



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

May 1, 2024

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Subject: Colville Tribes Casino and Commercial Project, Franklin County, Washington

Thank you for contacting the Yakama Nation regarding the above proposal located within the Ceded Lands of the Yakama Nation, the legal rights to which were established by the Treaty of 1855 (12 Stat. 951), between the Yakama Nation and the United States Government. The Treaty set forth that the Yakama Nation shall retain rights to resources upon these lands and, therefore, it is with the assistance of the United States Federal Government that Yakama Nation claims authority to protect traditional resources.

In review of the Cultural Resources Study completed for the Confederated Tribes of the Colville Reservation's *Colville Tribes Casino and Commercial Project, Franklin County, Washington*, there are concerns regarding the ethnographic context, archaeological methods and results, consultation, and inadvertent discoveries protocol. We cannot concur on this report.

The ethnographic report by Gross (2022) omits association of the project area within the Confederated Tribes and Bands of the Yakama Nation. Sources cited in the ethnographic section are largely affiliated/employed with the Colville (i.e. Shannon and Moura, Hart 2003, Capuder 2018). Background research provided in Appendix A. includes Landreau's (2017) report which documents this area as the Ceded Lands of the Yakama Nation referencing sources such as Hunn and Selam (1990) and Schuster (1998); however, these are not considered in the Gross' (2022) report.

The two most significant historic documents discussing cultural affiliation in the locality are the Lewis and Clark Corps Discovery (1805) and the Yakama Treaty of 1855 (12 Stat. 951). The ethnographic context does not include these primary references which associate this area with the Tribes Bands of the Yakama Nation. Specifically, those that are referred to as part of the Yakama tribe/band.

When considering Lewis and Clark Corps Discovery (1805), the information is uniquely important. It represents a glimpse of the history of the landscape prior to and leading up to the Treaty of 1855. On October 18, 1805, William Clark remarked upon the area known as *Kusis*. He describes the area generally within the vicinity of the project location. Clark explains that the Nation north and west of the Snake River Confluence as the So-Kulk or

Sokulk. The Sokulk are further described by the Meriweather Lewis as Sahaptin speakers.

The Sokulk are associated with Yakama or Pshwanapam and Shyiks that are included in the Yakama Treaty (Yakima Treaty of 1855, 12 Stat. 951). Clark further explains that the nation at the Second forks of the “Tape tete River” or Topxatut/Yakama River to the Snake River as the Nation of the “Chim-nâ-pum” (Clark, October 18, 1805). The Chimnapam are widely recognized as the Yakama (Journals of Lewis and Clark in Moulton 1983-5:287, 369; 6:474, 483, 490; 7:178, 181; Boyd 1998:469). Scholars provide further insight into this early encounter stating: the ‘Chimnapams and Sokulks today are known as the Yakamas and Wanapams respectively’ (Journals of Lewis and Clark, University of Nebraska 2002). Meriwether Lewis examined the vocabulary of the Sokulk and Chimnapam and identified them as sharing the same language known today as Sahaptin or Ichishkin Sinwit (Journals of Lewis and Clark, University of Nebraska 2002).

In this context it important to understand that the Wanapams are synonymous with the Yakama and Shyiks. The Wanapams are descendant members who followed the teachings of Smoholla at the Yakama/Pshwanapam village known as P’nah. The Yakama/Pshwanapam and the Shyiks are distinctly included in the Treaty of 1855 and Yakama Nation is therefore the legal successors.

The Yakamas or Lewis and Clark’s “*Camnâpam*, ‘the people of the *Chamnâ*” refers to the village “at the confluence of the Yakima River with the Columbia River”(Journals of Lewis and Clark, University of Nebraska 2002). It has been documented “The Yakimas lived in the vicinity of present Pasco, Franklin County, Washington, on both sides of the river...” and “...lived in the immediate vicinity of the Snake-Columbia fork” (Journals of Lewis and Clark, University of Nebraska 2002).

The ethnographic section of the report states the nearest village was Pasxa and affiliated with the Palouse, and omits documentation of the earliest historic records associated this place with the Yakama. The large year-round village near present-day Pasco is documented in the earliest records as “ku’sis meaning two rivers meet” and “was occupied mainly by Yakama people, but many Walula and some Umatilla people lived there also.” (Journals of Lewis and Clark, University of Nebraska 2002). The site was ‘an important trading center’ and a valuable fishing location.’ (Journals of Lewis and Clark, University of Nebraska 2002). The association with the Yakama is also documented in Ray (1936:46), another primary source, who further described the Yakama village of *Kusis* as a ‘valuable site for fishing and taking eels’. Relander (1986) documents this was one of the largest villages on the Columbia, referring to it as Kosith.

Further, when considering the association of Pasco to Pasxa the following should also be considered. In Ichishkin Sinwit or Sahaptin, Yakama Nation understands that the word to describe sage brush lands is pasxa or “pshxú” (Beavert and Hargus 2009) and tall grass lands similarly are known as “pisco” a name that is given to a Yakama band, “Piscopam”

people from the tall grass lands (Splawn 1917). However, according to historical records, “Pasco” received its name from by Virgil Gay Bogue, location engineer of the Northern Pacific Railroad. There are two sources that discuss a justification for his choice in the name Pasco, both which relate the conditions at locations in South America such as Cerro de Pasco, Peru one of the flattest and hottest places Bogue had visited (Letters from F. W. Dewart and McCartney in Meany 1923).

The ethnographic context continues with further discussion on the Palouse, Gross (2022) stating “The Palus were recognized in the U.S. treaty with the Yakama, but the Palus actually never recognized the terms...In 1896, the Commissioner of Indian Affairs directed Indian Agent L.T. Erwin of the Yakima Agency to travel to the Palus settlements along the Palouse River in an unsuccessful attempt to induce the Palus to move to the Yakama Reservation or another reservation of their choice (Capuder 2018, Hart 2003).” **The fact is the Palouse were signatory to the Yakama Treaty of 1855 and are represented by the Confederated Tribes and Bands of the Yakama Nation.** There are many enrolled Yakama members with Palouse ancestry. The oral histories of these places are recalled through Yakama enrolled tribal members.

The report discusses at length the establishment of the Colville Reservation which was set aside by Executive Order in 1872. **The Treaty established in 1855 with the Yakama Nation ratified in 1859 was in place two decades before the establishment of the Colville Reservation.** The Colville Reservation establishment created a boundary in which they were to remain friendly to neighboring tribes and could not leave the reservation without the consent of the Commissioner of Indian Affairs. This is contrasting to the Explicit and Reserved Rights that were established as a constitutional right by a council of Treaty Indians recognized by the federal government today known as the Yakama Nation (12 Stat. 951).

The report indicates that tribal consultation was conducted with CCT Guy Moura on June 15, 2021, who identified no information on cultural resources within the project area but expressed minimal expectations given proximity to water. No other tribal consultation was conducted. The report stated they ‘presumed any additional consultation would be completed by the BIA as the lead federal agency’. **The consultant did not provide the report to the Yakama Nation for review and comment despite the project being located within Yakama Treaty Territory.**

The report relies on the DAHP archaeological model as an explanation for the presence/absence of sites based on distance to water. Models are good for identification of types of sites (i.e. habitation vs. gathering area) not whether a particular place was utilized by native peoples. The project area is only a few miles north of present-day Pasco. Its location in proximity to a large village site may indicate that methods were not adequate for identifying sites.

The archaeological methods state a 12-inch diameter mechanical auger was utilized for the probes. It is unclear from the description if there was controlled screening of sediments. The report only indicates sediments were screened with ¼-inch hard mesh with probes extending between 10cm and 150cmts. The figure provided for the probes are not numbered, but distinguishes between 95 'auger test locations' and 4 'deep auger test locations'. However, there is no probe table detailing the depth or characterization of soils for each probe to allow for an understanding if the methods were adequate. The size of the screen would not capture artifacts smaller than ¼" such as pressure flakes. The figure indicates probes were largely placed within the pivot field with only a small fraction of the auger probes (i.e. 11 of the 99) were excavated outside of the agricultural field. The survey transects are not depicted on the map.

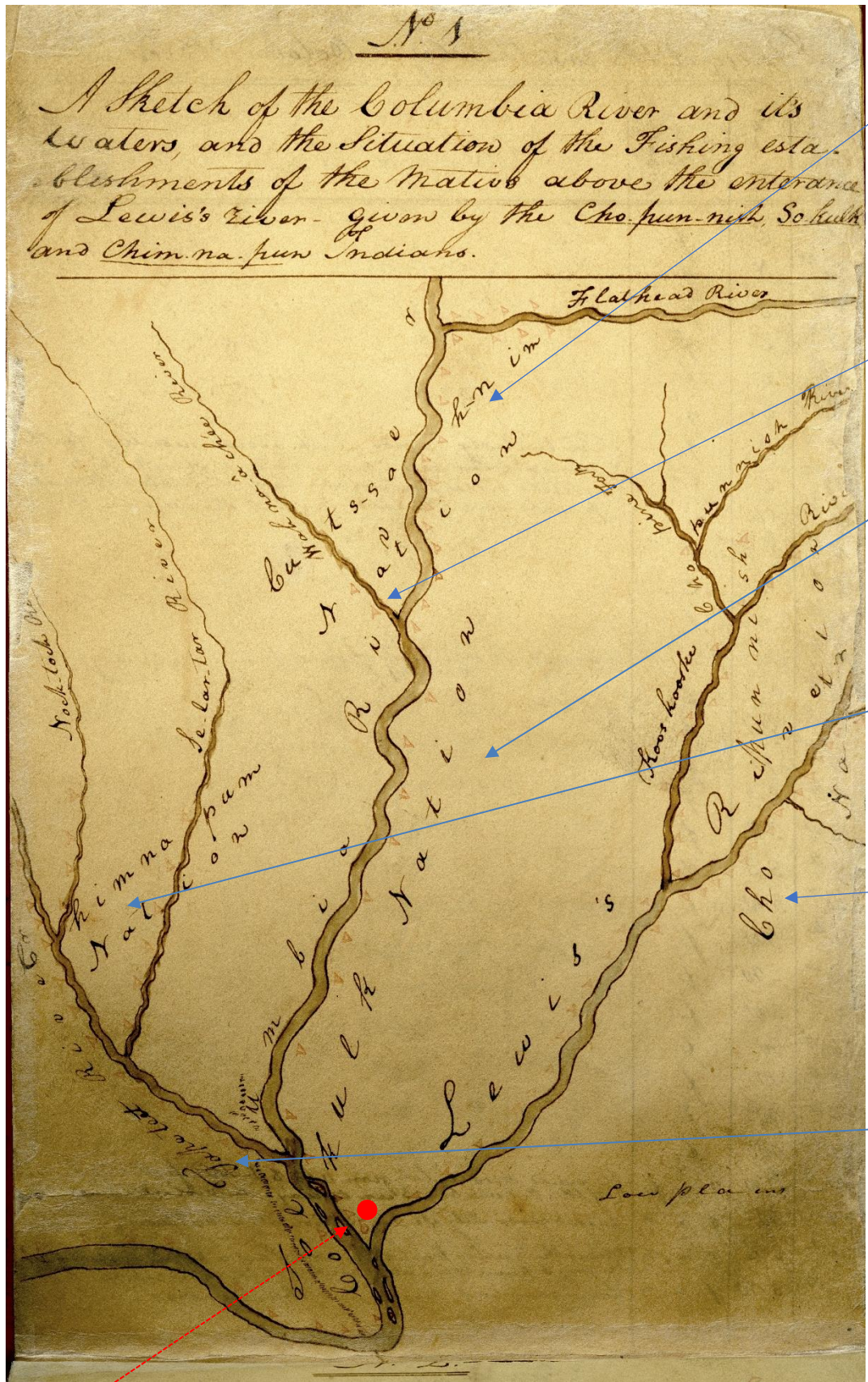
The inadvertent discovery protocol indicates in the event of artifacts are uncovered during construction, 'the Colville Tribes and BIA' would be notified and if human remains are uncovered during construction, 'the coroner, Colville Tribes, BIA, and DAHP should be notified immediately'. The Yakama Nation was omitted from this notification process, despite the proposed undertaking being located within the Ceded Lands.

The Yakama Nation appreciates your solicitation to our staff regarding the Pasco Casino Project. In response, please contact by e-mail Marcus Shirzad Marcus@yakamanation-olc.org with the Yakama Nation Office of Legal Counsel and myself.

Sincerely,



CASEY BARNEY, YAKAMA NATION CULTURAL RESOURCE PROGRAM
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“Cuts-sahnim” Today referred to as Pahutsanim Meaning the five standing legendary figures in Ichishkinsinwit dialect.

“Wah naa che’e” Today referred to as Wenacha or Wenatchee River Water issuing through a mountain pass in Ichishkinsinwit dialect.

“Sokulk” Today referred to as Shyiks or Shkukol A root that is dug in this area in the Ichishkinsinwit dialect.

“Chimnapum” Today known as Yakama or Lower Yakama. A horn or confluence where water goes two directions in the Ichishkinsinwit dialect.

“Cho pun nish” Today known as Toppenish A landslide that occurred in legendary times in the Ichishkinsinwit dialect.

“Tapetet” Today known as Top-tut or Yakima River A type of spear fishing in the Ichishkinsinwit dialect.

Note: The general location of the project area in a place known as “Kusis” shown as Sokulk and Chimnapum Nation (Yakama) adjacent to Tapetet River (Top-tut or Yakima River).

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