

Northwest Regional Information Office, Portland, Oregon

DEPARTMENT OF THE INTERIOR

P. O. Box 3621, 1002 N. E. Holladay Street, 97208--234-3361

OFFICE OF REGIONAL COORDINATOR

For Release March 30, 1967

INTERIOR NAMES WARREN MARPLE ACTING REGIONAL COORDINATOR IN NORTHWEST

Warren Marple, Program Coordinator in the office of the Administrator, Bonneville Power Administration, has been appointed Acting Regional Coordinator for the Department of the Interior in the Pacific Northwest, it was announced today.

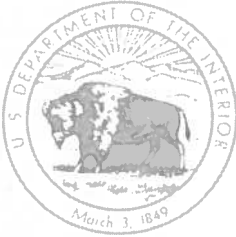
Marple will serve part-time in this capacity until a new coordinator is appointed, at which time he will resume his duties with BPA on a full-time basis.

Under Secretary of the Interior Charles F. Luce said the Department hopes to name a new Regional Coordinator in the near future.

"We are grateful to Mr. Marple for his willingness to serve as Acting Regional Coordinator during this interim period," Luce said.

Marple replaces Charles W. Hodde, who recently left the Department of the Interior to take the chairmanship of the newly created Pacific Northwest River Basins Commission. Pending establishment of a headquarters for the Commission, Hodde may be reached by telephone in Portland at 226-3361, Ext. 2497.

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DEPARTMENT OF THE INTERIOR

P. O. Box 3621, 1002 N. E. Holladay Street, 97208 -- 234-3361

OFFICE OF THE SECRETARY

May 29, 1967

For Immediate Release

DWYER NAMED INTERIOR REPRESENTATIVE ON NORTHWEST RIVER BASINS COMMISSION

Secretary of the Interior Stewart L. Udall has appointed Joe D. Dwyer departmental representative on the newly created Pacific Northwest River Basins Commission.

Dwyer, who is Regional Coordinator in the Northwest for the Interior Department, replaces Warren Marple as Interior representative on the new federal-state commission, which is the principal coordinating agency for water planning in this region. Marple has been appointed alternate representative on the commission to David S. Black, Bonneville Power Administrator, who serves on the commission in his capacity as chairman of the U. S. entity for the Columbia River Treaty.

Secretary Udall also designated Elwyn White as alternate to Dwyer on the commission. White is chairman and Interior member of the Columbia North Pacific Technical Staff of the Columbia Basin Inter-Agency Committee. The technical staff is coordinating the Columbia-North Pacific Region Study, which has its main objective the determination of future needs of the Northwest for water and related lands.

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Northwest Regional Information Office, Portland, Oregon

DEPARTMENT OF THE INTERIOR

P. O. Box 3621, 1002 N. E. Holladay Street, 97208 -- 234 - 3361

OFFICE OF THE SECRETARY

For Release July 12, 1967

NEW INDIAN FISHING REGULATIONS ISSUED BY INTERIOR DEPARTMENT

The Department of the Interior today announced issuance of Federal Regulations dealing with off-reservation fishing by Indians under rights secured to them by federal treaties. The regulations are intended to help assure that the Indians' rights will be protected and will be exercised in a manner consistent with conservation needs.

The new standards provide a framework for governing, and for cooperating with states and Indian tribes in the regulation of Indian treaty fishing to assure proper protection both to the Indians' treaty rights and to fish runs.

Where state or tribal regulations do not effectively provide both of these protections, the Secretary of the Interior may prescribe the permissible seasons and fishing practices to govern the Indian fishing. Prior to issuing any such rules, he will seek the views of affected state agencies and Indian tribes. Any fishing contrary to the Secretary's regulations or to federally-approved tribal regulations will be regarded as without treaty protection and can be dealt with by states under state law.

In approving the new regulations, Secretary of the Interior Stewart L. Udall said that the Interior Department hopes that the states and tribes, acting in consultation with each other, will adopt regulations which will meet the treaty requirements, thus making it unnecessary for the Secretary of the Interior to fix seasons and fishing methods.

"The federal courts," Udall said, "have consistently held that the states may regulate Indian off-reservation treaty-protected fishing to the extent necessary for conservation. But they must respect the treaty right and must prove that the restriction of Indian fishing is essential to conservation. In numerous recent instances state and federal courts have held that present state laws or policies have not met that test."

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The Secretary said the Interior Department welcomes the initiative taken by Oregon's Governor Tom McCall to establish a Columbia River Indian Treaty Fisheries Council to improve understanding between the states and the Indian tribes on matters affecting Indian fishing. A meeting to discuss formation of such a Council was held by Governor McCall July 11 at Salem, Oregon. State agencies from Washington, Oregon and Idaho, the Department of the Interior, and the four Columbia River Indian treaty tribes (Yakima, Warm Springs, Umatilla and Nez Perce) were invited to attend the meeting. Interior Department representatives explained the new federal regulations.

Last year the United States Department of Justice successfully defended numerous Indians charged in Washington and Oregon state courts with violating state fishing laws that did not make special allowances for Indian treaty rights. As a result, state authorities this year have not arrested Indians on the Columbia River when they were fishing in compliance with tribal regulations.

The Department of the Interior has assisted Oregon state efforts to prosecute Indians who were not conforming to tribal conservation restrictions.

The new Interior Department regulations follow in substantial form the draft of proposed regulations published in the Federal Register July 16, 1965. Comments submitted by state and federal agencies, Indian tribes and other persons have been considered in drafting the revised regulations. The new regulations will become effective 30 days after publication in the Federal Register.

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DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

CODE OF FEDERAL REGULATIONS
TITLE 25 - INDIANS
PART 256 - OFF-RESERVATION TREATY FISHING

On page 8969 of the Federal Register of July 16, 1965, there was published a notice of intent to add a new Part 255 to Chapter I, Title 25, Code of Federal Regulations, and the text of the proposed regulations. The purpose of the new part was to provide a framework within which the exercise of off-reservation fishing rights secured to certain Indian tribes under treaties with the United States might be subjected to federal regulation and control when required for conservation to the fishery resources for the benefit of the Indians and others having interests therein.

Interested persons were given an opportunity to submit data, views, or suggestions pertaining thereto within 30 days from the date of publication of the notice in the Federal Register. Numerous comments were received from several state governors, state agencies, tribes, and others. These have all been considered and it has been determined that the proposed regulations should be issued in a modified form. The principal changes, other than editorial, are as follows:

The regulations have been assigned Chapter 256 since Chapter 255 has been assigned to a different subject.

Section 256.1 has been revised to more precisely and succinctly state the purposes of the regulations. The definition section has been omitted as unnecessary in the light of other changes adopted.

The section dealing with issuance of area regulations (§ 256.2) has been revised. Such regulations may be issued by the Secretary for those areas which he believes require them to assure adequate conservation and wise utilization of the fishery resources upon request of an Indian tribe, request of a state governor, or his own motion. The Secretary may incorporate state laws or approved tribal regulations if he finds these to be consistent with the treaty and with conservation requirements.

Provisions expressly calling for recommendations to the Secretary by the Commissioner of Indian Affairs and the Commissioner of Fish and Wildlife have been deleted because they concern matters of internal administration not appropriate for treatment by regulations. It is contemplated that, except in emergency situations, interested parties will be afforded one opportunity to submit comments and information in connection with the rule-making process and that any hearings or action by the Commissioner of Indian Affairs and the Commissioner of Fish and Wildlife will be as agents of the Secretary in preparing a record upon which he can act. Provision has been made for the immediate promulgation of regulations if emergency conditions require. Parties will then be afforded an opportunity to submit views in support of requests for modification of such emergency regulations.

The area regulations may include requirements for reporting catch statistics which are deemed necessary for management purposes by state agencies as well as those needed by the Secretary.

Provisions applicable to identification cards (§ 256.3) have been revised to provide that these will be identification cards rather than

fishing permits. They will be issued as prima facie evidence of the holder's entitlement to exercise the treaty-secured fishing right. The Commissioner of Indian Affairs may cause a government card to be issued or he may authorize use of tribally-issued cards. The latter must be countersigned by a Bureau of Indian Affairs official. Copies of card forms and lists of issuing or countersigning officers must be furnished to state agencies. The deadline for requiring an approved tribal roll is advanced to January 1, 1970.

The requirement of identification of fishing gear (§ 256.4) is not limited to gear which is not in the Indian's immediate personal possession. The presumption that unmarked gear is not being used in the exercise of a treaty right applies only in the absence of proof to the contrary.

The enforcement provision (§ 256.6) is changed to provide for enforcement by tribal courts, Courts of Indian Offenses established under Part 11 of CFR Title 25 or special Courts of Indian Fishing Offenses to be established in accordance with said Part 11.

Except for subsection 256.3(g) and section 256.5, Part 256 shall become effective 30 days after its publication in the Federal Register. Subsection 256.3(g) and section 256.5 shall become effective 60 days after such publication.

Part 256 is adopted to read as follows:

Sec.	
256.1	Purpose
256.2	Area Regulations
256.3	Identification Cards
256.4	Identification of Fishing Equipment
256.5	Use of Unauthorized Helpers or Agents
256.6	Enforcement and Penalties
256.7	Savings Provisions

Authority: §§ 256.1 through 256.7 issued under 25 U.S.C. 2 and 9; 5 U.S.C. 301.

§ 256.1 Purpose

(a) The purposes of these regulations (Part 256) are:

(1) To assist in protecting the off-reservation nonexclusive fishing rights which are secured to certain Indian tribes by their treaties with the United States;

(2) To promote the proper management, conservation and protection of fisheries resources which are subject to such treaties of the United States;

(3) To provide for determination of restrictions on the manner of exercising nonexclusive fishing privileges under rights secured to Indian tribes by such treaties of the United States necessary for conservation of the fisheries resources;

(4) To assist in the orderly administration of Indian affairs;

(5) To encourage consultation and cooperation between the states and Indian tribes in the management and improvement of fisheries resources affected by such treaties;

(6) To assist the states in enforcing their laws and regulations for the management and conservation of fisheries resources in a manner compatible with the treaties of the United States which are applicable to such resources.

(b) The conservation regulations of this Part 256 are found to be necessary to assure that the nonexclusive rights secured to certain Indian tribes by treaties of the United States to fish at usual and accustomed places outside the boundaries of an Indian reservation shall

be protected and preserved for the benefit of present and future members of such tribes in a manner consistent with the nonexclusive character of such rights. Any exercise of an Indian off-reservation treaty fishing right shall be in accordance with this Part 256 and any applicable area regulations issued hereunder.

§ 256.2 Area Regulations

(a) The Secretary of the Interior may, upon request of an Indian tribe, request of a state governor, or upon his own motion, and upon finding that federal regulation of Indian fishing in any waters in which Indians have a treaty-secured nonexclusive fishing right is necessary to assure the conservation and wise utilization of the fishery resources for the present and future use and enjoyment of the Indians and other persons entitled thereto, promulgate regulations to govern the exercise of such treaty-secured fishing right in such waters for the purpose of preventing, in conjunction with appropriate state conservation laws and regulations governing fishing by persons not fishing under treaty rights, the deterioration of the fishery resources.

(b) In formulating such regulations the Secretary of the Interior may incorporate such state laws or regulations, or such tribal regulations as have been approved by the Commissioner of Indian Affairs, as he finds to be consistent with the Indians' rights under the Treaty and the conservation of the fishery resources.

(c) Before promulgating such regulations the Secretary of the Interior will seek the views of the affected Indian tribes, of the fish or game management agency or agencies of any affected state, and

of other interested persons. Except in emergencies where the Secretary finds that the exigencies require the promulgation of regulations to be effective immediately, a notice of proposed rule making will be published in the Federal Register in accordance with 5 U.S.C. § 553 to afford an opportunity to submit comments and information, at such time and in such manner as may be specified in the notice. In the event of the emergency promulgation of regulations, interested persons will be afforded, as soon as possible, an opportunity to request amendment or revocation thereof.

(d) Any regulations issued pursuant to this section shall contain provisions for invoking emergency closures or restrictions or the relaxation thereof at the field level when necessary or appropriate to meet conditions not foreseeable at the time the regulations were issued.

(e) Regulations issued pursuant to this section 256.2 may include such requirements for recording and reporting catch statistics as the appropriate state fish and game agencies or the Secretary of the Interior deem necessary for effective fishery management.

§ 256.3 Identification Cards

(a) The Commissioner of Indian Affairs shall arrange for the issuance of an appropriate identification card to any Indian entitled thereto as prima facie evidence that the authorized holder thereof is entitled to exercise the fishing rights secured by the treaty designated thereon. The Commissioner may cause a federal card to be issued for this purpose or may authorize the issuance of cards by proper tribal

authorities: Provided, That any such tribal cards shall be countersigned by an authorized officer of the Bureau of Indian Affairs certifying that the person named on the card is a member of the tribe issuing such card and that said tribe is recognized by the Bureau of Indian Affairs as having fishing rights under the treaty specified on such card. Copies of the form of any identification card authorized pursuant to this section and a list of the authorized Bureau of Indian Affairs issuing or countersigning officials shall be furnished to the fisheries management and enforcement agencies of any state in which such fishing rights may be exercised.

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of the Interior: Provided, That until January 1, 1970, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his entitlement thereto satisfactory to the issuing office and, in the case of a tribally-issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this Chapter.

(c) No person shall be issued an identification card on the basis of membership in more than one tribe at any one time.

(d) Each card shall state the name, address, tribal affiliation and enrollment number (if any) of the holder, identify the treaty under which the holder is entitled to fishing rights, contain such additional personal identification data as is required on fishing licenses

issued under the law of the state or states within which it is used, and be signed by the issuing officer and by the holder.

(e) No charge or fee of any kind shall be imposed by the Commissioner of Indian Affairs for the issuance of an identification card hereunder: Provided, That this shall not prevent any Indian tribe from imposing any fee or tax which it may otherwise be authorized to impose upon the exercise of any tribal fishing right.

(f) All cards issued by the Commissioner of Indian Affairs pursuant to this Part 256 shall be and remain the property of the United States and may be retaken by any federal, state, or tribal enforcement officer from any unauthorized holder. Any card so retaken shall be immediately forwarded to the officer who issued it.

(g) The failure of any person who claims to be entitled to the benefits of a treaty fishing right to have such a card in his immediate personal possession to display it upon request to any federal, state, or tribal enforcement officer shall be prima facie evidence that the person is not entitled to exercise an Indian fishing right under a treaty of the United States.

(h) No person shall allow any use of his identification card by any other person.

§ 256.4 Identification of Fishing Equipment

All fishing gear or other equipment used in the exercise of any off-reservation treaty fishing right shall be marked in such manner as shall be prescribed in regulations issued pursuant to section 256.2 hereof to disclose the identity of its owner or user. In the absence

of proof to the contrary, any fishing gear which is not so marked or labeled shall be presumed not to be used in the exercise of an off-reservation treaty fishing right and shall be subject to control or seizure under state law.

§ 256.5 Use of Unauthorized Helpers or Agents

No Indian shall, while exercising off-reservation treaty-secured fishing rights, permit any person twelve years of age or older other than the authorized holder of a currently valid identification card issued pursuant to this Part 256 to fish for him, assist him in fishing, or use any gear or fishing location identified as his gear or location pursuant to this Part 256.

§ 256.6 Enforcement and Penalties

(a) Any Indian tribe with a tribal court may confer jurisdiction upon such court to punish violations by its members of this Part 256 or of the area regulations issued pursuant thereto. Jurisdiction is hereby conferred upon each Court of Indian Offenses established pursuant to Part 11 of this Chapter to punish such violations by members of tribes whose reservations are under the jurisdiction of such court. Courts of Indian Fishing Offenses may be created pursuant to Part 11 of this Chapter to punish such violations by members of any tribe or group of tribes for which there is otherwise no Court of Indian Offenses or tribal court with jurisdiction to enforce this Part 256. The provisions of Part 11 of this Chapter shall apply to any such court with respect to the exercise of its jurisdiction to enforce this Part 256. All jurisdiction conferred by this section shall

apply without regard to any territorial limitations otherwise applicable to the jurisdiction of such court.

(b) Acceptance or use of an identification card issued pursuant to this Part 256 or use of any fishing gear marked or identified pursuant thereto shall constitute an acknowledgment that the fishing done under such card or with such gear is in the claimed exercise of a tribal fishing right and is subject to the jurisdiction of the tribal court, Court of Indian Offenses, or Court of Indian Fishing Offenses. Except as may be otherwise provided by tribal regulation approved by or on behalf of the Secretary of the Interior, any person claiming to be exercising such tribal right and fishing in violation of the right contained in or issued under this Part 256 may be punished by a fine of not to exceed \$500, imprisonment of not to exceed six months, or both, and shall have his tribal fishing privileges suspended for not less than five days for any violation of this Part 256 or of any area regulation issued pursuant thereto. The court shall impound the fishing rights identification card of any person for the period which the fishing privileges are suspended.

§ 256.7 Savings Provisions

Nothing in this Part 256 shall be deemed to:

(a) Prohibit or restrict any persons from engaging in any fishing activity in any manner which is permitted under state law;

(b) Deprive any Indian tribe, band, or group of any right which may be secured it by any treaty or other law of the United States;

(c) Permit any Indian to exercise any tribal fishing right in any manner prohibited by any ordinance or regulation of his tribe;

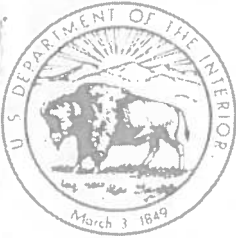
(d) Enlarge the right, privilege, or immunity of any person to engage in any fishing activity beyond that granted or reserved by treaty with the United States;

(e) Exempt any person or any fishing gear, equipment, boat, vehicle, fish or fish products, or other property from the requirements of any law or regulation pertaining to safety, obstruction of navigable waters, national defense, security of public property, pollution, health and sanitation, or registration of boats or vehicles;

(f) Abrogate or modify the effect of any agreement affecting fishing practices entered into between any Indian tribe and the United States or any state or agency of either.

Secretary of the Interior

July 10, 1967



Northwest Regional Information Office, Portland, Oregon

W-12-14-7

DEPARTMENT OF THE INTERIOR

P. O. Box 3621, 1002 N. E. Holladay Street, 97208--234-3361

OFFICE OF THE SECRETARY

December 15, 1967

For Immediate Release

OREGON AND WASHINGTON FISHERIES DIRECTORS CONFER WITH INTERIOR OFFICIALS ON INDIAN COLUMBIA RIVER FISHING RIGHTS

Robert Schoning, Oregon State Fisheries Director, and Thor Tollefson, Director of the Washington State Department of Fisheries, conferred this week with top officials of the Department of the Interior in Washington to explore possibilities of cooperatively developing regulations that would recognize and provide for Indian off-reservation treaty fishing rights.

Governor Tom McCall of Oregon, at whose request the meeting was held, was unable to attend because of adverse flying weather.

The two State Directors indicated a willingness on the part of their departments to issue regulations providing for an exclusive Indian commercial net fishery on the Columbia River above Bonneville Dam in recognition of treaty rights of certain tribes to fish off-reservation at their "usual and accustomed places."

The Department of the Interior has issued framework regulations covering off-reservation treaty fishing rights and is at present considering implementation of the framework plan by promulgation of specific regulations where necessary. Several tribes have also adopted regulations governing the fishing activities of their members.

Secretary of the Interior Stewart L. Udall said he was encouraged by the fact that the States' proposal recognized the special treaty rights of the Indians. He told the State officials that the department welcomes an opportunity to work closely with the States and the tribes on that basis and in

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choosing an approach which, it is hoped, will lead to amicable resolution of this long-standing controversy.

"The Tribes, the States and the Federal Government all have responsibilities for and interest in conserving and governing the fishery resource, and a true spirit of cooperation will be required of all parties," Secretary Udall added. He stressed the necessity of involving the Tribes in development of basic approaches for establishing fair, reasonable and necessary conservation regulations.

Director Tollefson noted that successful culmination of this cooperative approach to the problems on the Columbia River could lead to similar cooperation with respect to other streams in Washington where Indian Tribes have treaty rights.

Interior Department officials participating in the discussions included Assistant Secretary Harry R. Anderson, Solicitor Frank Barry, Deputy Assistant Secretary and Commissioner of Fish and Wildlife Clarence F. Pautzke, and Commissioner of Indian Affairs Robert L. Bennett. Also taking part were Dale M. Baldwin, Area Director of Portland, Ore., for the Bureau of Indian Affairs; Donald R. Johnson, Regional Director at Seattle, Wash., for the Bureau of Commercial Fisheries; and George Dysart, Assistant Regional Solicitor for the Department at Portland, Ore.

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DEPARTMENT OF THE INTERIOR

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For release November 15, 1968

ADJUSTMENT OF GRAZING FEES ON NATIONAL FORESTS AND PUBLIC LANDS PROPOSED

Secretary of Agriculture Orville L. Freeman and Secretary of the Interior Stewart L. Udall announced today proposed changes in current methods of determining fees for livestock grazing on National Forests and public lands under their administration.

This action is in accordance with the instructions contained in the Bureau of the Budget's circular A-25 of September 23, 1959. Circular A-25 established general governmental policy for all Federal activities. It called for fair market value to be obtained for all services and resources provided the public through the establishment of a system of reasonable fee charges.

Fees charged livestockmen who graze their cattle and sheep under permit on public lands managed by Interior's Bureau of Land Management and Agriculture's Forest Service have been under intensive study for two years. The proposal for changing fees has resulted from a study using data from a survey designed and conducted for the land management agencies by the Department of Agriculture's Statistical Reporting Service (SRS). The results of the SRS survey indicate grazing fees are below the market value for the forage.

About 47,000 grazing permits are issued to farmers and ranchers by the two agencies.

The purpose of the study was to compare charges or values of grazing on similar private and Federal holdings. The intensive SRS survey produced data

needed to estimate grazing values on 98 National Forests, 19 National Grasslands and 48 BLM Districts in 17 Western States. Some 10,000 individual ranchers were interviewed in the survey and more than 14,000 questionnaires were collected. Information was obtained from the ranchers on 13 non-fee costs of using public and private lands and lease rates on private grazing lands for both cattle and sheep. Cost factors include such items as cost of handling, trucking, feeding, and animal loss.

A common base of \$1.23 per animal unit month, adjusted by an annual forage value index, would be used to calculate grazing fees for livestock using the National Forests and public lands. For the public lands, the 1969 fee, including a private forage value index of 2 cents, is estimated at 44 cents per animal unit month. The current grazing fee on the public lands is 33 cents.

Although using the same common base and annual forage index factors, Forest Service fees will vary by each National Forest according to long-existing fee bases. For cattle the new fees are estimated from 31 cents to \$1.25 per cow month. Sheep fees on the Western National Forests are estimated to vary from 6 to 25 cents per sheep month. The new Forest Service fees will be applicable in 1969 to the National Forests in 11 Western States. Changes in fees for grazing on other National Forests and National Grasslands will be determined in 1970.

"We want full industry and public review prior to putting these regulations into effect," Secretaries Freeman and Udall stated. "When these regulations are approved, both agencies will use graduated increases over a period of time to reach the fair market value of the forage. This will give the livestock operators an opportunity to adjust their operations to meet the increased fees without undue impact."

The proposed changes in calculation of BLM grazing fees are being published by the Secretary of the Interior in the Federal Register. Proposed changes in National Forest grazing fees will be announced by the Forest Service. A 45-day period will be given to interested parties in submitting their comments to both Secretaries before a final decision is made by the two Departments.