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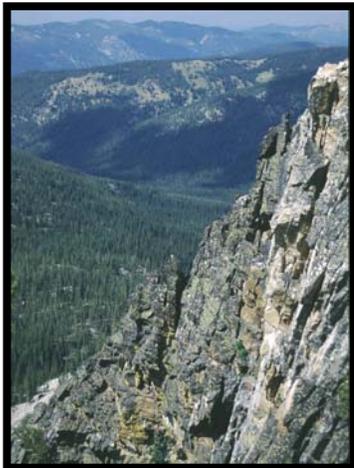
Intermountain
Region



September
2008

Southwest Idaho Ecogroup Land and Resource Management Plans

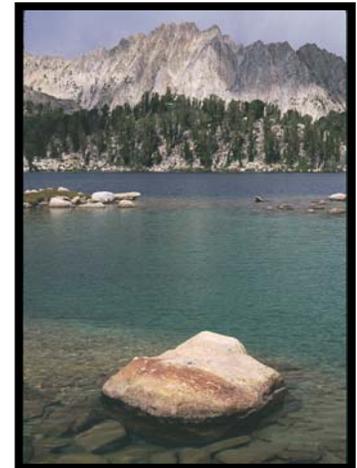
Draft Supplemental Environmental Impact Statement



Boise National Forest



Payette National Forest



Sawtooth National Forest

Appendix D. American Indian Background Information

Photos by David Ede

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American Indian Background Information

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INTRODUCTION

This appendix provides background information about the American Indian tribes with off-reservation interests and rights in the lands now administered by the Boise, Payette, and Sawtooth National Forests.

NEZ PERCE TRIBE

Tribes

Nez Perce Tribe.

Basis for Legal Status

Treaty with Nez Perce Tribe, June 11, 1855; Nez Perce Treaty, June 9, 1863: Treaty with Nez Perce Tribe, August 13, 1868; Agreement with Nez Perce, May 1, 1893.

Basis for Off-Reservation Interests/Rights

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

Land Base

Pre-treaty: 13 million acres in central Idaho, northeastern Oregon, and southeastern Washington; June 9, 1855: Reservation established encompassing 7.7 million acres; 1858: Allotted 180,270 acres, 2,170 acres reserved for church and cemetery, and 32,020 acres for a timberland reserve; June 9, 1863: Relinquish certain lands and reserve 780,000 acres in western Idaho between Snake and Clearwater Rivers; May 1, 1893: Opened reservation to non-Indian settlement on all unallotted lands with exception of tribal reserves; today's reservation: 750,000 acres; approximately 90,000 acres owned by the Tribe.

Tribal Headquarters

Nez Perce Tribe; P.O. Box 305, Main Street and Beaver Grade, Lapwai, Idaho 83540; Phone: 208-843-2253; Office hours: M-F, 8:00am - 4:30pm.

Tribal Population

Pre-treaty: 8,000 (est.); 1995: 3,300 enrolled members, with a majority residing within the reservation.

Cultural Affiliation

Plateau Cultural Region.

Religions

Christian denominations, Seven Drums, and other traditional religions.

Languages

English and Sahaptian: Nez Perce language dialects.

Governance

Rejected Indian Reorganization Act in 1935 by tribal referendum. Established a 9 member Nez Perce Executive Committee under a Constitution with By-laws in 1927; concentrated authority under a 1948 Constitution, which was adopted in 1948 and revised in 1961.

Pre-Treaty Economy

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

Tribal Enterprises

Tribal convenience store: Nez Perce Express; Nez Perce Forest Products Enterprises; RV Park; Clearwater Casino, It'se Ye Ye Bingo and Casino.

Tribal Private Sector

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

Museum

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

Tribal Newspaper

Tat's Titooqan, P.O. Box 365, Lapwai, ID 83540; Phone: 208-843-7375. Published monthly.

Tribal Programs (off-reservation involvement)

Cultural Resources Program; Salmon Youth Corps; Department of Fisheries Restoration Management; Water Resources Division; Nez Perce Tribal Hatcheries; NiMiPuu Health Clinic; Nez Perce Tribal Housing Authority; Education; Transportation; Conservation Enforcement.

Tribal Fisheries

Clearwater, Grande Ronde, Imnaha, Payette, Powder, Rapid, Salmon, Lower Snake, Lochsa, Selway, and Columbia River Basins. This is to be understood to include all those tributaries and water bodies on the reservation and all the tribe's usual and accustomed fishing places.

Significant Events and Dates

Socio-cultural: There are a number of socio-cultural events, for example, an annual basketball tournament, Root and Salmon Feasts, Pow Wow dances, Nez Perce War Memorials, and other tribal holidays.

Government

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

General Council

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

SHOSHONE-BANNOCK TRIBES OF THE FORT HALL RESERVATION, IDAHO

Tribes and Bands

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

Basis for Legal Status

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

Treaty with the Eastern Band Shoshone (Sosoni) and Bannock, 1868, Article 4:

"...but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts."

Basis for Off Reservation Interests/Rights

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

Land Base

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

Tribal Headquarters

Shoshone-Bannock Tribes, Fort Hall Indian Reservation; P.O. Box 306, Fort Hall, ID 83203; Phone: 208-478-3802; Fax: 208-237-0797.

Tribal Population

Pre-1855: See Madsen, B.D., 1980. *The Northern Shoshoni*; Total enrollment: 1992: 3528; 1995: 3944; 2003: 4670 members. About 75 percent live on the reservation.

Religions

Native American Church, Traditional, and Christian denominations.

Languages

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

Governance

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

Pre-Treaty Economy

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

Tribal Enterprises

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

Tribal Newspaper

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

Tribal Programs (off-reservation involvement)

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

Significant Events and Dates

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

SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION, NEVADA**Tribes and Bands**

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

Basis for Legal Status

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

The creation and subsequent expansion of the Duck Valley Indian Reservation relocated bands of Northern Paiute, Northern Shoshone and Bannock people. All available anthropological and historical literature indicates that the Northern Paiute and Northern Shoshone/Bannock groups, in varying degrees of admixture, were the primary aboriginal inhabitants of this region (i.e., prior to the disturbances associated with Euro-American contact), with the Western Shoshone primarily inhabiting the Humboldt River drainage. The core subsistence areas of the Northern Paiute/Northern Shoshone-Bannock and the Western Shoshone were separated by the high ground dividing the Snake and Humboldt river drainage. Formerly each group traveled throughout different, yet overlapping regions. Most if not all enrolled tribal members have ancestors in more than one of the aboriginal groups,

and many individuals are multilingual. Individuals therefore, normally maintained interests in the territories of more than one group. The aboriginal Northern Paiute territory includes portions of southwestern Idaho, eastern Oregon, and northwestern Nevada. Nevertheless, the aboriginal Northern Shoshone-Bannock territory includes mainly southern Idaho; the aboriginal Western Shoshone territory includes mainly northern Nevada.

Basis for Off-Reservation Interests/Rights

(Inherent sovereignty, socio-economic well-being on their reservation) *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 2523 (D.D.C. 1973), *Nance v E.P.A.* 645 F. 2d (9th Cir. 1981), and *Northern Cheyenne Tribe v. Hodel* 12 Indian L. Rep. 3065 (D. Mont. 1985) affirm that federal agencies have trust obligations when their actions may adversely affect water quality/quantity, air quality, or property of Indian reservations.

Land Base

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

Tribal Headquarters

Shoshone-Paiute Tribes; P.O. Box 219, Owyhee, NV 89832; Phone: 702-759-3100; Fax: 702-759-3102.

Tribal Population

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

Cultural Affiliation

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

Religions

Traditional beliefs and Christian denominations.

Governance

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

Pre-Treaty Economy

Hunting, fishing, and harvesting grass and seed.

Tribal Enterprises

Rec Hall Cafe; The principal sources of revenue are farming and ranching. Other business establishments include a motel, general store, laundromat, and service station. The main

source of income is the selling of permits to anglers at the two reservoirs. Business leases, land leases, and grazing permits also provide income to the tribe.

Tribal Programs (off-reservation involvement)

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

Significant Events and Dates

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

Government: elections are held every year in April. Two council members are elected each year for 3-year terms. Tribal Council meets once a month or as needed.

General Council

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

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Tribes and Bands

Cayuse, Umatilla, and Walla Walla.

Basis for Legal Status

Treaty between the Cayuse, Umatilla, and Walla Walla tribes acting in confederation, June 9, 1855.

Basis for Off-Reservation Interests/Rights

(Inherent sovereignty, socio-economic well-being on their reservation, and protection of treaty-reserved rights). Treaty between the Cayuse, Umatilla, and Walla Walla tribes acting in confederation, June 9, 1855, Article 1: *Provided, also*, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them.

Land Base

Pre-treaty: 6.4 million acres in southeast Washington and northeast Oregon; June 9, 1855: reservation established encompassing 510,000 acres that was surveyed to 250,000 acres; today's reservation: 172,882 acres; 52 percent is in Indian ownership and 48 percent is owned by non-Indians.

Tribal Headquarters

Confederated Tribes of the Umatilla Indian Reservation; P.O. Box 305, Pendleton, Oregon 97801; Phone: 541-276-3165

Tribal Population

Pre-treaty: 8,000 (est.); 2003: 2,446 presently enrolled members, with 1,100 enrolled members residing within the reservation.

Cultural Affiliation

Plateau Cultural Region.

Religions

Christian denominations, Seven Drums, and other traditional religions.

Languages

English, Umatilla language, Walla Walla language, and Nez Perce language; the Cayuse language has disappeared.

Governance

Rejected Indian Reorganization Act in 1934 by Tribal Council vote of 2-to-1 margin. In 1949, the Tribes adopted a written Constitution and By-Laws. The Constitution created the Board of Trustees, which is elected from the General Council membership.

Pre-Treaty Economy

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

Tribal Enterprises

Wildhorse Casino Resort; Tamastslikt Cultural Institute; Cayuse Technologies; Yaka Energy; Arrowhead Travel Plaza; Mission Market; Indian Lake Recreation Area.

Tribal Private Sector

Agriculture, livestock, timber, recreation, hunting, fishing, and commercial development.

Government

The Board of Trustees (Board) is elected every two years by the General Council. A chairman presides over the Board, which consists of eight additional members (nine members total). The Board conducts business meetings once a week (Mondays at 9 am) in addition to numerous work sessions with staff and special board meetings with external individuals and organizations.

General Council

The General Council, which consists of all Tribal members age 18 and older, elects the governing body of the Confederated Tribes of the Umatilla Indian Reservation—the Board of Trustees. The General Council also elects its own officers whose primary responsibilities include running the monthly General Council meetings and moving forward General Council issues.