

Mr. Glenn Smothers, manager,

Jan. 18, 1956

Grant County PUD No. 2,

Ephrata, Washington.

Dear Glenn:

I am writing for the Wanapum or Priest Rapids remnant band of non-treaty Indians, referred to in Article 42 of Federal Power Commission's Order Issuing License for Project No. 2114 to the Public Utility District No. 2 of Grant County.

Reference is made in Article 42 to the Area Office, Bureau of Indian Affairs, formulating an agreement with the Wanapums.

A representative of the area office, Portland, Ore., called on me recently pertaining to this Article in the license. It is my understanding that the evident desire of the Bureau of Indian Affairs is to obtain something in the form of an agreement as soon as practicable and it is indicated that the request has been made upon the Area Office to secure this in advance of contract approval.

I have completed gathering what factual material is possible on short notice, material suggested by the PUD, and informative material for the use of the PUD. But you will find the Wanapums most agreeable to assisting in complying with this request as rapidly as possible.

I was informed that you may feel free to telephone if necessary with Perry Skarra, assistant area director, Bureau of Indian Affairs, Area Office, Portland, Ore. He will be glad to give you any further information as to procedure that remains unclear, or answer anything as possible to assist you.

It is my understanding that something in the form of a memorandum, addressed to the Area Office and in turn satisfactory to the Wanapums would be acceptable.

This would show that has been done and the steps to be carried out pertaining to the "anapums.

I do not understand that the head man's signature, properly witnessed, is necessary, but that my concurrence would be acceptable. I feel confident that the documentation of the head man himself could be arranged for. I have always followed the procedure of doing what they wish done, not what I wish.

I also am the opinion that there should be a "finality" in this matter, removing any doubt from the mind of the licensee as well as the government, that the Indians or their successor descendants-- the younger men when they grow up--ever presenting any claims or bringing any suit. With so many attorneys becoming versed in Indian matters, it seems fair that this precaution should be taken.

In the event that there seems no possible way for compensatory relief to the extent of one in lieu home together with site and water and access facilities and a sum of approximately \$3,500 to \$3,750 for each of five and not more than five Wanapums, one reservation in that regard ~~and~~ should be made.

That would be that the "anapums could resort to congressional legislation for monetary relief. As to throwing themselves entirely upon the mercy of Congress, however, each week presents a more difficult objective because of a definite trend against Indian persistence. The picture is changing so fast that within a matter of weeks I have concluded that it will be extremely difficult for any Indian or group of Indians, no matter how just their cause, to obtain favorable consideration.

Another reservation would pertain~~ing~~ only to nominal and non-commercial fishing; and additionally root gathering rights restricted to religious purposes, remembering that the religious observances of this group are fundamental.

The Indians would enter into good faith in a memorandum that would assure that they not become public nuisances, and that their home in their home land not become the habit~~ate~~ of Indians having no family right thereto, excepting for the one spring feast, in keeping with custom.

Remembering too that the project area has been the home of these people since time immemorial, and that their conduct has in the past and is now governed by religious motives as well as that of livelihood--a place to live--the Wanapums would want the licensee to have further protection. This would involve the possibility that any home site might with the growth of the areabe improperly located for the good of the project. They would remove to any area of equal value and suitability within their home land, this being in keeping with necessity since advent of the white man.

I believe, too, it would be well to take recognition in the memorandum that the existing home which will be occupied in keeping with custom early this spring and extending into the summer until crop harvest work takes them away again, is not involved in project disruption and that the Wanapums will be located before work is undertaken in any way that affects their home site. The project undertaking would not interfere with their customary spring feast which they expect to hold in April, according to the season.

The memorandum, it might be well to consider, should be definite that neither the licensee nor Wanapums would subscribe to any "lieu" home coming under the administration of the Bureau of Indian Affairs. This is deemed advisable because of the potential situation growing out of the Celilo Falls relocation. In this instance Congress appropriated

by legislative act, a sum of \$10,000 for each relocated home. These may be scattered throughout Oregon and Washington and I fear that this will result in as many "small reservations" as there are homes relocated. I doubt very much that this is to the desire of the Bureau of Indian Affairs, and while it might be to the desire of treaty Indians who adhere staunchly to a treaty, it is certainly not the desire of non-treaty Indians.

I believe, too, it would be well to take recognition of matters with which you are well familiar, preservation of scattering burials where accidentally uncovered by placing contents in plain boxes for reburial by the Wanapums in the Wanapum Graveyard, or turned over to treaty families if the identification is made, so the families may bury them in a cemetery of their own choosing on the reservation.

You are also familiar with removal of the sacred rocks. From designation made by the head man, engineers know these rocks are not extensive. Only a few are to be placed as monuments in the Wanapum Graveyard, a few others are to be preserved at either Priest Rapids or Wanapum Dam sites, or preserved for historical significance and then at direction of the Wanapums. There is only one rock unlocated during trips to the island. This is the mysterious rock which contains all the witness signs of birds, animals and plants. Should it show up during project work the Wanapum head man has indicated that it be preserved. Should it not be discovered, since I and he believe it is covered and uncovered by shifting sand, it may be left in situ.

The foregoing is based on my knowledge of the desire of the Wanapums, and the fact that the head man has named five who are unenrolled and are true Wanapums.

Again, assurance of the Wanapums and myself of greatest cooperation.

Sincerely