

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION

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M E M O R A N D U M

TO: Henry Loble, Chairman
Reserved Water Rights Compact Commission

FROM: Scott Brown, Program Manager

SUBJ: Background information; Flathead and Northern Cheyenne
Reservations.

DATE: June 5, 1980

In researching the background information related to Indian tribes in Montana, the thought occurred to me that members of the commission might be interested in some general and historical facts concerning the Flathead and Northern Cheyenne tribes.

SB/kdd
cc: Commission members
Dave Ladd

Enclosures

The following persons have been officially designated by the Northern Cheyenne and Confederated Salish and Kootenai tribes as members of their respective negotiating bodies.

Northern Cheyenne Tribe:

Edwin Dahle, Tribal Officer
Ted Risingsun, Tribal Officer
Allen Rowland, Tribal President
Calvin Wilson, Tribal Attorney
John Echohawk, Attorney, Native American Rights Fund
Jeanne Whiteing, Attorney, Native American Rights Fund

Confederated Salish and Kootenai Tribes:

Thomas Pablo, Council Chairman
Vic Stinger, Tribal Secretary
E.W. Morigeau, Tribal Councilman
Rhonda Camel, BIA, Rights Protection Officer
Evelyn Stevenson, Tribal Attorney
Law Firm of Wilkinson, Cragun and Barker

The Confederated Salish and Kootenai Tribes

Three distinct Indian tribes, the Kootenai, Upper Pend d'Oreille and Flathead, inhabited present day western Montana until their amalgamation into what is known today as the Confederated Salish and Kootenai tribes.

Many historians believe that the Pend d'Oreille and Flathead people migrated into this area from the Pacific Coast rather recently, possibly as late as the 1600s. The two tribes share a close linguistic relationship with one another and with tribes living along the coast. Collectively, these tribes have long been known among themselves as the Salish people.

The Flathead Indians hunted and gathered over an immense area, from the Kootenai River to Shoshone country in the Big Hole Basin, and as far east as the Great Falls, but they considered the Bitterroot Valley as their home. Their lifestyle was heavily dependent on the bison, which, shortly after the Flatheads settled in the Bitterroot Valley, could be found only on the east slopes of the continental divide. The cultural habits of these wandering people changed abruptly in comparison with their Salish relatives, the Pend d'Oreille, who settled along the southern shores of Flathead Lake and retained much of their Salish lifestyle--a lifestyle more dependent upon fishing and hunting waterfowl.

The third tribe, the Kootenai, came into the upper Flathead River basin from present day British Columbia, possibly as recently as the early 1800s. Although their cultural ways were somewhat similar to those of the Pend d'Oreille living nearby, the Kootenai and Pend d'Oreille were not related linguistically.

In spite of apparent differences in their lifestyles and to some extent their languages, the three tribes lived in harmony. In a relatively short period they came to depend upon one another for various needs. All three tribes were, at one time or another, enemies with the Blackfeet people. Edible plants of the area became important food items to all three tribes--

the bitterroot, camas, the bark of cedar trees, black moss and blueberries (huckleberries). People from all three tribes would gather with other tribes each year to gather berries and dig for roots all along the valleys of western Montana.

The Pend d'Oreille and Flathead people had hardly settled into their new lands, however, before white trappers and traders began to appear. Indeed, the Kootenai people probably arrived in the area at approximately the same time as did some of the earliest white men. Within a relatively short period, the Indians of western Montana became profoundly influenced by Christianity, particularly Roman Catholicism. As early as 1841, Father Pierre De Smet established a church among the Flathead people of the Bitterroot Valley.

While it may be speculative to dwell on the correlation, it is significant that the Indians who became Christians were far more accommodating to the ever changing policies of the white man's westward expansion than were their non-Christian brothers.

The Hell Gate Treaty

The three tribes' most notable encounter with the white man's policy of expansion came in 1855. The governor of Washington Territory had been given the authority to negotiate a treaty. It was the United States' intent to consolidate the Kootenai, Flathead and Pend d'Oreille into one tribe and set aside a reservation near Flathead Lake. The protracted and often hostile negotiations, which were conducted near present day Missoula, resulted in considerable misunderstanding on both sides.

Governor Isaac Stevens wanted Chief Victor of the Flathead Tribe to leave the Bitterroot Valley. Chief Victor, believing that the conference had been called to discuss ways the white men might assist him in overpowering the Blackfeet Indians, resisted any notion that his people should be moved out of the Bitterroot Valley. After eight days of negotiations,

on July 16, 1855, the Hell Gate Treaty was signed.

The treaty established the reservation as it is today; however, in an attempt to accommodate Chief Victor, the treaty specified that a survey would be conducted in an attempt to determine where the Flathead people would be better suited to living--in the Bitterroot Valley or on the newly established reservation. The United States failed to honor that provision, but sixteen years later, in 1871, the federal government was persuaded by settlers to order the Flathead people out of the Bitterroot Valley. The Flatheads maintained that the Bitterroot Valley was made a part of the reservation at the signing of the Hell Gate Treaty and even today they contend that it was the intent of the United States Government to do so. Finally, in 1891, the Flathead Indians, then under Chief Charlo, were actually forced into the Jocko Valley. Thus, the three tribes became amalgamated in that year, but the accepted date of their consolidation coincides with that of the Hell Gate Treaty.

The Flathead Reservation

The reservation has a total area of 1,244,940 acres. That figure represents 23 percent of the total drainage area of the Flathead River and its tributaries. Yet, roughly one half of the land within the reservation boundary is currently owned by non-Indians. Table 1 lists the principal landowners and the areas of land owned by them as of 1978. It has not changed significantly in two years.

Table 1. Land ownership on the Flathead Reservation (acres)

561,500	Tribal Trust Lands
52,500	Private Indian Lands
1,000 (ca)	Bureau of Indian Affairs Lands
18,540	National Bison Range Lands (USDI)
39,400	State-Owned Lands
<u>572,000</u>	Private Non-Indian Lands
1,244,940	TOTAL

Much of the land owned by non-Indians is land that is well suited for agricultural uses, whereas much of the tribally owned land is forested and lies along mountainous terrain. Still, the estimated 400,000 acres of forested tribal land is largely valuable commercial timber land. Timber sales in 1978 brought the tribes approximately \$4.7 million.

Another important source of income is derived from a lease agreement between the tribes and the Montana Power Company. The tribes are paid \$950,000 annually for the land on which Kerr Dam is situated. That figure is likely to be renegotiated very soon, as the lease expires in 1980.

Tribal membership today numbers about 6,000 (5,936 in 1978). Slightly more than 3000 tribal members live on the reservation. Approximately 16,000 non-Indians reside also on the reservation.

The governing body of the tribes is a ten member council. Council members are elected for terms of four years, with one half of the council's seats up for election every two years (U.S. Department of the Interior, 1978).

Buffalo Rapids Hydropower Development

Despite the announcement earlier this year by the Corps of Engineers that the Buffalo Rapids proposals were being "placed on the shelf," the Montana Power Company has firm plans to file for a license to provide hydropower at these sites.

The MPC, as recently as March 1980, announced plans to file for a license through the Federal Energy Regulatory Commission in the second half of 1982. According to their plans, preconstruction activities would commence in 1987 and actual construction would commence in 1989. The company has given no indication that it will file for a state permit (Major Facility Siting); however, the precedent may have been established already by the Kootenai Falls hydropower proposal and the state may require

the same in the case of the Buffalo Rapids proposals (Montana Department of Natural Resources and Conservation, 1980.)

The Northern Cheyenne Tribe

The Cheyenne Indians inhabited the region now known as the North Platte River basin for centuries. Unlike many other plains tribes, the Cheyennes practiced some relatively sophisticated agriculture techniques; however, as white trappers and explorers began entering the North Platte region, the Cheyennes moved northward into the Black Hills. Consequently, their agricultural skills were soon forgotten as a more typical Plains Indians mode of life--hunting and gathering--was established.

In 1825, near present day Pierre, South Dakota, Cheyenne Indians participated in one of the earliest treaties formed in the western United States. Within a few years, the greater percentage of the tribe moved southward into the Arkansas River basin. Those who remained continued to hunt and gather in and around the Black Hills. Eventually, many returned to the North Platte River basin while others began moving into the Yellowstone River basin. The division of the original Cheyenne Tribe into southern and northern tribes was recognized in 1851 by the Fort Laramie Treaty.

The Northern Cheyenne Indians formed alliances with the Sioux Tribe and assisted Chief Sitting Bull in the Battle of the Little Big Horn. For their role in this and other related battles, the federal government exiled the Northern Cheyenne to Indian territories in Oklahoma, but a small band of Northern Cheyenne braves, women and children escaped Oklahoma under the leadership of Chief Dull Knife and Chief Little Wolf. Their northward flight to their homeland was a remarkable achievement, in view of the overwhelming odds against them. Written accounts of their heroic return are among the most fascinating chapters of western history. On November 26, 1884, President Arthur signed the Executive Order which set aside land for

the Northern Cheyenne Indians. The reservation has since been the home of the Morning Star People, a name used in honor of Chief Dull Knife, who was known also as Morning Star.

In 1936, the Northern Cheyenne Tribe organized under the Indian Reorganization Act. The tribe is a federally chartered organization governed by a 15 member tribal council. The tribal council president, currently Allen Rowland, is an elected official who serves a term of four years. Other council members are also elected; however, their terms expire every two years.

The Northern Cheyenne Reservation is sparsely populated. Slightly more than 3000 Indians reside there, but some are members of other tribes. Unlike the Flathead Reservation, relatively few non-Indians reside on the Northern Cheyenne Reservation.

The reservation boundary surrounds 444,157 acres of land that is good livestock range land. Approximately 292,780 acres are tribally owned and 140,000 are allotted lands. Only 11,000 acres have passed out of trust status; however, the tribe has a policy directed toward purchasing all nontrust lands, thus assuring that all reservation lands will be owned eventually by tribal members.

Coal Deposits

Underlying the Northern Cheyenne Reservation is an immense deposit of a high grade, low sulphur coal. According to a unanimous decision rendered by the U.S. Supreme Court, May 19, 1976, the Northern Cheyenne Tribe possesses all rights to the minerals underlying their reservation (U.S. Department of the Interior, 1978).

SOURCES

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3. Pacific Northwest River Basins Commission. 1976. The Flathead River Basin: A comprehensive water and related land resources plan for the state of Montana. Vancouver, Washington.
4. United States Department of the Interior, Bureau of Indian Affairs. 1978. American Indian Tribes of Montana and Wyoming. Report No. 262. Billings, Montana.