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## **Appendix H**

# **INDIAN RIGHTS AND TREATIES**

APPENDIX H FEDERAL ACTIONS ASSOCIATED WITH INDIAN RIGHTS AND TREATIES

INTRODUCTION

The following treaties, court decisions, and laws are those pertinent to the Malheur National Forest and its relationships with Native American tribes.

A. TREATIES

Action: Treaty with the Walla Walla, Cayuse, and Umatilla Tribes, June 9, 1855  
Treaty with the Tribes of Middle Oregon, June 25, 1855

Both treaties contain this provision "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 House 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." The John Day River System contains many usual and accustomed fishing sites of these two confederations

B. COURT DECISIONS

The Federal court has confirmed the intent of treaty reserved rights In 1980, the court held that a treaty right to fish is meaningless if most of the fish are destroyed by a hostile environment such as dewatering and others have the obligation to refrain from degrading habitat to the extent that tribes would be deprived of moderate living needs The court further held that environmental conditions essential to anadromous fish runs include access and an adequate supply of good quality water (United State v. Washington, Phase II, 506 F Supp 187, W D. Wash 1980).

C. LAWS

Civil Rights Act of 1964, Title VII

Title VII prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment on the basis of race, color, religion, sex, or national origin

American Indian Religious Freedom Act of 1978

This act requires Federal agencies to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and privileges

