundaries of the reservation and who may continue to so reside shall be protected by the military authorities in their rights upon the allotments occupied by them, and also in the privilege of grazing their animals upon surrounding unoccupied lands.

ARTICLE 2. It is further agreed between the parties hereto that the stipulations contained in the 8th article of the treaty of June 9th, 1863, relative to timber, are hereby annulled as far as the same provides that the United States shall be permitted to use thereof in the maintaining of forts or garrisons, and that the said Indians shall have the aid of the military authorities to protect the timber upon their reservation, and that none of the same shall be cut or removed without the consent of the head-chief of the tribe, together with the consent of the agent and superintendent of Indian affairs, first being given in writing, which written consent shall state the part of the reservation upon which the timber is to be cut, and also the quantity, and the price to be paid therefor.

Timber to be protected.

ARTICLE 3. It is further hereby stipulated and agreed that the amount due said tribe for school purposes and for the support of teachers that has not been expended for that purpose since the year 1864, but has been used for other purposes, shall be ascertained and the same shall be re-imbursed to said tribe by appropriation by Congress, and shall be set apart and invested in United States bonds and shall be held in trust by the United States, the interest on the same to be paid to said tribe annually for the support of teachers.

School moneys, etc.

In testimony whereof the said Commissioner on the part of the United States and the said chiefs representing said Nez Percé tribe of Indians have hereunto set their hands and seals this 13th day of August, in the year of our Lord one thousand eight hundred and sixty-eight, at the city of Washington, D. C.

N. G. Taylor,	[L. S.]
Commissioner Indian Affairs.	
Lawyer, Head Chief Nez Percés.	[L. S.]
Timothy, his x mark, Chief.	[L. S.]
Jason, his x mark, Chief.	[L. S.]

In presence of—
Charles E. Mix.
Robert Newell, United States Agent.
W. R. Irwin.

**TREATY WITH THE EASTERN BAND SHOSHONI AND
BANNOCK, 1868.**

July 3, 1868.
15 Stat., 673.
Ratified Feb. 26,
1869.
Proclaimed Feb. 24,
1869.

Articles of a treaty made and concluded at Fort Bridger, Utah Territory, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and head-men of and representing the Shoshonee (eastern band) and Bannack tribes of Indians, they being duly authorized to act in the premises:

Peace and friend-
ship.

ARTICLE 1. From this day forward peace between the parties to this treaty shall forever continue. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it.

Offenders among
the whites to be ar-
rested and punished.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs, at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

Among the Indians
to be given up to the
United States, etc.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to the laws; and in case they wilfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States, shall be re-imbursed therefor.

Rules for ascertain-
ing damages.

Reservation.

ARTICLE 2. It is agreed that whenever the Bannacks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the "Port Neuf" and "Kansas Prairie" countries, and that, when this reservation is declared, the United States will secure to the Bannacks the same rights and privileges therein, and make the same and like expenditures therein for their benefit, except the agency-house and residence of agent, in proportion to their numbers, as herein provided for the Shoshonee reservation. The United States further agrees that the follow-

ing district of country, to wit: Commencing at the mouth of Owl Creek and running due south to the crest of the divide between the Sweet-water and Papo Agie Rivers; thence along the crest of said divide and the summit of Wind River Mountains to the longitude of North Fork of Wind River; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek and along middle of channel of Owl Creek to place of beginning, shall be and the same is set apart for the absolute and undisturbed use and occupation of the Shoshonee Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will and do hereby relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

Boundaries.

Who not to reside thereon.

ARTICLE 3. The United States agrees, at its own proper expense, to construct at a suitable point of the Shoshonee reservation a warehouse or store-room for the use of the agent in storing goods belonging to the Indians, to cost not exceeding two thousand dollars; an agency building for the residence of the agent, to cost not exceeding three thousand; a residence for the physician, to cost not more than two thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

Buildings to be erected by the United States.

The United States agrees further to cause to be erected on said Shoshonee reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached, the same to cost not more than eight thousand dollars.

Mills.

ARTICLE 4. The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

Reservation to be permanent home of Indians.

ARTICLE 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency building on the Shoshonee reservation, but shall direct and supervise affairs on the Bannack reservation; and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

Agent to make his home and reside where.

ARTICLE 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within the reservation of his tribe, not exceeding three hundred

Heads of families desiring to commence farming may select lands, etc.

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Effect of such selection.	and twenty acres in extent, which tract so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.
Persons not heads of families.	Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above described. For each tract of land so selected a certificate, containing a description thereof, and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office subject to inspection, which said book shall be known as the "Shoshone (eastern band) and Bannack land-book."
Certificates of selection to be delivered, etc., to be recorded.	
Survey.	The President may at any time order a survey of these reservations, and when so surveyed Congress shall provide for protecting the rights of the Indian settlers in these improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof, as may be thought proper.
Alienation and descent of property.	
Children between 6 and 16 to attend school.	ARTICLE 7. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.
Duty of agent.	
Schoolhouses and teachers.	
Seeds and agricultural implements.	ARTICLE 8. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.
Instructions in farming.	And it is further stipulated that such persons as commence farming shall receive instructions from the farmers herein provided for, and whenever more than one hundred persons on either reservation shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.
Second blacksmith.	
Delivery of articles in lieu of money and annuities.	ARTICLE 9. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency-house on the reservation herein provided for, on the first day of September of each year, for thirty years, the following articles, to wit:
Clothing, etc.	For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woollen socks; for each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair

of woollen hose, twelve yards of calico; and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based; and in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if at any time within the ten years it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Census.

May be changed.

Army officer to attest delivery of goods, etc.

Physician, teachers, carpenter, etc.

ARTICLE 10. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Cession of reservation not to be valid unless, etc.

ARTICLE 11. No treaty for the cession of any portion of the reservations herein described which may be held in common shall be of any force or validity as against the said Indians, unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in Article 6 of this treaty.

Presents for most valuable crops.

ARTICLE 12. It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

ARTICLE 13. It is further agreed that until such time as the agency-buildings are established on the Shoshonee reservation, their agent shall reside at Fort Bridger, U. T., and their annuities shall be delivered to them at the same place in June of each year.

N. G. Taylor, [SEAL.]
W. T. Sherman, [SEAL.]
Lieutenant-General.
Wm. S. Harney, [SEAL.]
John B. Sanborn, [SEAL.]
S. F. Tappan, [SEAL.]
C. C. Augur, [SEAL.]

Brevet Major-General, U. S. Army, Commissioners.
Alfred H. Terry, [SEAL.]
Brigadier-General and Brevet Major-General, U. S. Army.

Attest:

A. S. H. White, Secretary.

Shoshones:

Wash-a-kie,	his x mark.
Wau-ny-pitz,	his x mark.
Toop-se-po-wot,	his x mark.
Nar-kok,	his x mark.
Taboonshe-ya,	his x mark.
Bazeel,	his x mark.
Pan-to-she-ga,	his x mark.
Ninny-Bitse,	his x mark.

Bannacks:

Taggee,	his x mark.
Tay-to-ba,	his x mark.
We-rat-ze-won-a-gen,	his x mark.
Coo-sha-gan,	his x mark.
Pan-sook-a-motse,	his x mark.
A-wite-etse,	his x mark.

Witnesses:

Henry A. Morrow,
Lieutenant-Colonel Thirty-sixth Infantry and
Brevet Colonel U. S. Army, Commanding Fort Bridger.
Luther Manpa, United States Indian agent.
W. A. Carter.
J. Van Allen Carter, interpreter.