

THE ROLE OF CRITICAL CARTOGRAPHY IN ENVIRONMENTAL JUSTICE:
LAND-USE CONFLICT AT SHASTA DAM, CALIFORNIA

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Master of Arts
In
Geography

by

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San Francisco, California

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CERTIFICATION OF APPROVAL

I certify that I have read *The Role of Critical Cartography in Environmental Justice: Land-use Conflict at Shasta Dam, California* by Anne Kathryn McTavish, and that in my opinion this work meets the criteria for approving a thesis submitted in partial fulfillment of the requirements for the degree: Master of Arts in Geography at San Francisco State University.

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THE ROLE OF CRITICAL CARTOGRAPHY IN ENVIRONMENTAL JUSTICE:
LAND-USE CONFLICT AT SHASTA DAM, CALIFORNIA

Anne Kathryn McTavish
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2010

The United States Bureau of Reclamation (USBR) is conducting a feasibility study to increase the height of Shasta Dam. The Winnemem Wintu Indian Tribe contend that any increase in the storage capacity of Shasta Lake would inundate their remaining cultural and historic sites, tribal lands, and current homestead, an act they describe as “cultural genocide.” Critical Cartography plays a valuable role evaluating the Winnemem Wintu claim, revealing how the tribe’s claim to land was mapped, then unmapped, over the past two-hundred years.

I certify that the Abstract is a correct representation of the content of this thesis.

Chair, Thesis Committee

Date

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I have been amazed, delighted, appalled, and humbled as I learned about the rights, issues, and status of the Winnemem Wintu. The journey has been eye-opening and life changing. I owe a debt of gratitude to many people who helped me along the way. I must start with Nancy Lee Wilkinson and Jerry Davis, who shared scholarship and friendship throughout this process. Barry Nickel, Seth Hiatt, Ellen McElhinny, and Jesse Cohen helped develop my cartographic knowledge and techniques. The Winnemem Wintu were generous with their time, research data, and contacts. I would thank them all, especially Caleen Sisk Franco, leader of the Winnemem Wintu, and Mark Franco, headman of the tribe, who live on and off the map every day.

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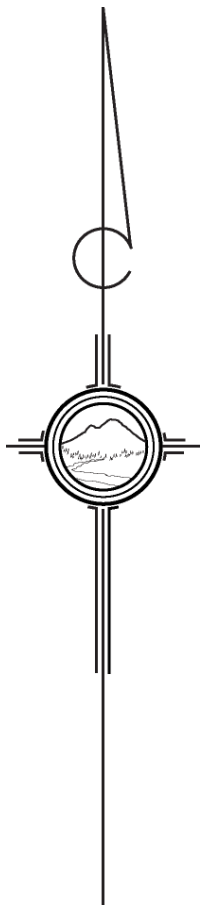
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How did we lose our land with its fisheries, its hunting grounds, its acorn forests, its fields of clover, the blossoms of which were pleasant food to us?

-Wintu and Yana Petition to Benjamin Harrison, President of the United State
1889 (Appendix 5)

The interests of many of the Shasta County Indians would be served better if they would leave the county entirely.

-John G. Rockwell, Field Representative in Charge, Sacramento Indian Agency,
to the Commissioner of Indian Affairs
1943 (Appendix 10)



1. Introduction: Purpose and Significance

The United States Bureau of Reclamation (USBR) is conducting a feasibility study to increase the height of Shasta Dam. In October 2005, the USBR initiated environmental compliance documentation for Shasta Lake Water Resources Investigation (SLWRI) in order to prepare an Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act (NEPA). The USBR issued a Notice of Intent to inform interested groups and individuals about the SLWRI. The schedule of scoping meetings was published with the Notice of Intent. Scoping allowed agencies, stakeholders, and interested parties to identify issues of concern (Garcia 2006: p. 1-1). The Winnemem Wintu put forward that any increase in the storage capacity of Shasta Lake would inundate their remaining cultural and historical sites, tribal lands, and current homestead, an act they described as “cultural genocide” (Martin 2005). Because they were not a federally recognized Indian tribe, they believe environmental justice was the most effective platform from which to address their concerns about the destruction of sacred space that would result from any increase in the maximum-pool water level of Shasta Lake.

Question: What role can Critical Cartography play in evaluating the Winnemem Wintu claim of environmental injustice?

For centuries, major funding for collection and distribution of cartographic data and products was dominated by the state and major map publishers (Harley 2001: p. 59). Recently, access to the internet and home computers, combined with open-source tools, accurate location data from affordable Global Positioning System units, and readily

available digitized base maps have made it possible for others to make reliable, verifiable, repeatable maps. Maps are not neutral, scientific documents. Rather, they are “a specific set of power-knowledge claims” (Crampton et al. 2005: p. 12).

This study is a research-based analysis and interpretation of historical and spatial data through the framework of Critical Cartography, which delves into the political aspects of maps, exploring how they exercise power, shape identity, construct knowledge, and promote social change (Crampton et al. 2005: p. 15). Since the present circumstances of the Winnemem Wintu are derived from historical conditions, the actions that put the Winnemem Wintu on and off the map are critiqued to reveal historical context and tease out attitudes that may have contributed to the present claim of environmental injustice. Using Critical Cartography to re-examine available historical maps and documents, I explore the role maps played when a group of people outside the dominant culture were added to and removed from the map.

There are 562 federally recognized Indian tribes in the United States, but there are also 332 unrecognized tribes, including 74 in California. The efforts of the Winnemem Wintu to make officially recognized claims about who they are, to influence land-use decisions in the area affected by Shasta Dam and Shasta Lake, and to remain in their historical tribal territory are not unique to this tribe. The research techniques used to analyze historical maps by georeferencing them, locating text descriptions on the map, and drawing from multiple sources in order to reconstruct historical events may be adapted and used by other recognized and unrecognized tribes. Critical cartography provides a theoretical framework through which historical data may be re-examined with a fresh eye so that historical errors may be revealed and corrected both on the map and in the text.

Chapter 2 discusses the framework of Critical Cartography. Maps are more than neutral, scientific representations of space, they are political documents with the power to

alter space. As the ability to make maps becomes ever more available to anyone with a computer and internet connection, Critical Cartography promotes geographic knowledge as a means of promoting social change. Despite lack of federal recognition, the Winnemem Wintu have been a continuous community in the McCloud watershed from historical times and remain actively engaged spiritually and politically today. On the basis of Environmental Justice, they oppose the United States Bureau of Reclamation feasibility plans, currently under investigation, to increase the height of Shasta Dam. Throughout this study Critical Cartography is used to provide context and frame the historical and spatial dimensions of the Winnemem Wintu claim of environmental injustice.

Chapter 3 describes an overview of the methodology used in the analysis for this study. Maps for this study were derived from many sources, using GIS tools, archival research, and analysis of available historical maps. This chapter describes the sources and how they are used in this study. Sources include historic documents, digital data, paper maps, text descriptions, and conversations with the Winnemem Wintu. Specific methodological details are described in Chapters 4, 5, and 6 so the methods I use to analyze historical data may be seen in context with the results.

Chapter 4 discusses how the Winnemem Wintu were put on the map. Specific methodologies I use in this chapter are to add color to existing maps, create Merriam's map based on text description, and georeference Guilford-Kardell's map of historical Wintu villages. The motive behind the changes Kroeber made to Powers's map is examined. The maps made by subsequent researchers from the University of California are examined to see if they reinforce Kroeber's decision or simply carry on his interpretation.

Chapter 5 follows the chronology of events that took the Winnemem Wintu off the map. Specific methodologies I use in this chapter are to compile or use maps to show

the unratified-treaty reservation, fraudulent Public Land System surveys, the railroad possessions, and the allotments. This chapter uses letters from the National Archive Record Administration (National Archive) to examine the impact on the Wintu from the arrival of American settlers, disposal of the public land, development of resources associated with the railroads. National Archive letters are used to show that the Bureau of Indian Affairs (BIA), which was the agency responsible for taking care of the Indians, was staffed by career employees more focused on the interests and aims of Congress and their Bureaucracy than on the needs of their wards.

Chapter 6 first describes the roles of the USBR, Congress, and the Bureau of Indian Affairs (BIA) in acquiring the Wintu allotments in Central Valley Project (CVP) Shasta Reservoir area from 1938 to 1945 and then examines the Winnemem Wintu opposition to the USBR feasibility study underway now to increase the height of Shasta Dam. Specific methodologies in this chapter include using multiple USBR sources to compile maps to represent the allotments they had to acquire in the CVP Shasta Reservoir area. USBR and BIA letters from the National Archive are used to examine if and how the Wintu were compensated for land acquired through the Central Valley Project Indian Lands Acquisition Act, 55 Stat 612. National Archive letters are used to consider whether the Wintu compensation for land in Shasta Reservoir was on par with white owners. I examine the current USBR feasibility study to increase the height of Shasta Dam and their response to the Winnemem Wintu opposition on the grounds of environmental injustice by using USBR reports and documents published on-line.

Chapter 7 describes the ongoing efforts of the Winnemem Wintu to maintain their collective identity and get back on the map. Group identity is actively constructed over time through spiritual practice and political action (Sokolove et al. 2002: p. 23). Examples of the Winnemem Wintu efforts to maintain spiritual access to sacred sites on public and private land, and actions taken to regain federal recognition and oppose USBR

plans to increase the height of Shasta Dam, also help nurture and maintain the group identity.

Chapter 8 concludes the study with a review of how Critical Cartography was used to evaluate the Winnemem Wintu claim of environmental injustice and some recommendations for future research.

List of Abbreviations

| | |
|---------------------|--|
| BIA | Bureau of Indian Affairs or Office of Indian Affairs |
| BLM | Bureau of Land Management |
| CALFED | California Federal |
| CalTrans | California Transportation |
| Cal-Atlas | California Atlas Geospatial Clearinghouse |
| CVP | Central Valley Project |
| CVPILAA | Central Valley Project Indian Lands Acquisition Act |
| EIS | Environmental Impact Statement |
| EJ | Environmental Justice |
| ESRI | Environmental Systems Research Institute |
| FR | Feasibility Report |
| ft msl | feet mean sea level |
| MDM | Mount Diablo Meridian |
| National Archive .. | National Archive and Records Administration |
| NEPA | National Environmental Policy Act |
| PLSS | Public Land Survey System |
| SLWRI | Shasta Lake Water Resources Investigation |
| U.S. | United States |
| USBR | United States Bureau of Reclamation |

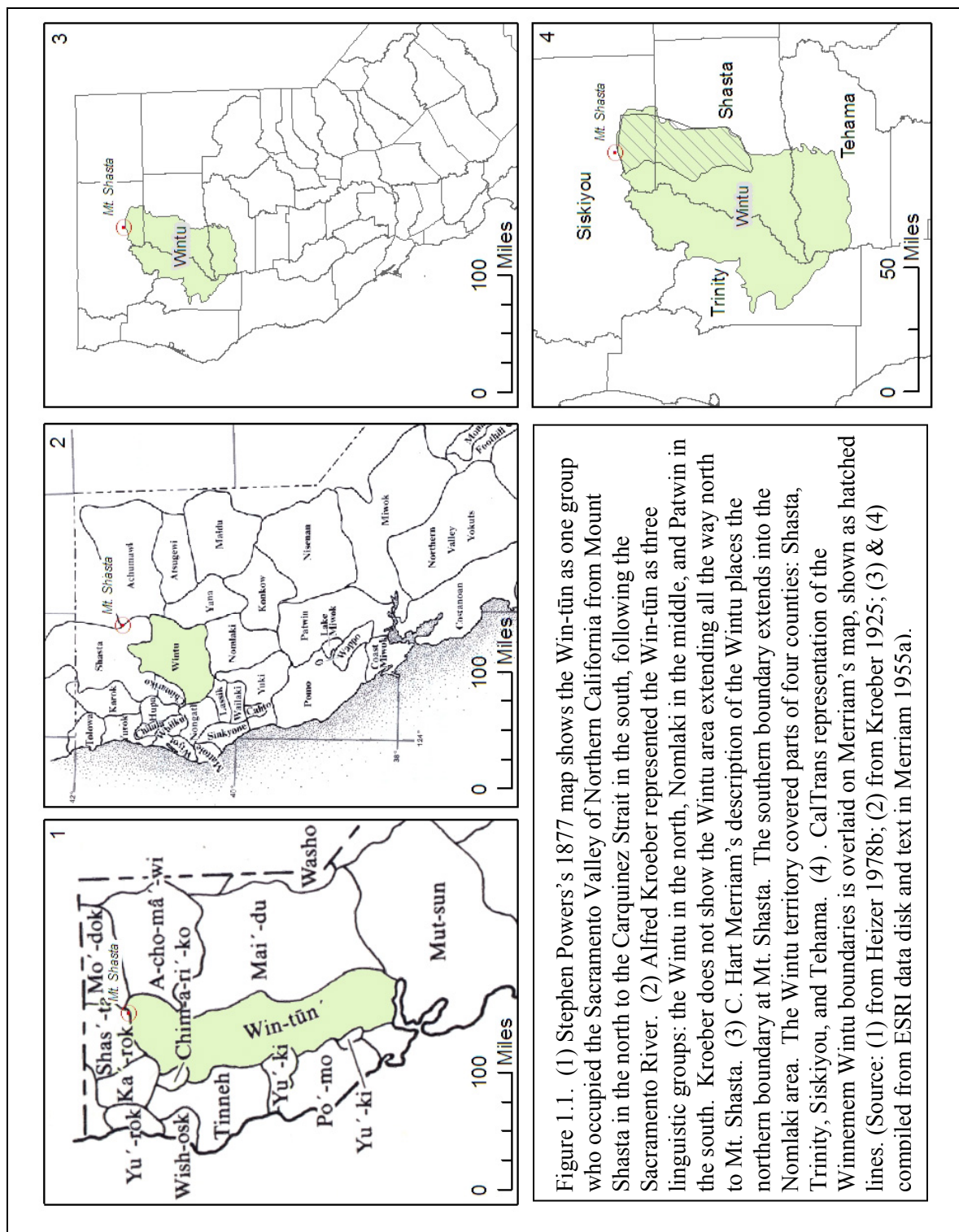
Terminology

The Bureau of Indian Affairs (BIA) was called the Office of Indian Affairs until 1947 (U.S. Department of the Interior Bureau of Indian Affairs 2009). Many documents cited in this study were written before 1947 but, for consistency, BIA is used when referring to the agency regardless of the year.

I did not italicize native terms, nor did I try to determine the single correct spelling. I use Indians, Win-tūn, Wintu, and Winnemem Wintu, as standard terms throughout this study, depending on the level of specificity appropriate for the segment. I used the term “Indian” rather than “Native American,” “Indigenous People,” or any of the many other terms one may find in various texts. I took guidance for this choice from Stephen Pevar’s ACLU handbook, *The Rights of Indians and Tribes*, in which he explained his reasons for using “Indian” as his term. “Most Indian organizations and groups, including the National Congress of American Indians and the American Indian Movement, use ‘Indian’ in their title. Also, virtually all federal Indian laws, such as the Indian Reorganization Act, and federal agencies, such as the Bureau of Indian Affairs, use the term, ‘Indian’” (Pevar 1992: p. 1). When the reference covered a broad geographic area, as in all of California or the United States, I used the term Indian.

Stephen Powers’s map from 1877 used the term Win-tūn Indians to represent the group who occupied the Sacramento Valley of Northern California from Mount Shasta in the north to the Carquinez Strait in the south, following the Sacramento River (Heizer 1978b: p. 2). Figure 1.1 compares various maps that represent the geographic area inhabited by the Wintu. The Win-tūn on Powers’s map were later subdivided into three linguistic groups—the Patwin were the southern group, the Nomlaki (Wintun) were in the middle, and the Wintu were to the north (DuBois 1935: p. 1). When referring to this entire territory, Mount Shasta to the Carquinez Strait, I use Powers’s spelling, Win-tūn.

The territory of the northern linguistic group, the Wintu, falls within today’s Shasta, Siskiyou, Tehama, and Trinity counties in Northern California if one accepts Merriam’s Wintu boundary description. The Wintu were variously called the Wintu (DuBois 1935; Kroeber 1925; LaPena 1978), Wintoon (Merriam 1955a; Redding 1973), Northern Wintu (Merriam 1955a), or Waileka (Curtis 1924). When referring to the whole Wintu area or multiple Wintu tribes, I use the term Wintu.



The Wintu group was further subdivided into six or nine tribes, depending on the reference source. This study focuses on one tribe, the Winnemem Wintu. Winnemem means “middle river people” or “middle water people,” referring to the fact that they lived on the McCloud River, which lies between the Sacramento and Pit rivers. There was abundant food, including salmon, acorns, grasshoppers, game, and various plants. The population along the McCloud River was dense and the villages were clustered close to each other (DuBois 1935: p. 23). The steep terrain and seasonal scarcity of available water at higher elevations further concentrated the population along the river. The Winnemem Wintu have been referred to as Northern Wintoon, Northern Wintun, Okwanuchu, Wailacca, Baird Indians, Baird Auxiliary, and other variations. Winnemem has been spelled a variety of ways, including winimem (DuBois 1935), wenem-em or wenemem (LaPena 1978), or Wineman, Wenemem (Hoveman 2002). They have also been called the McCloud River Indians, McCloud Wintu, McCloud or M’Cloud Indians (Heizer et al. 1973b). The tribe refers to itself as Winnemem Wintu, and that is the term I use throughout this study (Sisk-Franco 2009). In quotations I use the author’s spelling but added my standard terms in [] brackets.

There are 627 applications listed in the Redding Allotment assignments. For this study I located 196 Wintu allotments found in the study townships. The townships are shown in Figure 1.2. When referring to a specific allotment, I identify it as Redding Allotment and the number, for example, Redding Allotment 155 (U.S. Land Office 1889-1909).

Where there were detailed and reliable sources of information readily available regarding the Wintu or Winnemem Wintu, I have recommended the resources rather than quoted extensively from them. I include documents in the appendices that were difficult to find and key to this study. It was not possible to include all the material in the appendices but valid research requests may be directed to the Winnemem Wintu for access to the material.

Study Area

The study area has two boundaries. The first focuses on the 196 Wintu allotments in the townships of the study area. The second narrowed the focus to just the Central Valley Project (CVP) Shasta Reservoir boundary in order to examine how the United States Bureau of Reclamation (USBR) acquired the land that was still designated as allotments at that time. Figure 1.2 shows the Townships where the Redding Allotments and Historical Indian Villages were located on the map in relationship to the CVP Shasta Reservoir boundary.

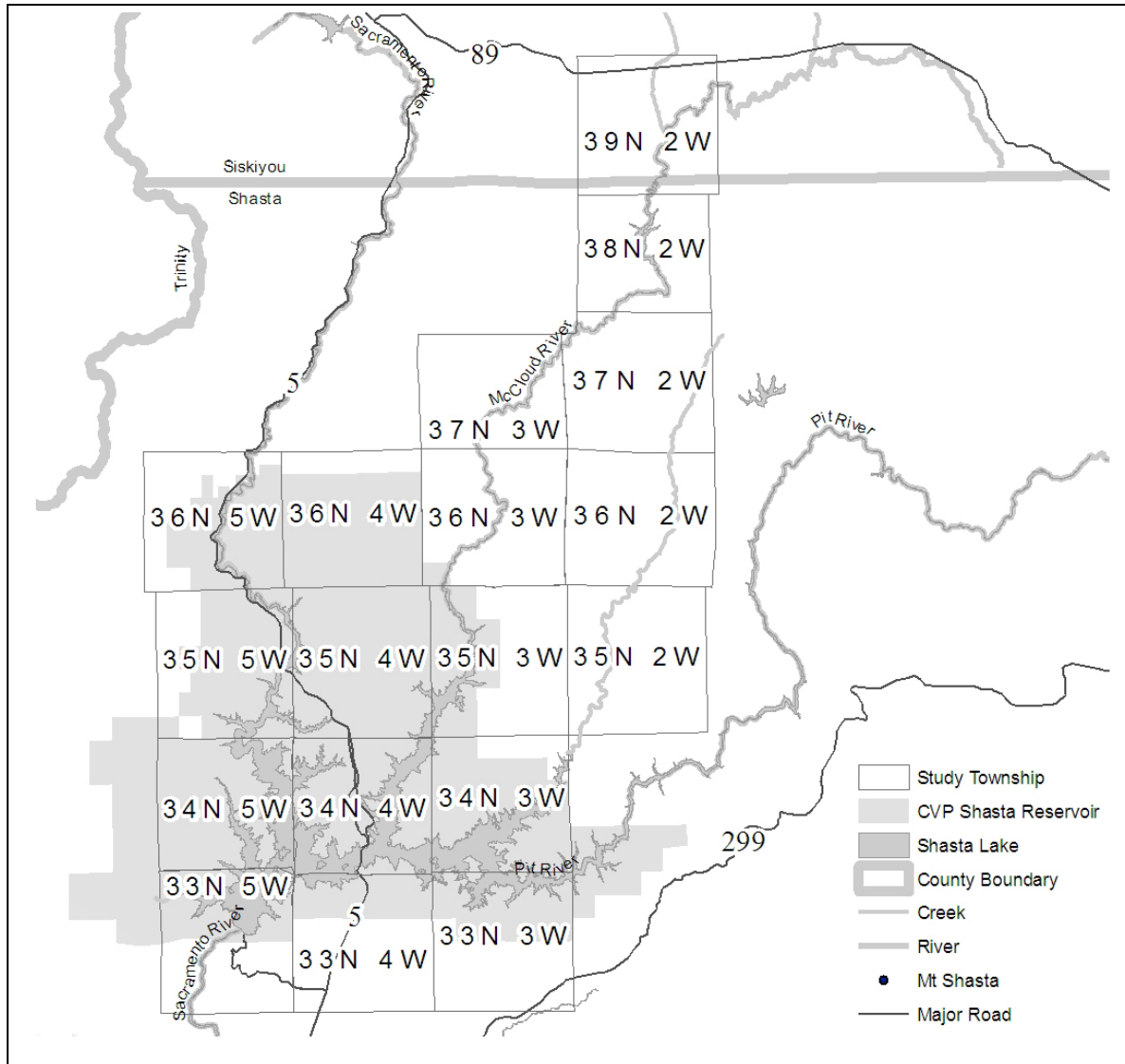


Figure 1.2. Study area. Wintu allotments from the Redding Allotment file falling within these townships were located using BLM PLSS files. The CVP Shasta Reservoir boundary was used to narrow the study area when examining how the allotments were acquired by the USBR when Shasta Dam was built. (Source: Compiled from BLM PLSS files; ESRI Data disk; Cal-Atlas GIS data)



2. Theoretical framework

“There is nothing so lonely as a fact without a theory to give it a home” (Sutton et al. 1985: p. 151).

In order to understand why the Winnemem Wintu today are opposed to increasing the height of Shasta Dam on environmental justice grounds, one must first understand the historical context of their claims. To start, the historical layers had to be reconstructed. Existing maps, to the extent they existed or could be found, were examined to show how the Winnemem Wintu were put the map and then taken off the map, both literally and metaphorically. In order to accomplish this goal, this study draws from the theoretical framework of Critical Cartography.

Mapmaking may be evaluated as science or art. As a science, mapmaking is expected to be unbiased, repeatable, accurate, verifiable, and factual (Harley 2001; Harwood 2006; Thomas 1971). Maps have been used in courts to prove ownership and in treaties to settle the territorial boundaries of nations (Short 2001: p. 13; Waldman et al. 1985: p. 73). Yet, they are they not purely and solely scientific. Maps reflect space, but they are not space. As representative documents, someone had to select what information to display and what to leave out. Maps are not neutral transmitters of universal truths or a mirror of the world. They are social constructions with an agenda and an argument (Short 2001: p. 9-10; Wood et al. 2008: p. XVI). Because maps reflect the values, imagination, and drive of a culture, Critical Cartography provides a theoretical framework to link geographic knowledge to power by examining the assumptions that went into deciding what was included or excluded from the map (Crampton et al. 2005: p. 11).

The scholar first credited with moving the discussion of maps beyond their origin, accuracy, lineage, and technology was Brian Harley. Harley started his career as a traditional cartographic scholar, but in the 1980s he began to write that maps were tools of politics, with power to persuade, conceal, and distort. Harley recognized that, intended or not, maps often fulfilled several needs at once: administrative, economic development, and general reference (Harley 2001: p. 39). He considered maps an “invention in the control of space” that expanded state control of social systems because maps may be used as graphic inventory of land ownership, values, use, and potential (Harley 2001: p. 55). Yet at the same time that maps provide an inventory of ownership and value, the standardization that followed uniformity silenced individuality and uniqueness so that maps present social spaces that appear empty. He warned that the scientific maps produced by the state were not neutral but, because the state had an agenda, they were the products of “a highly partisan intervention” (Crampton et al. 2005: p. 16). Harley further argued that if analysis was limited to what was shown on historical maps, the picture would remain incomplete, especially when examining issues related to Indians. At the heart of colonial land acquisition was dispossession of the Indians. Manipulating place names on the map further excluded the Indians from the land and its resources, effectively turning them into outsiders (Harley 2001: p. 181).

David Turnbull further expands the concept of Critical Cartography by describing “knowledge space,” the standardized and prescribed assemblage of instruments, knowledge, personnel, and cooperation needed to create national maps. Since this level of organization was once only possible at the state level, cartography, science, and the state became integrated. Turnbull also described the visual power of maps that enables the reader to see patterns that are not otherwise visible because maps can simultaneously display disparate and heterogeneous locations, events, entities, and phenomena (Turnbull 1996: p. 7). Exposing patterns is important to this Critical Cartography study because the

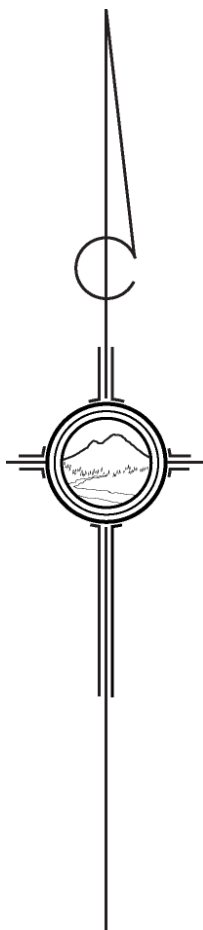
mapping tools and resources available today make it possible to combine multiple sources of information and mine new insights from historical data.

Critical Cartography provides a framework through which the scientific neutrality of maps may be examined. The Public Land Survey System (PLSS) detailed the measurement methods to be followed by surveyors and the processes to be followed in disposing of land from the public domain. However, John Short, in *Representing the Republic: Mapping the United States, 1600-1900*, documented the political power of these maps. He described various ways the changing technology and industry of geographic representation played an important role in the development of a national identity for the American Republic. Throughout the book Short continually turned to the New York state area to examine the impact of national changes on local areas. In one example he described the impact of the PLSS on the Oneida Tribe. They were reduced from “owning” six million acres in central New York in 1784 to controlling thirty-two acres in 1990 (Short 2001: p. 77). Another example of the political power of maps is provided by Malcolm Lewis, in *Cartographic Encounters*. In a case study of the upper Great Lakes region, Lewis demonstrated how Indian maps, once considered spatially naive, were essential inputs to Euro-American maps (Lewis 1998).

Critical Cartography promotes cartographic integrity and responsibility, and advocates social change. In the article, “Beyond the ‘Binaries’: A Methodological Intervention for Interrogating Maps as Representational Practices,” authors Vincent Del Casino and Stephen Hanna argued that the researcher must strive to examine the many historical and spatial references that are part and parcel of any map (Del Casino et al. 2006: p. 37). The classic study that showed how geographical analysis can empower social movements was *Toxic Wastes and Race*, published in 1987 (Crampton et al. 2005: p. 15; United Church of Christ 1987). This study changed focus from examining the details of local hazardous waste sitings to examining patterns of sitings. At the national level it became evident that a disproportionate number of the hazardous waste sites were

located in minority neighborhoods. By changing scale from local to national, and examining the relationship of “toxic release inventory” sitings to race, the study show that race, not poverty, was the correlating factor, and thereby catalyzed the environmental justice movement ((Bullard 2001: p. 151; Cole et al. 2001: p. 20). However, the connection between race and space is often hard to see, especially if space is thought of as empty and racially neutral (Pulido 2000: p. 13; Sullivan 2006: p. 1). The geography of environmental racism may be exposed by adding the element (scale) of time, which makes it possible to see that contemporary conditions, that were created historically, are now preserved institutionally (Almaguer 1994: p. 14; Pulido 2000: p. 15).

Using Critical Cartography, I will use maps to discuss how scholars put the Winnemem Wintu on the map. I will discuss what is known about the Wintu boundaries and examine the motives and disagreements of early scholars who made these maps. I will contrast the contemporary research efforts of scholars to map historical villages with the BIA regulation enacted at that time that required tribes to prove they exist. I will then examine how maps were used to take the Winnemem Wintu off the map by discussing various events that include the eighteen unratified treaties, the public domain, allotments, eminent domain, and termination. I show that at each of these points the Winnemem Wintu were excluded from or had little influence on the agencies, processes, and procedures used to create the maps. Then I will discuss the ongoing efforts of the Winnemem Wintu to regain their place on the map through spiritual practice and political action. I will conclude by reviewing how effective the framework of Critical Cartography was for evaluating the Winnemem Wintu claim of environmental injustice.



3. Methods

Many scholars have used Brian Harley's Critical Cartography framework to analyze historical maps in order to derive information about social relations, the progress of civil society, and the political agenda of the map sponsor (Askevold 2005; Schulten 2007; Short 2001; Turnbull 2000; Wood et al. 2008). But what if there are no historical maps directly relevant to the subject? As Mark Monmonier wrote in *Mapping it Out*:

"Effective expository cartography requires reliable sources. Like most intellectual discourse, after all, scholarly maps are at least partly derivative.... The field-oriented social scientist who maps primary observations requires a reliably detailed base map that positions with precision symbols representing routes, site boundaries, orientation, locations, and other spatial phenomena" (Monmonier 1993: p. 121).

With computers, the internet, and Geographic Information System (GIS) software becoming more accessible, indigenous people and scholars around the world are reexamining existing maps or creating maps from historical data (Heasley 2003; Johnson et al. 2005; Pearce 2004). Using contemporary GIS tools and techniques, I developed a geodatabase to bring together information layers from existing paper maps, georeferenced historical descriptions, and GIS data sets, all set to the same projection. Once georeferenced, the various inputs could be examined together, making it easy to see patterns and spatial relationships. These patterns made it possible to draw new insights from past events that were not evident when examining the data sources separately.

This chapter provides an overview of the data collected and methods used to store the material. Additional methodological details will be described in Chapters 4, 5, and 6 so the specific methods I use to analyze historical data may be seen in context with the results and conclusions.

Historical Material

Historical data were drawn from many sources. Congressional Records, special reports, testimony, and letters originally came from the Government Printing Office. Both the Bureau of Reclamation and the Bureau of Indian Affairs are under the administration of the Department of the Interior; because they are federal agencies, the National Archive and Records Administration (National Archive) is the major repository for their retired documents. However, not everything is kept; the National Archive web site states that “Of all documents and materials created in the course of business conducted by the United States Federal government, only 1%-3% are so important for legal or historical reasons that they are kept by us forever” (U.S. National Archives and Records Administration 2009b). While some National Archive documents may be accessed through the internet, only about 63% are even described in Archival Record Catalog (U.S. National Archives and Records Administration 2009a). The USBR documents, part of Record Group 115, are mainly stored in Denver. The Bureau of Indian Affairs documents for Northern California Indians, part of Record Group 75, may be stored in Washington DC or California. I was able to conduct research at the National Archive in San Bruno, California, but unable to travel to Denver or Washington DC. Fortunately, the Winnemem Wintu have a personal library of files collected over the years. They generously made their reference material available to me, greatly reducing the time and effort needed to acquire documents for research.

In addition to the data provided by the Winnemem Wintu, library collections were invaluable in the search for information. The Bancroft library at the University of

California, Berkeley, holds the collections of Alfred Kroeber, Robert Heizer, and C. Hart Merriam. These collections include published and unpublished work, which was particularly important in the case of Merriam's work. While Heizer and others published some of Merriam's work verbatim, or used his documents as source material for other publications, there is still more material yet to be extracted from Merriam's files. Also at UC Berkeley, the Water Resources Center Archive specializes in collecting historical and contemporary documents related to water, and is a repository for documents from many water agencies in California. In Redding, the Shasta Historical Society and Shasta Public Library both have rich collections of locally relevant historical material. The Redding Museum and Art Center is dedicated to the "collection, preservation, and exhibition of the prehistory of the original inhabitants of Northern California," and to that end, publishes *Occasional Papers* (Guilford-Kardell 1980: p. i). In Weed, the library at the College of the Siskiyous also has a rich collection of locally relevant historical material, including original postcards, maps, documents, and newspapers, carefully collected and catalogued over the years.

The U.S. Forest Service office in Mount Shasta has an archaeologist on staff, Julie Cassidy, who collects material and maintains a rich archive that was made available for this research. Two documents from this office essential to this project included the 1912 Wiegel map used by Guilford Kardell and Dotta to plot historical Indian villages and an historical plat book. The plat book showed land transfers related to, among other things, the Central Valley Project and Shasta-Trinity National Forest.

Another source of material important to this study came from the Smithsonian, which is both a museum complex and research organization. Their web site says "The Smithsonian archives hold an estimated 50,000 cubic feet of paper documents, seven million still photographs, and thousands of films and audio recordings" (Smithsonian Institution 2009). Jeremiah Curtin, John P. Harrington, and C. Hart Merriam were all affiliated with the Smithsonian.

The Indian Claims Commission Act of August 13, 1946, enabled the Indians of California to file a land claim against the federal government. The Commissioners considered anthropological testimony indispensable and, as a result, many noted scholars spent untold hours researching and updating reference material to prepare to testify for the Indians and the government. Robert Heizer made many of these documents available to the general public by publishing them through UC Press. For an overview of the Indian Claims Commission and the precedents that led it, see "Irredeemable America: The Indians' Estate and Land Claims" (Sutton et al. 1985). Susan Sanchez, in, "The Selling of California: the Indians Claims Commission and the Case of the Indians of California v. the United States," provided detailed information regarding the location of the Indian Claims Commission records:

"The official records of the Indians of California v. the United States are located in the National Archive in the Washington D.C. annex. They are kept in Record Group 279 under their different docket numbers, primarily 31 and 37. The majority of materials kept in the Archives were the exhibits from both the Native American and government sides. These consist of previously published works by expert witnesses, maps, lists of exhibits, and legal paperwork. ... Transcripts of the arguments presented by the expert witnesses for the Indians can be found in the George Wright Collection at the University of Nevada, Reno, although only seven pages of the government's position are available from this collection" (Sanchez 2003: p. 15).

Despite the many sources consulted for this study, materials found are far from complete. It is hard to know if historical material that I was unable to find still exists in a repository to which I did not travel, have access, or know about. Research on Indian issues is further complicated by efforts to protect sensitive cultural data, which results in limited access to archaeological data and ethnographic studies. For example, the California Office of Historic Preservation has twelve information centers throughout the state to store documents, surveys, reports, ethnographic references, and excavations. Some information is considered confidential and access is restricted to qualified

researchers. The Northeast Information Center in Chico is the repository for material relevant to the McCloud River and Winnemem Wintu Indian tribe (California State University 2009).

Digital Data Sources

Well-organized and well-documented public domain GIS data sets are freely available via the internet and other sources. ESRI (Environmental Systems Research Institute) provides data disks with the University Site License, a resource made available to faculty, staff and students and, therefore, available for this study (ESRI ArcMap 9.3.1 2009). These data sources provided spatially consistent base layers that I could build upon as I georeferenced maps and compiled new data layers. My assumptions, challenges to interpretation, methods of creating maps from historical description, and reasons for using or making maps that don't agree with other sources are described in more detail throughout the study. The digital files used to create maps were stored in a geodatabase using ESRI 9.3.1 software (ESRI ArcMap 9.3.1 2009). The list of digital data sources used in this study are detailed in Appendix 1.

Paper Maps

Paper maps were georeferenced to the study area using a combination of BLM PLSS files, State or County boundaries, cultural features, mountain peaks, roads, rivers, or hydrologic basin boundaries. Historic maps of the Wintu area include Stephen Powers's 1877 map (Powers et al. 1877) and Charles Royce's map showing the land cessions and reservations associated with the eighteen unratified treaties (Royce 1971a).

Margaret Guilford-Kardell used a copy of the 1912 Shasta County map, compiled and published by C. R. Wiegel, to plot the locations of historical Wintu villages identified by Curtin and Harrington (Guilford-Kardell 1980; Wiegel 1912). I georeferenced this

map in order to create a shapefile of the villages, which could be used as visual comparison to other GIS layers, including the allotments and Shasta Lake.

Each page in a plat book depicts the land status of one particular township. These were hand-written documents. Copies of the Master Title Plat pages and the associated Historical Index are available on-line from the Bureau of Land Management (BLM) web site (U.S. Department of the Interior). These digitized pages may not show all the details found in an historical plat book; for example, multiple copies of a plat book may have existed and margin notes might be entered in one version but not another. In addition to the digitized BLM pages, I also referred to a bound plat book of the Shasta Reservoir area kept in the reference files of the U.S. Forest Service in Mount Shasta (*Master Title Plat and Historical Index book for Central Valley Project at Shasta Dam*). I georeferenced both sets of plats for the study area and used these for visual reference, to supplement the BLM PLSS digital files, when creating the Redding Allotment shapefiles.

The USBR must have produced any number of maps related to the CVP project at Shasta Dam. Two that I found were important to this study. The first, published in *Central Valley Project Problem Study 23*, showed land ownership in Shasta Reservoir (Appendix 19). I georeferenced it so shapefiles of Indian Allotments could be created based on visual reference (U.S. Department of the Interior Bureau of Reclamation 1947b). The second map showed where the USBR located graves that had to be moved because they were located below the high-water level of Shasta Lake.

Additional paper documents created by various agencies, available through libraries, archives, books, or agencies, included maps for reference in the text which were also scanned and georeferenced. The list of paper maps and plats sources used in this study are detailed in Appendix 2.

Text Descriptions Used to Locate Details on the Map

For two important references there were no maps available; text was the only source of spatial information. To compile the Wintu boundaries based on C. Hart Merriam's description I used digital data files from Cal-Atlas and ESRI for mountain peak, city, highway, river, stream, and hydrologic basin data(*Cal-Atlas Geospatial Clearinghouse* 2007; ESRI ArcMap 9.3.1 2009).

To compile the Wintu Redding Allotments in the study area I used the BLM PLSS Township, Section, and Quarter-Quarter files to locate the description given in the Redding Allotment list of applications (*Land Survey Information System* 2009; U.S. Land Office 1889-1909). The list of text sources used in this study are detailed in Appendix 3.

Conversations with the Winnemem Wintu

The political identity of the Winnemem Wintu is tightly integrated with the production of space created by sacred ceremonies, political struggles, existing maps, and their efforts to maintain a position on the map. Through the framework of Critical Cartography, I explored how Caleen Sisk-Franco, leader of the Winnemem Wintu, and Mark Franco, headman of the tribe, are active agents in the process of creating the Winnemem Wintu place on the map. Throughout my research period they made the Winnemem Wintu library of files available, answered questions, and allowed me to join the tribe at ceremonies. They were generous with their time and patient with my many questions. Their insight and comments are included throughout the study (Sisk-Franco 2009).

4. Putting the Wintu on the Map

“When white men came the Wintu and Yana owned three fourths of the whole Sacramento Valley from Mount Shasta to the waters of San Francisco Bay, the greatest extent of rich, beautiful, and valuable land in the State of California.”

-Wintu and Yana Petition, 1889



European presence in California was primarily confined to the coast until the nineteenth century (see Figure 5.1). There were no early systematic efforts to learn about the Indians in California and very few ethnographic records of any tribe. Robert Heizer provided a summary of the limited state-wide research and attempts to plot the distribution of the all the tribes of California in *Languages, Territories, and Names of California Indian Tribes* (Heizer 1966). On a more local scale, Dorothea Theodoratus provided a summary of the early research done regarding the Wintu area, in *Native American Cultural Overview*, a document prepared for the Shasta- Trinity National Forest (Theodoratus Cultural Research 1981: p. 44-46).

The changes for California Indians happened so fast that their territories could only be inferred by anthropologists based on linguistics in the 1870s, almost thirty years after most had been moved from their ancestral lands (Cook 1943: p. 3). Estimates of the California Indian population before contact with Europeans vary greatly from as low as 150,000 to as high as 310,000. In the *Handbook of North American Indians*, Volume 8, Robert Heizer wrote:

“There must have been an incalculable loss of ethnographic fact between 1769 and 1850 due to the population decrease from about 300,000 in 1769 to about 100,000 in 1850. The 1850 population was at least halved in the

ensuing 20 years, so that by 1871, when Stephen Powers began to collect the data that appeared in his *Tribes of California* (1877), there were living only about 16 percent of the Native Californians who were present a century earlier (Heizer 1978a: p. 7).

By the early 1900s, when Alfred Kroeber and C. Hart Merriam were engaged in their research, the state-wide Indian census reported the population as approximately 20,000, a decline of over 90 percent (Cook 1978: p. 91). Many Indian sources consulted by researchers were elderly. Even so, they often shared information that had been passed down from parents or grandparents, but not experienced personally. Heizer addressed the impact of these changes on material collected by researchers:

“We can suppose, however, that a considerable amount of change did occur and that to some degree the accounts of aboriginal cultures presented in ethnographies published after 1900 are, in fact, a record of changed and acculturated societies. These societies may have been rather different in detail in the early sixteenth century before the European discovery of California or before the catastrophic effect of the gold rush. This situation was specifically noted by Powers in 1872, but its consideration does not enter into the reports of ethnographers such as Kroeber, Barrett, Dixon, and other students of California Indian culture who published their monographs in the University of California scientific series (cf. Heizer 1975). Voegelin's (1956:4) recommendation that ethnographers admit ‘the fact that North American Indian ethnographies be taken as relating in general to a period coincident with the early years of the informants who supplied the data upon which such ethnographies are based’ seems a sound one, but it has thus far not led to any major reassessment of the California ethnographic record through ethnohistorical data” (Heizer 1978b: p. 4).

Drawing lines on the map to represent California Indian territories was largely a matter of interpretation, whether the work was done in the 1870s or 1920s. The boundaries varied, depending on the theoretical background of the scholar creating the map: ecology, archaeology, linguistics, or ethnography. The differences were subjected to lively debate. Interestingly, the research, descriptions, and debates are between and

among the scholars. The Indian tribes being studied, to the extent they did, or do still, exist, were consulted for reference, but generally were not consulted as expert authorities. In 1990, Bill Bryson described the inherent challenge of linguistic maps when he wrote about Europe, an area we are more likely to be familiar with.

“If you drew a map of Europe based on languages it would bear scant resemblance to a conventional map. Switzerland would disappear, becoming part of the surrounding dominions of French, Italian, and German but for a few pockets of Romansh.... German would cover not only its traditional areas of Germany, Austria, and much of Switzerland, but would spill into Belgium, Czechoslovakia, Romania, Hungary, the Soviet Union, and Poland.... Italy, too, would appear on the map not as one language entity but as a whole variety of broadly related but often mutually incomprehensible dialects.... The Soviet Union would dissolve into 149 separate languages” (Bryson 1990: p. 38-39).

Maps representing historical Indian territory usually placed political divisions on ridgelines, encompassing drainage or watershed boundaries. This makes sense because ridgelines are readily recognizable and important in an oral tradition. Further, different drainage basins may represent changes in ecology, implying cultural adaptations that would have been readily recognizable from one group to another. Since European and American hunters and explorers would have used rivers for travel, western cartography uses both water features and ridgelines for boundary lines. Kroeber recognized that rivers would seldom have been a boundary for Indians. Describing the Sacramento River as territory boundary of the Win-tūn, Kroeber wrote:

It has been customary to assign the whole east side of the valley to the Yana and Maidu. A civilized person inevitably thinks this way: A narrow overlap across the river which makes the central topographical feature of the map seems arbitrary. We put our counties on one or the other side of the stream: Butte balances against Glenn, Sutter with Colusa, Sacramento with Yolo. But the Indian knew the land with the soles of his feet. He thought of it in terms of its actual surface, of its varying plant and animal population, not as a surveyed chart on which certain structural

traits stand out” (Kroeber 1925: p. 352).

Methodology

The version of Powers’s map used in this study is a simplified line-drawing of the tribal boundaries published in *Handbook of North American Indians, Volume 8, California* (Heizer 1978b). The maps by Kroeber (Kroeber 1925), DuBois (DuBois 1935), and LaPena (LaPena 1978, 2002) were copied from the books in which they were published. I added color to these maps for emphasis or clarification.

Merriam’s map was created based on the text description in *Studies of California Indians (Cal-Atlas Geospatial Clearinghouse 2007; ESRI ArcMap 9.3.1 2009; Merriam 1955b)*

Guilford-Kardell’s map of historical Wintu villages was georeferenced and used to create a shapefile layer of the villages (ESRI ArcMap 9.3.1 2009; Guilford-Kardell 1980)

Wintu Territory Boundaries

When looking for a map of the Winnemem Wintu territory for this study, I learned the location of the northern border of the Wintu was contested by various scholars. In order to understand why the north border was contested, first I had to understand how the boundaries representing the Wintu territory were inferred. Maps drawn by Kroeber (Kroeber 1925), DuBois (DuBois 1935), and LaPena (LaPena 1978, 2002) attributed the northern-most area of the Sacramento and McCloud Rivers—just south of Mount Shasta—to the Shasta Indians, specifically a subgroup they called “Okwanuchu.” However, the map drawn by Stephen Powers (Powers 1877), and the boundary descriptions given by Norel-Putis (Curtin 1889) and C. Hart Merriam (Merriam

1955a), located the northern boundary of the Wintu at Mount Shasta. They considered the Okwanuchu to be part of the Wintu.

Kroeber

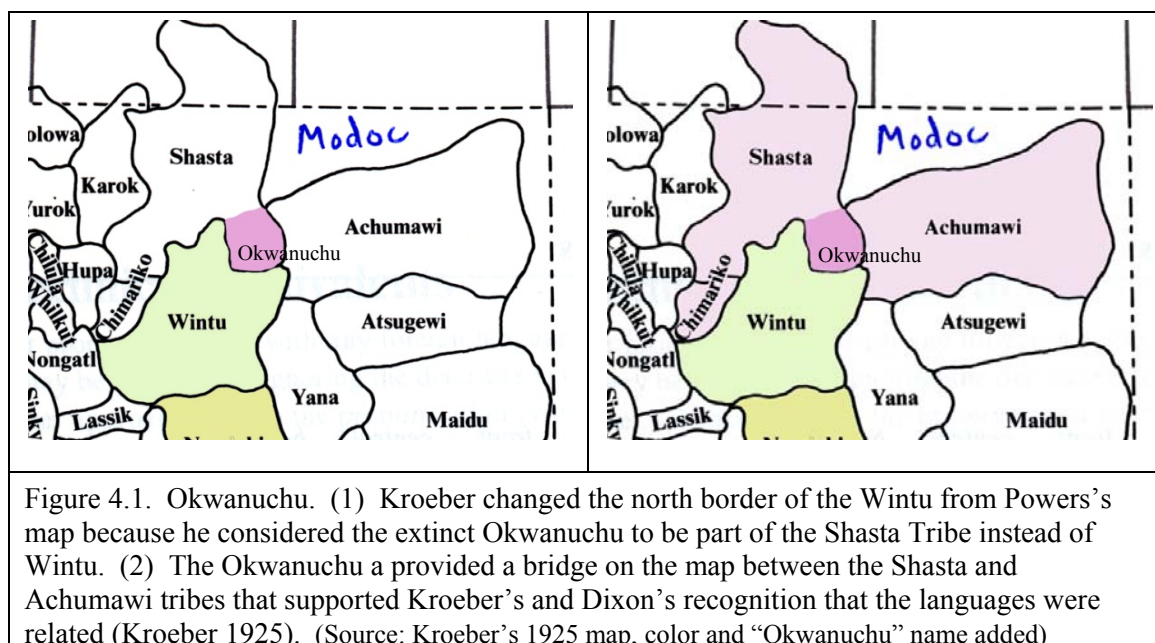
Alfred Kroeber was at the University of California in Berkeley for forty-five years, from 1901 until his retirement in 1946. He was very influential in the study of California Indians. He raised funds, encouraged research, and made sure reports were published. At a time when little scholarly reference material was available, the value of the publications cannot be overstated. He strived to capture as complete an ethnographic record as possible while there were still Indians alive with personal memories or first-hand stories of life before California became an American Territory in 1848 (Heizer 1978a: p. 8-10). It was about 1900 when Kroeber began to collect and edit the material for *Handbook of North American Indians*, which was finally published in 1925. As a linguist, Kroeber specialized in delineating the distribution of Indians in relation to language families. Many researchers contributed to the *Handbook*. Kroeber explained in his introduction, “This book is the outcome of 17 years of acquaintance and occupation with the Indians of California” (Kroeber 1925: p. v).

Neither Kroeber nor any of the contributors to the 1925 *Handbook* were very knowledgeable about the Win-tūn ethnography. Kroeber was not expert in Win-tūn languages, nor was he associated with anyone who was. “Wintun [Win-tūn] speech is very imperfectly known, and its ramifications have been determined only in the rough” (Kroeber 1925: p. 353). At that time, Roland B. Dixon, who was affiliated with the American Museum of Natural History, was researching the Shasta Indians. His linguistic and ethnographic material of the Achumawi, Atsugewi (Dixon 1993), Chimariko (Dixon 1910), Shasta (Dixon 1907), and Yana (Sapir et al. 1910), were important contributions to the *Handbook* (Theodoratus Cultural Research 1981: p. 44).

Kroeber saw the Win-tūn as valley people who had extended their territory into the hills. “From the mouth of the Pit north, the Wintun [Wintu], here turned hillsmen because there is no valley left, had penetrated farther east from the Sacramento” (Kroeber 1925: p. 352). Almost as though he cannot endorse the Wintu presence anywhere east of the Sacramento River, especially on the Pit River, he wrote that the Wintu, “...uniting with the Yana on the south side to shut off from the mouth of this lengthy stream the Achomawi who are so identified with its drainage as to be usually known as the Pit River Indians” (Kroeber 1925: p. 352). “Pit” was not the Indian term for the river or the tribe. The Wintu name for the river is “Pui Mem” which means “East Water” (Knudtson 1977: p. 4). The Pit River Tribe name for the Pit River is “hame jumi” above Fall River junction and “elmajumi” below the Fall River (Olmsted 1966). Even the early explorers did not originally refer to it as the Pit River. Being the longest tributary to the Sacramento River, it was originally known as the Sacramento River and the tributary from the north was then known as the Little Sacramento. Figure 5.4, Colton’s California Railroad map, shows the Pit River with two names, Upper Sacramento or Pitt [sic].

Stephen Powers’s 1877 map of the California Indians showed only two languages, Shasta and Achomawi (Figure 1.1, page 8). Kroeber recognized six Shastan languages, and considered the Okwanuchu the missing link between the Shasta and Achomawi on his linguistic distribution map (Figure 4.1). He wrote:

“The reason for the long ignoring of the three languages adjacent to the Shasta is simple: no vocabularies were recorded, the tribes being numerically insignificant, and in one case on the verge of extinction when the white man came to northern California. Now they have dwindled so far – in fact to all practical purposes perished – that when we are hungry for any bits of information that would help to untangle the obscure history of these remnants of what may once have been greater peoples, we must content ourselves with brief, broken vocabularies and some general statements about their speakers obtained from the neighboring nations” (Kroeber 1925: p. 279).



Kroeber ignored his own reasoning that watersheds made logical political boundaries when he explained why early ethnologists separated the Shasta and Achomawi languages:

“The Shastan habitat falls into two nearly identical halves – a western, the old “Sastean,” in Klamath drainage, and an eastern, the former “Palaihnihan,” in the drainage of the Pit. As the two systems of waters reach the ocean nearly at the Oregon line and at San Francisco, respectively, the outlook and connections of the two areas are obviously far from identical” (Kroeber 1925: p. 280).

“The uppermost 20 or 25 miles of the Sacramento, where it flows a tumbling course through a picturesque wooded canyon, were not occupied by the Wintun [Wintu] but by the Shastan Okwanuchu” (Kroeber 1925: p. 352).

Looking at a map, I believe Kroeber was looking for proof of a connection between the Shasta and Achomawi language groups. The evidence to support his

decision to extend the Shasta territory to include the Okwanuchu was thin and bears repeating in whole:

“The Okwanuchu held the upper Sacramento from about the vicinity of Salt and Boulder Creeks to the headwaters; also up the McCloud River and Squaw Creek from about their junction up; in other words, the heads of the streams draining south from the giant Mount Shasta. The upper waters of the McCloud were probably not permanently settled; whether Okwanuchu or Achomawi had the better fortified ancient hunting rights there is not certain; the line on the map makes no pretense as to proved exactness. The entire Okwanuchu habitat is a mountain region, cut and broken, but not as rugged as some areas in the northern coast ranges; and very heavily timbered—as usual in California, with conifers.

“The dialect is peculiar. Many words are practically pure Shasta; others are distorted to the very verge of recognizability, or utterly different.

“It is not known whether Okwanuchu is their own name or what the Shasta called them. The Achomawi and Atsugewi knew them as Ikusadewi, or Yeti, from Yet, Mount Shasta.

“There may have been a few dozen or two or three hundred Okwanuchu two generations ago; not more. There is not one now. There are Indians on the upper Sacramento and McCloud to-day [sic]; but they are Wintun [Wintu], who have come in with the American, and their current name, “Shastas,” means nothing more than that they live in Shasta County or near Mount Shasta” (Kroeber 1925: p. 284).

Kroeber anticipated that someday the Karok and Chimariko might also be included in the Shasta group when he wrote, “It is quite possible that when comparison of all the Hokan languages shall have progressed farther, these five idioms may appear to form a single larger group or subfamily.” The Okwanuchu were not the only group to suffer extinction as a viable society. The Chimariko and others also disappeared (Theodoratus Cultural Research 1981: p. 55). With the number of available Indians so reduced, making the research so difficult and spotty, Kroeber wrote, “It is useless to speculate at the present time when only a small part even of the scanty recorded material

on the several languages has found its way into print” (Kroeber 1925: p. 281). This council to patience did not stop him from drawing firmly-held conclusions regarding the Okwanuchu. His influence shaped the commonly referenced map of tribal distribution of the Wintu. Kroeber described Merriam as a “splitter:”

“He did not try to push beyond the family into superstocks or orders, but aimed rather at precision of geographic occurrence of tribes, subtribes, and on down to villages and settlements. This was entirely parallel to his being what used to be called a ‘splitter’ and not a ‘lumper’ in regard to recognition of animal species” (Merriam 1955a).

Based on Kroeber’s writing, it may be safe to assume that he was a linguistic “lumper.”

DuBois

Cora DuBois, working with “generous assistance of Professor Kroeber and the financial support from the Department of Anthropology at the University of California,” described the complexity of mapping the boundaries where ethnographic evidence of two or more groups overlapped. In the introduction to *Wintu Ethnography* she wrote:

“...many ethnographies are concerned primarily with presenting what may be called type culture. Like all types, they are compilations or averages to which the individual only partly conforms and which have no existence in reality. This is not said in criticism, but merely in recognition of the methods and aims of many social scientists” (DuBois 1935: p. 1).

DuBois’s map of the Wintu area assumed the same general shape as Kroeber’s (Figure 4.2). She wrote: “Drainage systems, mountain ranges, and changes in flora and fauna associated with them seem to be the determinants of boundaries in the minds of the natives” (DuBois 1935: p. 4). However, her boundary descriptions were minimal, often relying on cultural landmarks such as towns, ranches, and county boundaries as well as rivers, elevation, and mountain ranges. DuBois did her ethnographic research on the Wintu thirty years after Dixon and almost sixty years after Powers. In the 1930s, DuBois

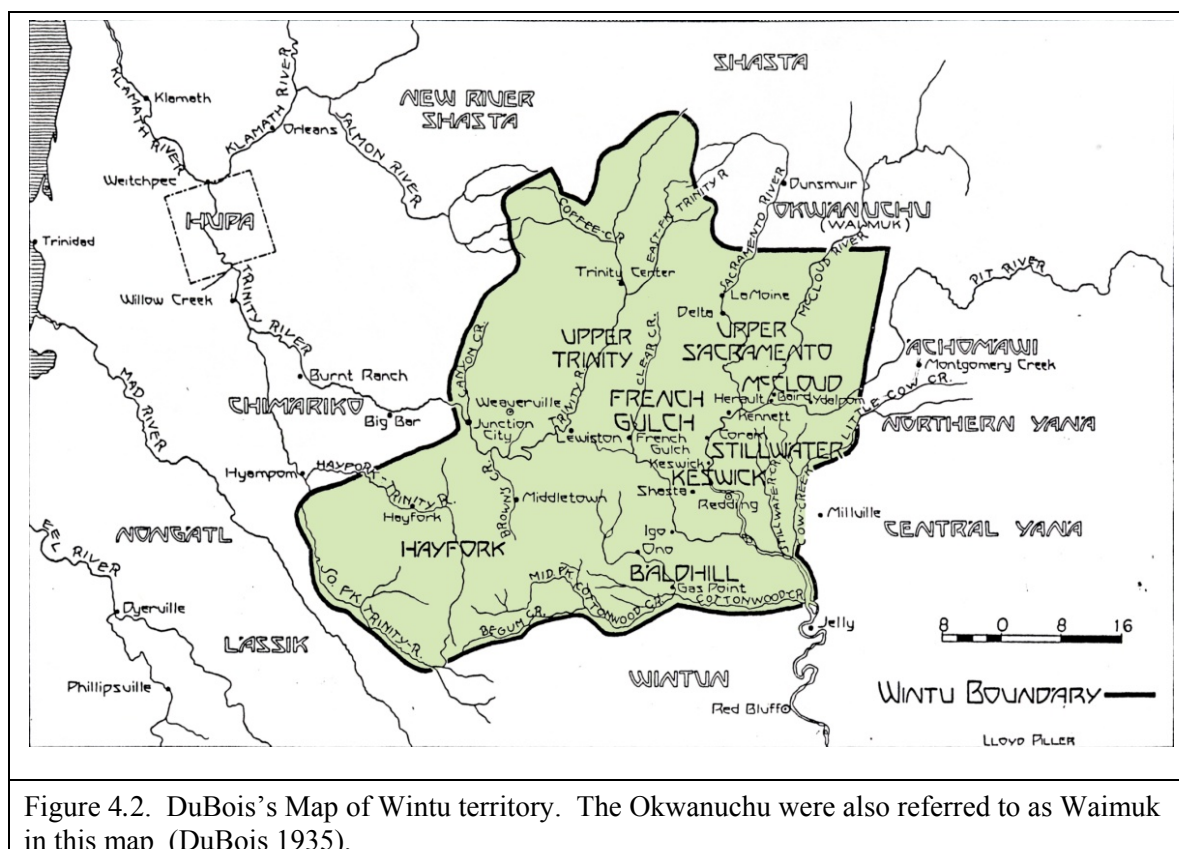


Figure 4.2. DuBois's Map of Wintu territory. The Okwanuchu were also referred to as Waimuk in this map (DuBois 1935).

relied on conversations with Indian descendents for description of the Okwanuchu, also referred to as Waimuk. DuBois interviewed EDC Campbell and Joe Campbell, as well as other Wintu, but she provided no new evidence to support Kroeber's conclusions. (Guilford-Kardell 1980: p. 2). Here is DuBois description of the Waimuk or Okwanuchu:

Waimuk (north inhabitant?) The Waimuk were a people who lived in the narrow valley of the upper McCloud. They have now disappeared with the exception of a few half-bloods. Their territory is generally reputed to have begun at Nosoni creek and extended northward up the valleys of the McCloud and Squaw creek in Siskiyou County, and then broadened out to the east and west. The people living in the village at the juncture of Nosoni creek and the McCloud apparently were very like the McCloud Wintu, but farther north the language changed to a dialect of the Shasta

Indians so that the inhabitants at the midpoints between the two areas were supposed to have spoken two languages, their own (or Shastan) and Wintu. I am inclined to identify these so-called Waimuk of the Wintu with the Okwanuchu and to consider them a transition people..." (DuBois 1935: p. 6-8).

LaPena, 1978

Frank LaPena, a Wintu of the Nomtipom tribe, is professor emeritus of Art and Ethnic Studies and director of Native American Studies at California State University, Sacramento. He contributed art and cultural insight to many publications, including "Wintu Sacred Geography of Northern California" (Theodoratus et al. 1994). When the Smithsonian published the twenty-volume encyclopedia, *Handbook of North American Indians*, LaPena wrote the chapter on the Wintu. He based the chapter on DuBois's work and credited her with this explanation:

"The following culture sketch is based largely upon her ethnographic observations and personal accounts of Wintu informants. Where documentation is not given it will be understood to come from Du Bois" (LaPena 1978: p. 325).

LaPena's map, as shown in Figure 4.3, was derived from DuBois's version. He added county boundaries and the reservoirs, which had been built after her work was published. Still following Kroeber's general shape, LaPena's description of the boundaries was even briefer than DuBois's.

"Wintu territory covered parts of what are now Trinity, Shasta, Siskiyou, and Tehama counties. The northern boundaries of the region are the valleys of the upper Trinity River, extending up the Sacramento River to the high divide between the Trinity and Scott rivers, to Black Butte and Mount Shasta, passing a little north of Black Fox Mountain. From the northernmost point north of La Moine the boundary runs south to about six miles south of Cottonwood Creek. On the northeast the frontier with the Achumawi comprised a strip of land several miles wide, east of Squaw

Creek, which was a no-man's-land on which both peoples hunted and gathered food” (LaPena 1978: p. 324).



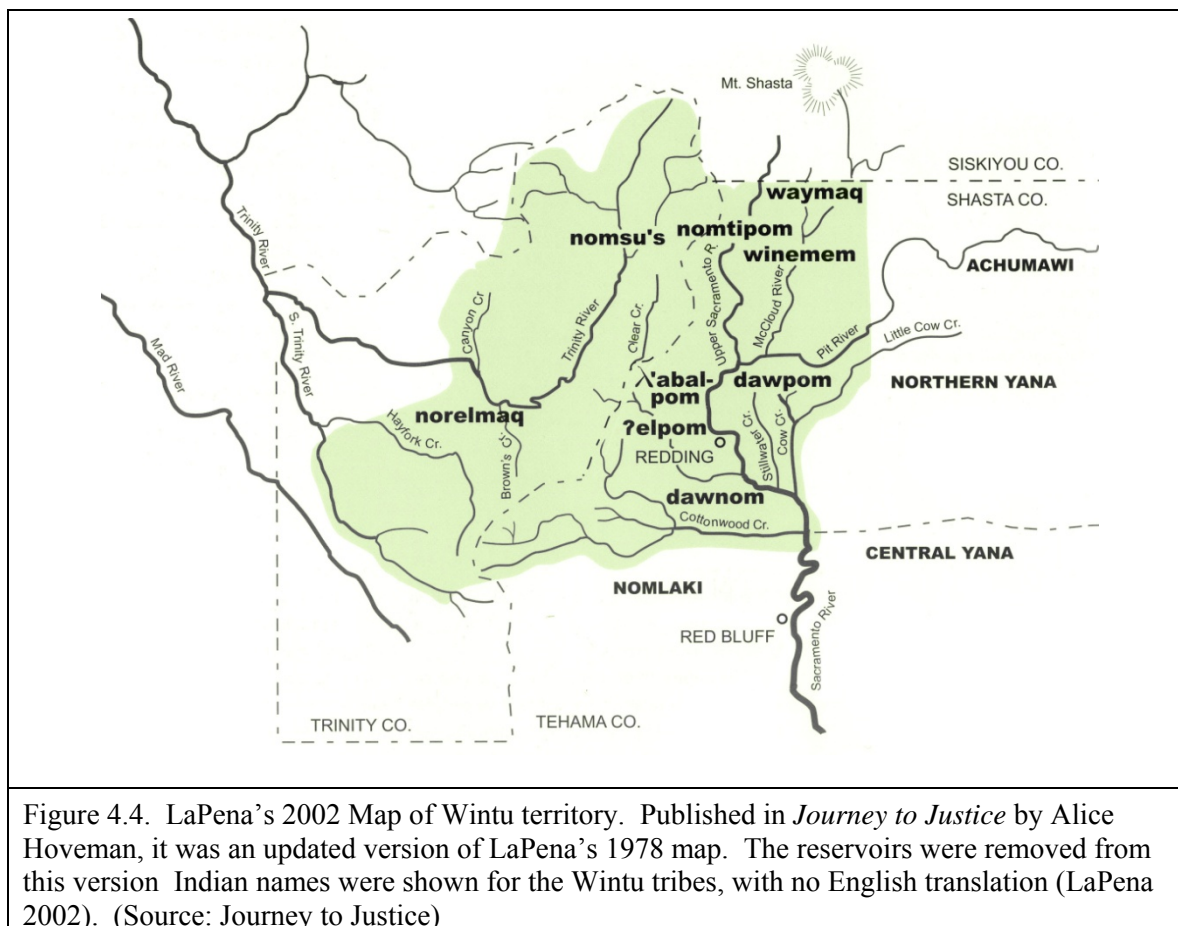
Figure 4.3. LaPena's 1978 Map of Wintu territory. Published in *Handbook of North American Indians*, this map was based on DuBois's map. Reservoirs were added that had been built after her map was completed (LaPena 1978)

LaPena entered three errors in the chapter text regarding this map and its description. First, even though he used DuBois's map as the base for his version, he used

part of Merriam's boundary description in the text when he wrote, "The northern boundaries of the region are the valleys of the upper Trinity River, extending up the Sacramento River to the high divide between the Trinity and Scott rivers, to Black Butte and Mount Shasta, passing a little north of Black Fox Mountain." By this description the contested Okwanuchu area would be attributed to the Wintu, not the Shasta Indians. Second, he referred to the "north-people" as "waymak," using a different spelling than DuBois (Waimuk) and did not directly address the issue of the Okwanuchu. DuBois labeled the area both waimuk and Okwanuchu but LaPena left both labels—waymak and Okwanuchu—off the map, so his version only shows eight of the nine Wintu groups identified by DuBois and listed in LaPena's text. Third, the line in the text, "Wintu territory covered parts of what are now Trinity, Shasta, Siskiyou, and Tehama counties," does not apply to the map as drawn. Merriam's boundaries do, indeed, show the Wintu territory in parts of the four counties but, by copying Dubois's version, the boundaries LaPena represented for the Wintu were contained within Shasta and Trinity counties.

LaPena, 2002

In 2002, LaPena updated the Wintu map—shown in Figure 4.4—for *Journey to Justice* (Hoveman 2002). In this book, the full description of the map was given in the figure caption, with no additional explanation in the text. The Wintu tribal areas were designated with Indian names; no English equivalent was given. LaPena shifted the contested northern boundary further north in this version, up to the county line between Shasta and Siskiyou.



Merriam

Another scholar cited as an expert on California Indians is C. Hart Merriam. As mentioned, Merriam's work was largely unpublished at the time of his death in 1942. When the Indian Claims Commission was getting ready to hear testimony for the California Indians case in the 1950s, anthropological testimony was considered indispensable. Many noted scholars were called upon to testify for the Indians and the government (Sanchez 2003: p. 87). When Kroeber and Heizer were preparing maps for the Indian Claims Commission, they wanted to include Merriam's work. They enlisted

Zenaida Talbot, Merriam's daughter, to assist them. Talbot had worked with Merriam in the field from 1911-1929 as his secretary and had helped with notes and maps of the boundaries of the tribes. Together they prepared a mapped version of Merriam's boundaries for the Indian Claims Commission. Heizer made that map available to the general public in 1966 in his book, *Languages, Territories, and Names of California Indian Tribes* (Heizer 1966). The Indian Claims Commission was impressed to see that Merriam's map coincided almost exactly with Kroeber's, since it meant that two well-respected researchers had independently collected data that showed the Indians did, indeed, utilize all the land (Sanchez 2003: p. 93-94). While Merriam's map generally follows his written descriptions, the Okwanuchu were attributed to the Shasta Indians as Kroeber believed, instead of the Wintu, as Merriam believed.

In 1955, Merriam's description of the Wintu boundaries was published, unaltered, in *Studies of California Indians*. I used Merriam's description and located the boundaries on the map using GIS data for watershed boundaries or rivers, as shown in Figure 4.5. Once mapped, Merriam's boundaries could be compared to other georeferenced maps prepared by Powers, Kroeber, DuBois, LaPena in 1978 and LaPena in 2002.

In the southwest corner, Merriam's boundary differs from the University of California version but, since it is outside the Winnemem Wintu area and therefore not in my study area, I did not try to resolve this difference. Merriam's southern boundary goes further into the Nomlaki area than the University of California version. Since this boundary is where the northern Win-tūn [Wintu] would be separated from the middle Win-tūn (Nomlaki), and because it is outside my study area, I did not try to resolve this difference either. The boundary that concerned this study is the northern one, which concerns the area referred to as Okwanuchu.

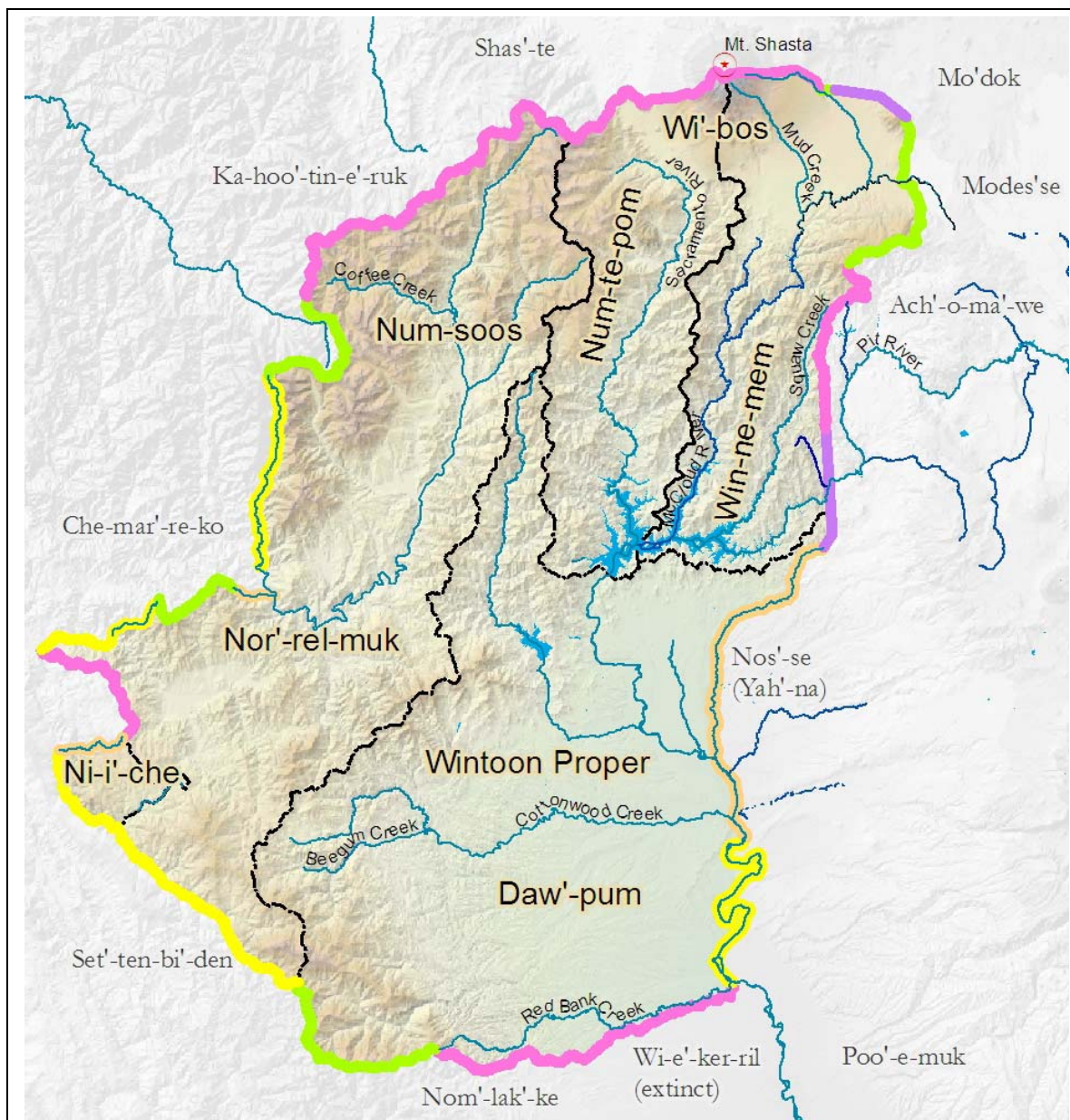


Figure 4.5. C. Hart Merriam's Wintu boundaries. These were described in *Studies of California Indians*, published by the University of California Press, through the efforts of Robert Heizer. Since Merriam had not created a map from this description, I located the boundaries for this study, using rivers and watershed boundaries (Merriam 1955a). (Source: Compiled from Merriam's text description, Cal-Atlas data and ESRI digital data disks)

Powers

By the 1870s, Indian lifestyles had been significantly disrupted, their populations reduced, and their presence relegated to land not claimed by Americans (Bancroft et al. 1882; Cook 1976; Heizer 1993; Heizer et al. 1974; Heizer et al. 1971; Hurtado 1988; Kroeber 1992; Sanchez 2003; Sturtevant 1978; White 1983). Stephen Powers traveled extensively among the Win-tūn from 1871-1872. In 1875 he collected Indian artifacts for the Centennial Exhibition held in Philadelphia. Even though Indian cultural practices did not divide land with the sharp lines found in western cartographic conventions, Powers surveyed the California Indian tribes and drew a map, inferring tribal distribution based on language. In 1877 he published his observations in *Tribes of California* (Heizer 1978b: p. 4). Powers's map was drawn at a scale of 1:1,810,000 (Powers et al. 1877).

Kroeber did not speak highly of Powers's credentials in the *Handbook* introduction. But Heizer wrote, "Powers was not only California's first true ethnologist, her first anthropological theorist, and her pioneer ethnobotanist, but also the man who drew the first map showing the distribution of native linguistic stock (as then understood) and tribal territories" (Momaday 1975: p. 73).

The maps by Powers and Merriam show similar northern boundaries for the Wintu. Knowing that his view differed from Kroeber's and others who attributed the Okwanuchu area to the Shasta Indians instead of the Wintu, Merriam explained that "Okwanuchu" was a directional word used by the Shasta Indians that meant "south of here."

Norel-Putis and the Winnemem Wintu

At various times from 1884 through 1889 Jeremiah Curtin, a linguist working for the Smithsonian, interviewed a number of Wintu, including Norel-Putis, Topiwita, and Klencladdy. Curtin said that Norel-Putis:

“...possessed mental power of the first quality. All the lore of the Wintu would have been lost had I not met Norel-Putis in the autumn of 1884. He was an ‘old-time Indian’ who spoke no English. He gave me a world of knowledge of their traditions, religion, and myths. He was the only man in the tribe capable of doing this” (Curtin 1940 in Guilford-Kardell 1980: p. 13).

Norel-Putis had broader experiences than many Wintu. He was an honored person, probably a chief, and well-traveled in the Wintu area. He was reported to have been 100 when he died on March 12, 1894, so he would have already been an adult before the Wintu experienced their first contact with whites (Dotta 1980: p. 118). As an adult, his reports are considered “contemporaneous,” meaning the villages he described were inhabited all at the same time and in his lifetime (Dotta 1980: p. 128).

In 1888 Norel-Putis and others of the Wintu and Yana tribes asked Curtin to write a letter for them, which he agreed to do in order to:

“...tell the President what a homeless condition they were in, how the white men drive them from place to place. I told them to find out how many of each tribe were living and draw up a paper stating their condition, and I would try and do something for them in Washington” (Curtin 1940 in Guilford-Kardell 1980: p. 16).

There isn’t a map associated with the Wintu-Yana petition (Appendix 4), but Norel-Putis described the Win-tūn territory:

“The Wintu people before the Whites came into the land of our fathers owned and inhabited the country extending from Mount Shasta on

the north to Carquines [sic] Straits on the south. The western boundary of this country was the mountain range west of the Sacramento valley except in the region between north Yallo Valley and Edgewood where the line went west of the range and the Wintu occupied one-half of the Trinity.

“The Eastern boundary beginning at the south was the Sacramento River to Tehama, from that point northward the Wintu had a strip of country east of the Sacramento following the line of Little Cow Creek and including the triangle of land between the Pit River, Cow Creek and the Sacramento. North of Pit River it extended to the head-waters of Squaw Creek and the McCloud River. Within the above limits no other people but the Wintu lived. For untold generations, from the time the Yapaitu left the earth, they owned all the valley on the right bank of the Sacramento with the foothills and northern uplands as well as the eastern half of Trinity county” (Curtin 1889).

Using the watershed boundary of the Sacramento and McCloud rivers to locate the north boundary of the Wintu at Mount Shasta, followed the ecological guidelines described by Kroeber when he wrote that watersheds were most often associated with political boundaries (Kroeber 1925: p. 352). Since Merriam’s north boundary goes to Mount Shasta, and is generally the same as the boundary accepted by the Winnemem Wintu, for the rest of this study I use Merriam’s boundaries when referring to the Wintu.

The Winnemem Wintu and other Wintu tribes still exist and persist in their efforts to be recognized, to care for their people, and to maintain spiritual and cultural connections to their land and all creatures that live there, especially the salmon. They know that Kroeber and Merriam didn’t agree about the affiliation of the extinct Okwanuchu. Caleen Sisk-Franco, the leader of the Winnemem Wintu, contests the claims that the area called Okwanuchu was ever anything but Wintu. She asks:

“Where are the artifacts from the other tribes? What other tribe has origin and death stories that directly relate to the waters of Mount Shasta? People were multi-lingual in the area because of trade and marriages. When an Indian marries a person in another tribe they become a member of that tribe, even though they bring their language with them. Some people

think the land may have been used seasonally by more than one tribe. Tribes did not share hunting grounds or sacred sites. To go into another tribe's area without permission was to risk punishment, even war" (Sisk-Franco 2009).

The Winnemem Wintu have practiced spiritual ceremonies on the McCloud River, at Panther Meadow on Mount Shasta, and various other locations since prehistoric time. The village sites along the upper McCloud that were studied by Curtin and Harrington were identified as Wintu villages. The Winnemem Wintu knowledge of their territory comes from conversations with their elders and with other tribes. In 2003 CalTrans requested a map of the tribal boundaries so their staff would know which tribe to contact if artifacts were uncovered during road construction. CalTrans consulted with Mark Franco, headman of the Winnemem Wintu, as they created a shapefile for their data records. The northern and eastern borders drawn on the CalTrans map were remarkably similar to the borders described by Merriam. One noteworthy difference was the western border—on the CalTrans map Highway 5 was referenced, whereas Merriam used the ridgeline. This change in the western border is culturally appropriate to both the agency and tribe. The highway was readily accessible and commonly known. Access to the ridgeline was limited by private property claims. The CalTrans map of Winnemem Wintu territory was accepted by the Native American Heritage Committee (*CalTrans Winnemem Wintu Territory Designation* 2004). For the remainder of this study the CalTrans boundaries will be used when referring to the Winnemem Wintu tribal area.

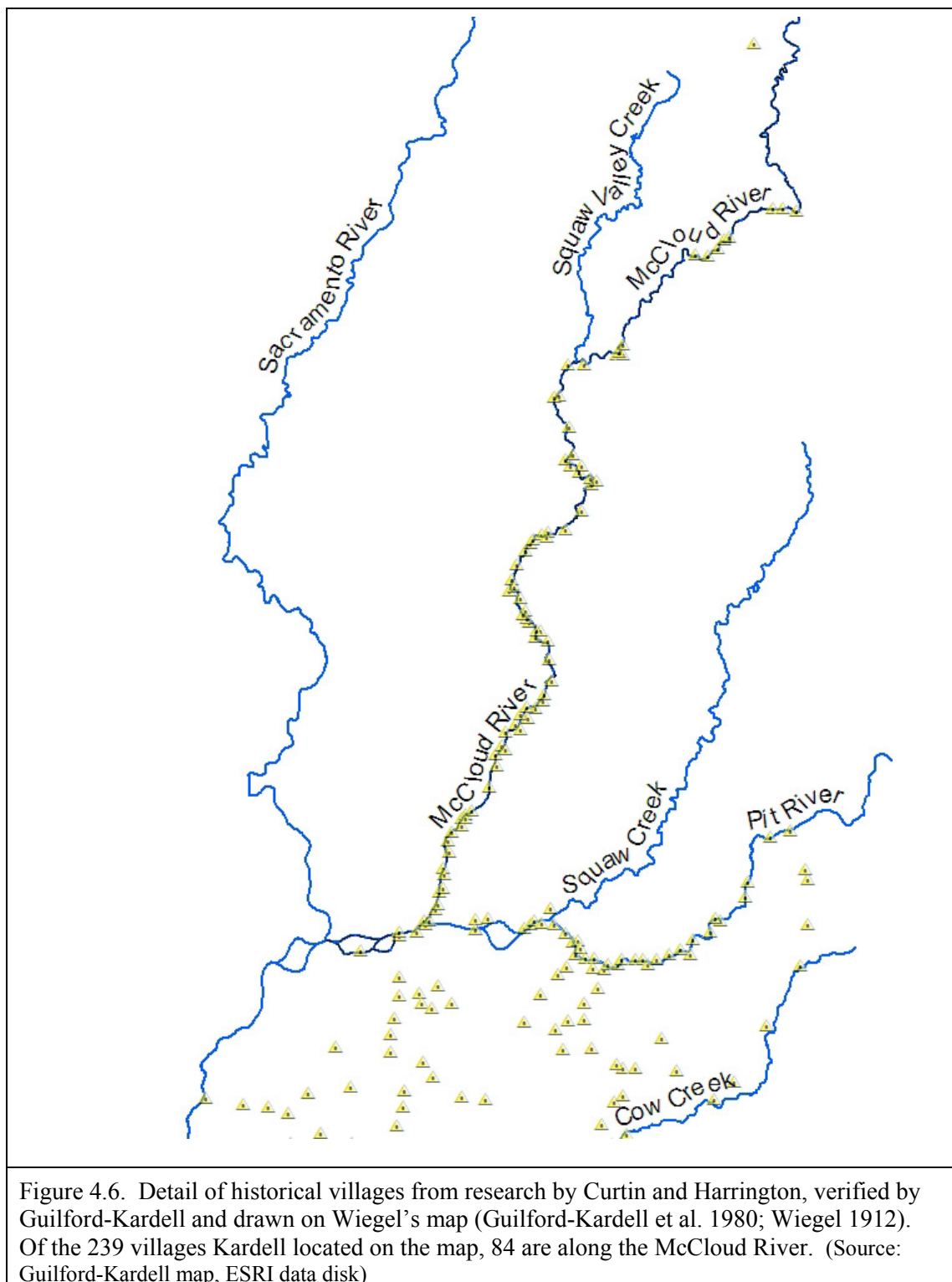
Winnemem Wintu Historical Villages

Jeremiah Curtin, in the late nineteenth century, and John P. Harrington, in the early twentieth century, collected information about various Wintu villages on the Sacramento and McCloud Rivers, but never published their notes. From 1978 to 1980, Margaret Guilford-Kardell, working with James Dotta and several Wintu, undertook the

massive project of duplicating, collating, and checking the Curtin and Harrington data against records of archaeological sites from multiple sources, both published and unpublished. The results were published by the Redding Museum in 1980. The document made significant ethnographic knowledge regarding the Wintu available to the broader research community. Figure 4.6 shows a portion of the 239 villages validated by Kardell and plotted on Wiegel's 1912 Shasta County map; over 80 were along the McCloud River. The location details are not shown on this map in order to avoid vandalisms. The density of the villages reflects the high Wintu population as it existed prior to the invasion of the whites. Details showing exact location have been left off this map intentionally to protect the villages from trophy hunters. Guilford-Kardell's notes described the anomalies found in the data and the justifications for the adjustments made as the many sources of data were reconciled (Guilford-Kardell 1980: p. 91).

Ethnographic information was collected from forty-nine Wintu village sites that are now inundated by Shasta Lake. Archaeological data was collected either before Shasta Dam was built or after, during dry years when the water-level was very low (Sundahl 2005: p. E-1). Researchers, with a valid need for more detailed information regarding the villages, should contact the Winnemem Wintu.

In order to compare how the historical villages are related to the Redding Allotments examined in this study, I georeferenced Wiegel's 1912 Shasta County map in ESRI ArcMap 9.3 against the Public Land Survey System (PLSS) files downloaded from the Bureau of Land Management (BLM) web site, and data files of rivers extracted from ESRI data disks. Then I used Wiegel's map as a visual reference in order to create a shapefile of the villages located by Guilford-Kardell. The result was a layer that was generally accurate and could be viewed along with other historical and contemporary layers. I used this layer as a historical base to depict how the Winnemem Wintu lost access to land-use and ownership along the McCloud River. By using ESRI ArcMap software, it was possible to see the villages in comparison with mines, railroad patents,



historical private land ownership, historical Indian allotments, Shasta-Trinity National Forest, Shasta Lake, and current parcel ownership. A considerable amount of worthwhile future research could be done with the data in Guilford-Kardell's paper. For example, if the tables were redone in a database it would make it possible to search, sort, and select the data in the tables by any number of criteria, including date, tribe, researcher, or location (Guilford-Kardell 1979).

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Tribal Recognition

Ironically, just as Guilford-Kardell and Dotta were compiling the work of Curtin and others that showed how extensive the Winnemem Wintu population had been along the McCloud River, the Bureau of Indian Affairs was about to delist the tribe.

In 1958, forty-one rancherias were terminated in California. When the seventeen residents of the Redding Rancheria accepted individual title to the land, they unknowingly relinquished all their rights as Indians under federal law (Hoveman 2002: p.64). In 1978, coming out of the termination period, the BIA issued “procedures for establishing that an American Indian group exists as an Indian tribe,” also known as the Federal Acknowledgement Process. Since the BIA created the process it is a federal regulation, not a law. Still, for the first time Indians had to prove their tribes were organized, active, possessed a governing council, and that they had been active continuously from the time of European contact to the present (later amended to 1900) (Hoveman 2002: p.68). In the 1980s a class action suit, the Tillie Hardwick case, reversed all the rancheria terminations. The Redding Rancheria reinstated its tribal government in 1985. Forced to recognize the Redding Rancheria, the federal government then withdrew recognition status from all other Wintu (Hoveman 2002: p.69). Two groups, the Wintu Tribe and Toyon Wintu Center, Inc., and the Nor-Rel-Muk Nation based in Hayfork, are seeking recognition through the Federal Acknowledgement Process. The Winnemem Wintu took a different route to regain their recognition—they filed a lawsuit. As of 2002, only forty-one petitions had been resolved out of 221 groups who sent letters of intent through the Federal Acknowledgement Process (Hoveman 2002: p.73).

Summary

The maps made to represent the Wintu were inferred from data collected after their lifestyles had been significantly disrupted, their populations reduced, and their presence relegated to land not claimed by Americans. The map-makers did not always agree about where tribal boundaries were located. One such disagreement concerns the northern boundary of the Wintu. Through the lens of Critical Cartography, I was able to examine the motives of the mapmakers as one of the analysis

criteria to understand why the northern border of the Wintu was contested by various scholars.

When Kroeber's *Handbook* was published in 1925, it represented significant progress in scholarly efforts to systematically represent all the tribes in California. Kroeber's motive for modifying Powers's 1877 boundaries was to represent the linguistic connection between the Shasta Indian and Achomawi territories. By attributing the extinct Okwanuchu to the Shasta Indians, Kroeber created a physical connection on the map that supported and reinforced Dixon's recognition of the linguistic links between the Shasta and Achomawi tribes but disregarded the Wintu cultural beliefs and spiritual sites. Kroeber and Merriam disagreed strongly on whether the Okwanuchu were part of the Shasta or Wintu tribe. Kroeber defended his position on the merits of his superior linguistic scholarship. Merriam defended his position on the merits of the extensive data acquired through direct conversations with Indians during his many years of fieldwork. Researchers evaluated the merits of Kroeber's and Merriam's northern boundary based on scholarship, written publications, and maps. Even though it was their historical territory, the references consulted for this study do not cite Norel-Putis or the Winnemem Wintu in order to resolve the controversy about whether the northern boundary of the Wintu went as far as Mount Shasta (DuBois 1935; Hoveman 2002; Sundahl 2005; Theodoratus Cultural Research 1981).

The motivation for researching the unpublished documents about the historical Wintu Villages was described by Guilford-Kardell:

"This publication series is dedicated to the dissemination of basic data that might otherwise not be available to historians, anthropologists, the general public, and, especially, to the descendants of the original inhabitants" (Guilford-Kardell 1980: p. i).

The motivation of the BIA when they withdrew recognition from all Wintu except the Redding Rancheria was political. That the BIA withdrew recognition during the same time period as Guilford-Kardell published her research illustrates the Critical Cartography concept that maps are made with agendas. It may be worth stating the obvious: neither the actions of Guilford-Kardell and Dotta to map the historical villages nor the actions of the BIA to withdraw recognition changed the daily lives of the Winnemem Wintu. They existed as a tribe before the map was published and despite the withdrawal of recognition. Taking the implications one step further, however, neither creating the map nor withdrawing recognition could have happened had the Winnemem Wintu been anything other than a tribe. In order to explore the historical villages or deny them recognition, historians and the BIA must acknowledge their existence.

5. Taking the Wintu off the map

“From being a people many thousand in number, strong, happy, rich, we have been turned into a people a few hundred in number, a poor weak remnant without land, without money, without education, without credit, looked down upon by men who slew our kindred and possess our ancient home.”

-Wintu and Yana Petition, 1889



Chapter 4 describes putting the Wintu on the map; that is, establishing the historical geographic location of the Wintu and Winnemem Wintu. However, chronologically and physically, the Indians in California were taken off the map long before any efforts were made to put them on it. After the United States acquired the Spanish claims to the Pacific Northwest in the Adams-Onís Treaty of 1819, Hudson’s Bay Company built Fort Vancouver on the Columbia River in Oregon. From there fur trappers began regular expeditions into California. The expeditions into California from Oregon followed ancient Indian footpaths, which became known to explorers and settlers as the

Siskiyou Trail. The footpaths were there because the Indians of Northern California had been the intermediaries between two large trade networks—the Pacific Northwest and Central California. The terrain was rugged and travel hard, but it was the least difficult land route into California. As the number of expeditions into California by fur trappers and military survey parties increased, hostilities and epidemics resulted in Indian deaths. However, Indian societies remained largely intact through this period because their culture, food sources, and trade networks were still in place (Chase-Dunn et al. 1998; Cook 1943; Ellison 1974; Knudtson 1977; Sanchez 2003; Theodoratus Cultural Research 1981).

Methodology

In this chapter I use maps to represent the expanding European/American presence in California (*Cal-Atlas Geospatial Clearinghouse* 2007; ESRI ArcMap 9.3.1 2009; Hurtado 1988; Royce 1971a) and show the Benson Syndicate fraudulent surveys in the McCloud watershed (*Cal-Atlas Geospatial Clearinghouse* 2007; ESRI ArcMap 9.3.1 2009; Cranfield 1984). Existing maps are used to represent the unratified treaties, railroad, and the Ah-Di-Na on the McCloud River.

This chapter uses letters from the National Archive Record Administration to examine the impact on the Wintu from the arrival of American settlers, disposal of the public land, development of resources associated with the railroads, and treatment by BIA agents.

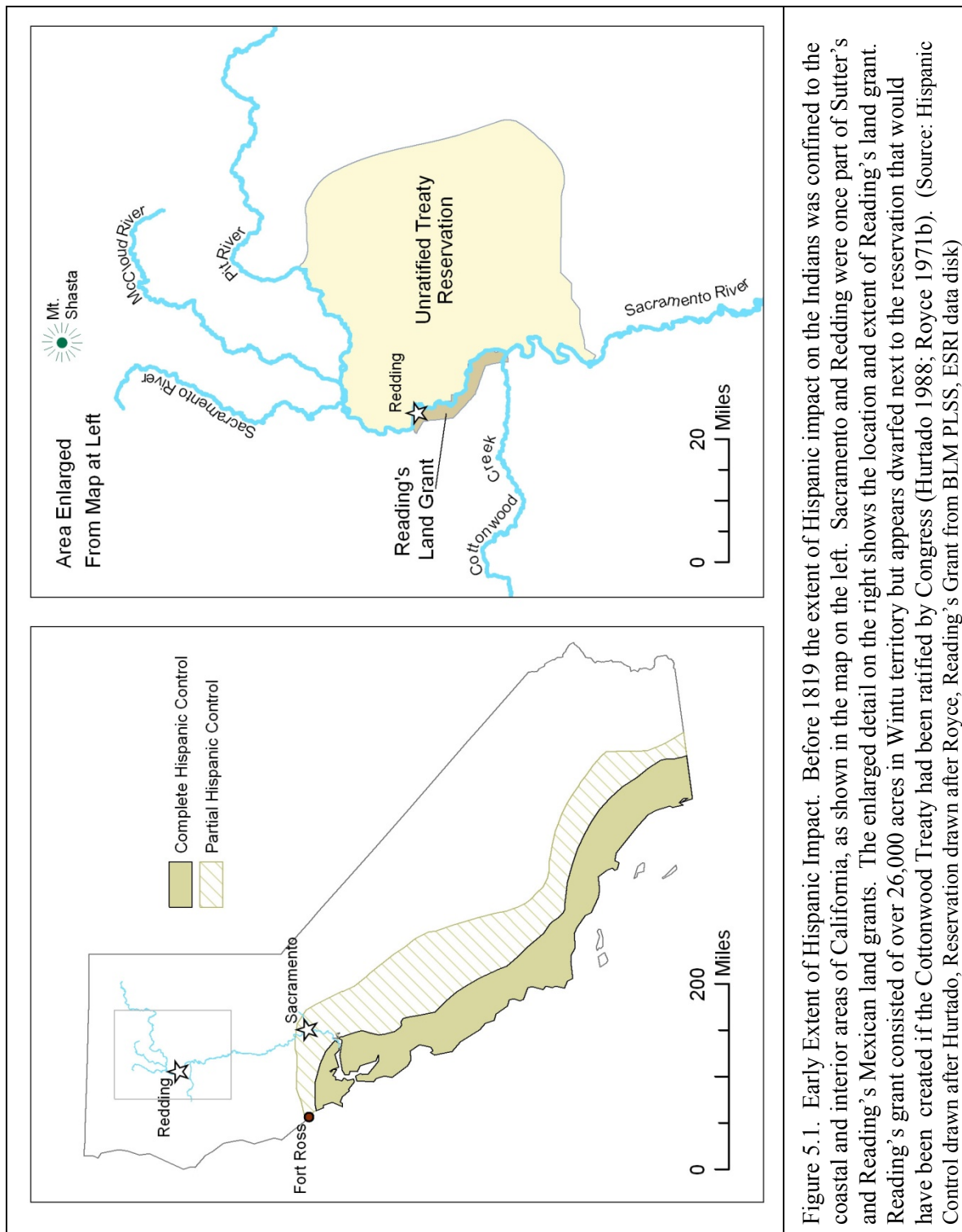
California Before Statehood

Spain tried to maintain full possession of California but didn't have enough people in the area to defend against incursions by Russian, English, and American fur trappers. After the War of Independence from Spain in 1821, the Mexican government became increasingly concerned by the growing numbers of foreigners, especially Americans arriving from Oregon, who began to settle in the interior valleys of California. Many Americans settled as squatters, but some applied for land grants, which were given in exchange for becoming a Mexican citizen and pledging allegiance. Over 800 Spanish and Mexican grants were made in California. Two are particularly relevant to this study (see Figure 5.1).

John Augustus Sutter, a naturalized, German-born, Swiss émigré, was one of the first and best known Americans to apply for a Mexican land grant from Governor Alvarado (Starr 2005: p. 56). Rancho Nueva Helvetia, also known as Sutter's Fort,

consisted of 48,000 acres at the junction of the American and Sacramento Rivers. Today this is where Sacramento, the present capital of California, is located (Robinson 1948: p. 114). By the 1840s Sutter's Fort had become an important center for information and supplies. This established a permanent white settlement in the Maidu and Win-tūn territorial area (Stewart p. 93).

Major Pierson Barton Reading accompanied a trapping party up the Sacramento River from Sutter's Fort. While in the north, Reading explored the Trinity and Klamath river areas. After returning to Sutter's Fort, Reading became a Mexican citizen in order to receive a Mexican land grant, the Rancho Bueno Ventura. Reading's grant consisted of over 26,000 acres in Wintu territory. It extended three miles along the west side of the Sacramento River from Cottonwood Creek to Salt Creek and is where today's city of Redding is located (Figure 5.1). Reading wrote of having two Indian villages on his land, each with 150 men, women and children. After gold was discovered on the American River, Reading prospected successfully on Clear Creek and on the Trinity River in 1848.



With labor from 65 Indian miners, he washed out \$80,000 worth of gold in six months (Theodoratus Cultural Research 1981: p. 48). Both Sutter's and Reading's land grants were well positioned as bases for prospecting and both profited from miners who needed supplies during the Gold Rush and the settlers who followed (Cook 1943; Ellison 1974; Hoveman 2002; Knudtson 1977; Sanchez 1993; Sanchez 2003; Starr 2005; U.S. Department of the Interior Bureau of Reclamation 1947b).

The massive influx of miners during the Gold Rush seriously interrupted the lifestyles and interaction patterns of the Indians in northern California. Miners drove Indians off their land, muddied the water so salmon became scarce, and brought in livestock that ate the grasses and acorns (Theodoratus Cultural Research 1981: p. 48). After the initial wave of miners passed through, settlers moved in to stay, claimed territory, and set up homesteads. Much of the Wintu territory was mountainous, surrounding beautiful, inviting valleys that had flat land and rivers. As settlers claimed the flat areas first, the Wintu found refuge in the mountainous areas for a period of time and were among the last tribes to be remain culturally viable. This 1875 quote from Powers summarized the situation:

“Let it be remembered, on the other hand, that after the republic had matured its vast strength and developed its magnificent resources, it poured out hither a hundred thousand of the picked young men of the nation, unencumbered with women and children, armed with the deadliest weapons of modern invention and animated with that fierce energy which the boundless lust for gold inspired in the Americans; pitting them against a race reared in an indolent climate, and in a land where there was scarcely even wood for weapons. They were, one might almost say, blown into the air by the suddenness and the fierceness of the explosion. Never before in history has a people been swept away with such terrible swiftness, or so appalled into utter and unwhispering silence forever and forever, as were the California Indians by those hundred thousand of the best blood of the nation. They were struck dumb; they fled from all the streams, and camped in the inaccessible hills, where the miners would have no temptation to follow them; they crouched in terror under the walls of the garrisoned forts, or gathered round the old

pioneers, who had lived among them and now shielded them from the miners as well as they could. If they remained in their villages, and a party of miners came up, they prostrated themselves on the ground and allowed them to trample on their bodies, to show how absolutely was their submission. And well they might. If they complained audibly that the miners muddied the streams so that they could not see to spear salmon, or stole a pack-mule, in less than twenty days there might not be a soul of the tribe living” (Momaday 1975: p. III).

With the Treaty of Guadalupe Hidalgo of May 30, 1848, the United States Government assumed control of all of present day California, Nevada, Utah, most of Arizona, the western portions of New Mexico and Colorado, and part of Wyoming. The Treaty also called for the United States to recognize existing land titles and accept all people living in the ceded territory as citizens. William Carey Jones, the son-in-law of Senator Thomas Hart Benton and brother-in-law of John C. Fremont, who were both proponents of Manifest Destiny, was appointed Confidential Agent of the United States government because he spoke Spanish and was acquainted with Spanish colonial titles. Jones’s assignment was to examine the land titles, and also to determine what rights the Indians held during the Spanish and Mexican regimes (Robinson 1948: p. 91; Starr 2005: p. 65). Jones’s report was clear and direct. He confirmed that the Indians did indeed have secure title and right to their lands under the Treaty.

In November, 1848, Zachary Taylor was elected president. Though he was a slaveholder from Tennessee, he was opposed to the spread of slavery into the territories because he believed it was very important to hold the nation together. Believing the Gold Rush had brought enough people to California who would oppose slavery in the territory, Taylor urged the Californians to draft a constitution for statehood and bypass the territorial stage of government (Fehrenbacher 2002: p. 329).

In 1849, Bennett Riley, the last of seven military governors of California, issued a proclamation that invited every free male citizen to vote for a representative to the state Constitutional Convention. All races, including Indians, participated in this election. On

September 3, 1849, the elected representatives at the convention modified Riley's Proclamation by inserting "white" before "male" citizen. As a result, Indians, along with Chinese and African Americans, were excluded from voting. Indians did not regain the franchise until the Indian Voting Rights Act of 1924 (Ellison 1974; Goodrich 1925; Sanchez 2003; Starr 2005).

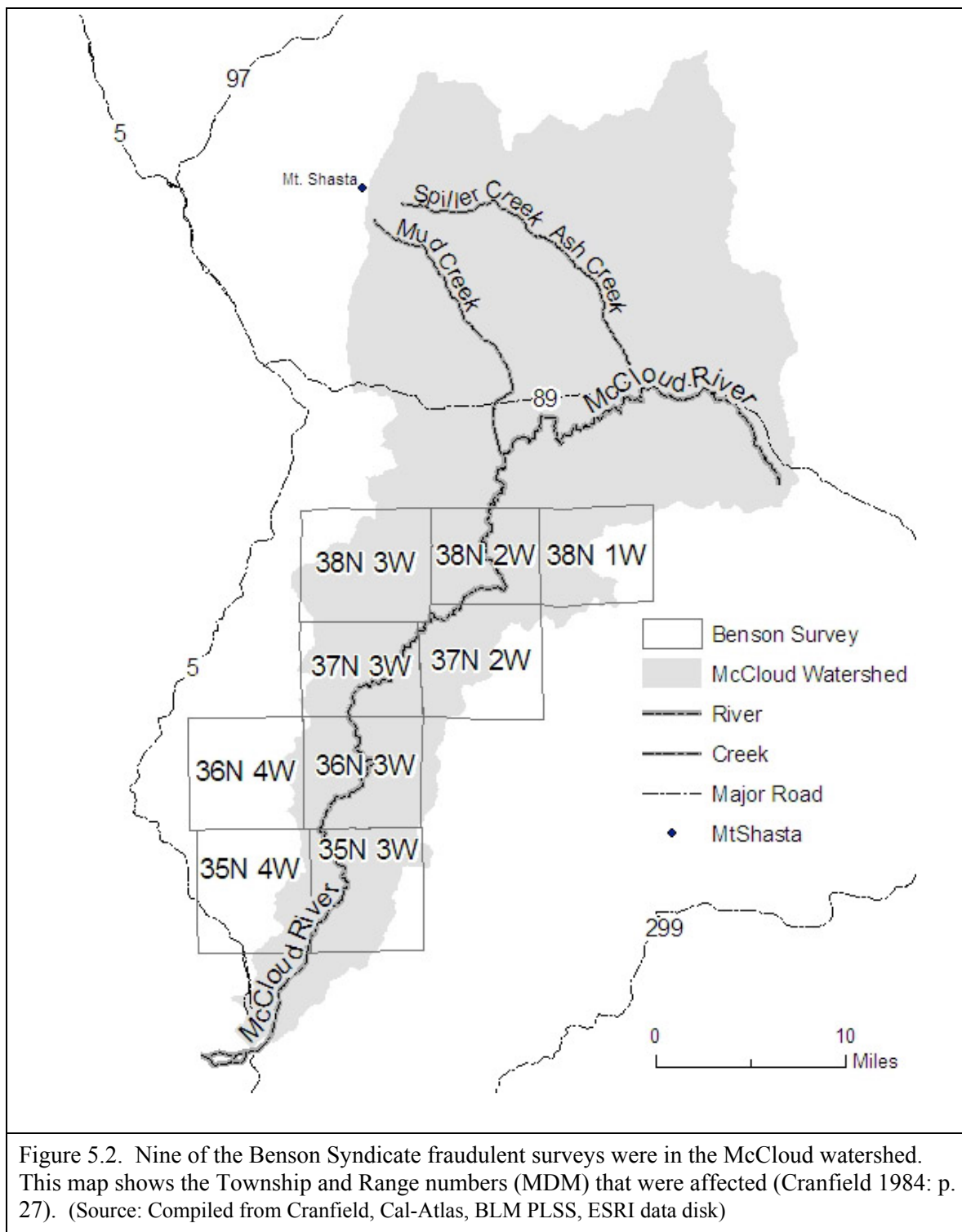
Squatters and Homesteaders

As part of the Compromise of 1850, California was admitted to the Union as a Free State. John C. Fremont and William Gwin were the first United States Senators from California. One of the first issues the Senators tackled was how to settle private land claims. Even though the Treaty of Guadalupe Hidalgo had promised continuous ownership of existing land grants, this conflicted with the view held by land-hungry settlers that California should be open to Americans (Robinson 1948: p. 99). The Americans already in California were eager to secure the title to their land claims and anticipated that with statehood, the process would be speedy. Through a process called "preemption," squatters who settled on government land without permission were given a preferential right of purchase. The squatters, impatient with the slow government process and contemptuous of the rights of the inhabitants already in California—be they Mexican, Indian, or American—organized into armed bands to get what they wanted. Riots resulted; some of the worst were in Sacramento (Robinson 1948: p. 112). Gwin sponsored "An Act to Ascertain and Settle the Private Land Claims in the State of California," which passed on March 3, 1851, Stat 631. The Act required that existing land titles had to be registered and affirmed by the Land Commission within a five-year period. If a claim was not filed with the Land Commission, the land was considered abandoned. Land from abandoned and rejected claims went back into the public domain to be surveyed and made open to settlement (Robinson 1948: p. 101; Sanchez 2003: p. 29). Very few claims were presented on behalf of the Indians. Many Spanish and

Mexican land grants were not presented either, because people assumed their claims were already recognized as valid by the Americans through the Treaty of Guadalupe Hidalgo (Sanchez 2003: p. 29).

Because land in the Public Domain had to be surveyed before the patent would be issued, surveying was a lucrative business. One company, the Benson Syndicate, secured contracts to survey townships throughout the west. John Benson was a contract surveyor backed by a syndicate of lawyers, bankers and other surveyors. They bid low for contracts and would supply the government with completed plats fabricated from incomplete and fraudulent notes made up from skeletal surveys. In northern California there were 115 townships surveyed by the Benson syndicate. Figure 5.2 shows nine of these townships were in the McCloud watershed (Cranfield 1984: p. 26).

Squatter troubles were not uncommon in California from the 1850s through the 1870s because so few titles had been confirmed by the Land Commission. Many claims were in the courts, and many more were waiting for the government survey before a patent could be issued (Robinson 1948: p. 116). Before any of this was settled, the Homestead Act was enacted in 1862, allowing any citizen or naturalized alien the right to claim 160 acres, provided they worked the land continuously for five years (Parsons 2003: p. 4.9-2). With all the complications, it took an average of seventeen years from the time a petition was filed before the patent was issued (Robinson 1948: p.116). Land claims didn't drag on in just the nineteenth century; the Indian Claims Commission operated for thirty-two years to handle 611 dockets and it left sixty-eight of them unresolved when it closed on September 30, 1978 (Sutton et al. 1985: p.59).



Unratified Treaties

In 1851 President Fillmore appointed three commissioners to conduct treaties with the California Indian Tribes. O.M. Wozencraft, Redick McKee, and George Barbour arrived in San Francisco in January, 1851, with instructions to quickly conclude as many treaties as possible. Between March 19, 1851, and January 7, 1852, at various central meeting places throughout California, they met with 402 tribal heads – representing 139 tribes or bands of Indians, and entered into eighteen treaties (Ellison 1974: p. 186; Heizer 1972; Robinson 1948: p. 14). The designated reservations would have added up to 7,488,000 square acres of land, or 7.5% of the total area of the state.

Wozencraft negotiated the treaty that included the Wintu. This treaty of peace and friendship was signed at Reading's ranch in Cottonwood on August 16, 1851 (Heizer 1972; Hoveman 2002). By this time many Indians had already been driven to hiding in the mountains where stealing was their main access to food, and they were learning to fight to defend themselves. The location of the reservations was chosen with a defensive rationale:

"They do not lack the *nerve* and *daring* of the best Atlantic Indians. Once accustomed to war, their mountain fastnesses will be impregnable. Our policy is . . . to get them down . . . in reservations, along in the foothills, bordering on the plains," with the miners "between them and the Mountains, forming a formidable Cordon, or barrier, through which it would be difficult to take their families unobserved" and where there would be "no place for Concealing Stolen Stock" (Hurtado 1988: p.136).

The eighteen treaties were sent to the United States Senate on June 1, 1852. Most Californians were opposed to having the government sign treaties with the Indians. The

editor of the Los Angeles *Star* represented their viewpoint when, on March 13, 1852, he wrote:

“We believe the action of the commissioners to be pregnant with the most disastrous consequences, and we can see no solution of the difficulties that will grow up around us, if the General Government ratify these treaties, except a general and exterminating war.... To place upon our most fertile soil the most degraded race of aborigines upon the North American Continent, to invest them with the rights of sovereignty, and to teach them that they are to be treated as powerful and independent nations, is planting the seeds of future disaster and ruin ... we hope that the general government will let us alone—that it will neither undertake to feed, settle or remove Indians amongst whom we in the South reside, and that they will leave everything just as it now exists, except affording us the protection which two or three cavalry companies would give” (Robinson 1948: p.15).

The Americans in California believed the reservations included valuable land that should be reserved for mining and farming instead of for Indians. Having been admitted as a Free State, the California Senators held the power to upset the balance in either direction between the Whigs and Democrats. This position gave Fremont and Gwin the leverage to persuade Congress to defeat the treaties. Despite President Fillmore’s recommendation that the treaties be confirmed, Congress not only rejected every one of the treaties, they also ordered them sealed in a secret file, where they remained for fifty-three years. The injunction of secrecy was not removed until January 18th, 1905 (Goodrich 1925; Heizer 1972; Hoveman 2002; Sanchez 2003).

Charles Royce prepared state-by-state maps showing the lands ceded by Indians to the United States. Figure 5.3 shows the boundaries of the territories ceded by the Indians in Northern California. The areas ceded and land proposed for reservations in the treaties had nothing to do Indian tribal territories. Area 294 would have been ceded and reservation 293 would have been created had the Cottonwood treaty been ratified (Royce 1971b). Figure 5.1 (page 49) shows that Reading’s Mexican land grant would have been

dwarfed next to reservation 293, although it is possible he would have viewed the reservation as a source of cheap labor rather than a threat (Hurtado 1988: p.138).

Eventually some temporary reservations were set up, some of which were later given permanent status by executive order (Ellison 1974; Theodoratus Cultural Research 1981). Writing about the treaties, Heizer said,

“Taken all together, one cannot imagine a more poorly conceived, more inaccurate, less informed: and less democratic process than the making of the eighteen treaties in 1851-52 with the California Indians. It was a farce from beginning to end” (Heizer 1972).

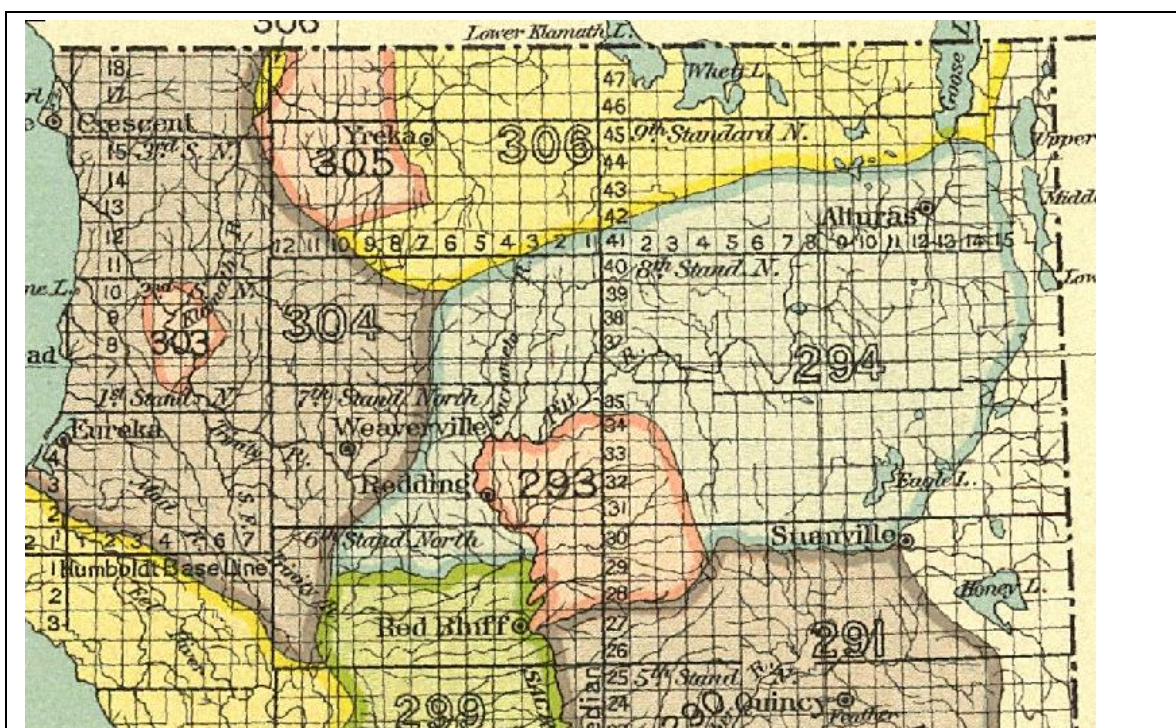


Figure 5.3. Detail of Royce's map. Based on the eighteen unratified treaties, this shows the Indian land cessions and the reservations that would have been created in Northern California. Had the treaty negotiated at Reading's ranch in Cottonwood on August 16, 1851, been ratified by Congress, then Number 294 would have been the cession lands and 293 would have been the reservation shared by the Wintu (Royce 1971a). (Source: Library of Congress, used with permission)

Railroads

In 1838 Congress established the Army Corps of Topographical Engineers. Mapping was intimately connected to military control, investment opportunities, transportation improvements, and the expanding power of the Federal Government, which was the source of funding (Short 2001: p. 19). In 1841, the Wilkes Exploring Expedition passed through Northern California on their way to Sutter's Fort from Oregon (Theodoratus Cultural Research 1981: p. 48). John Charles Fremont, who later became the first United States Senator from California, participated in this, and later, surveys. (Short 2001: p. 175).

On September 20, 1850, United States Congress passed the first major act granting lands to subsidize the construction of railroads, 9 Stat. 466. In March 1853, Congress authorized the Army Corps of Engineers to find the most feasible rail routes across the United States. The surveyors mapped, analyzed, classified, drew, photographed and painted the west. Popular illustrated magazines packaged and distributed stories about the west to an eager audience. The wonders of the American landscape, combined with science and adventure, made the surveys great publicity campaigns (Short 2001: p. 174).

The federal government subsidized building the railroad with bonds and land grants from the public domain. The practice of subsidizing construction had originated in Ohio in 1802, so that roads could be built from the Atlantic Ocean to the Ohio River. The states, not private companies, had been the trustees and agents in Ohio (Robinson 1948: p.148). Because building the railroad was viewed as a military necessity, the general public was not opposed to the cost. The widely held view was that the Pacific Coast was defenseless and that the warring Indian tribes made the overland route to California dangerous. The Act of July 1, 1862, known as the Pacific Railroad Bill, empowered the Union Pacific Railroad Company and the Central Pacific Railroad

Company of California to "lay out, locate, construct, and maintain a railroad and telegraph line and to be the recipients of land grants" (Robinson 1948: p.150).

Theodore D. Judah, a construction engineer, found backing from the railroad "big four" – Collis P. Huntington, Leland Stanford, Charles Crocker, and Mark Hopkins – when organizing the Central Pacific Railroad. Judah lobbied in Washington in order to help shape and pass the Pacific Railroad Act. Huntington and Stanford were the financial agents. Huntington lobbied in the eastern states while Stanford did the same in California. Hopkins was the supplies superintendent and Crocker was the construction superintendent. The original route planned for the railroad ran from San Diego to San Francisco along the coast, but since that area was composed of Spanish and Mexican land grants, it was not in the public domain. By switching the route to the Central Valley, the railroad could take advantage of the generous land grant privileges in the Act. At that time Central Valley land was considered poor because it lacked irrigation, but the railroad made the area accessible. With water from irrigation, the Central Valley is now one of the richest agricultural districts in the country (Robinson 1948: p.153-155).

The Railroad Act of July 25, 1866, authorized construction of a railroad and telegraph line through the Sacramento and Shasta valleys to Portland. With a right-of-way 400 feet wide, plus patents for twenty alternate sections per mile, the railroad was granted up to 12,800 acres per mile of completed line (Robinson 1948: p.151). The United States extinguished the Indian titles that conflicted with railroad titles, but did not extinguish homestead or mineral claims (Robinson 1948: p.151). Figure 5.4 shows a detail of the Colton map that showed the planned route of Southern Pacific Railroad through Northern California. The railroad patents created the checkerboard pattern of land ownership still seen in Shasta County, California. On May 10, 1869 Leland Stanford drove the golden spike that finished the Pacific Railroad at Promontory, Utah. By 1872 the railroad reached Cottonwood, where the Wintu had signed the unratified treaty with Wozencraft twenty-one years earlier (Parsons 2003: p.2). In 1886, the line

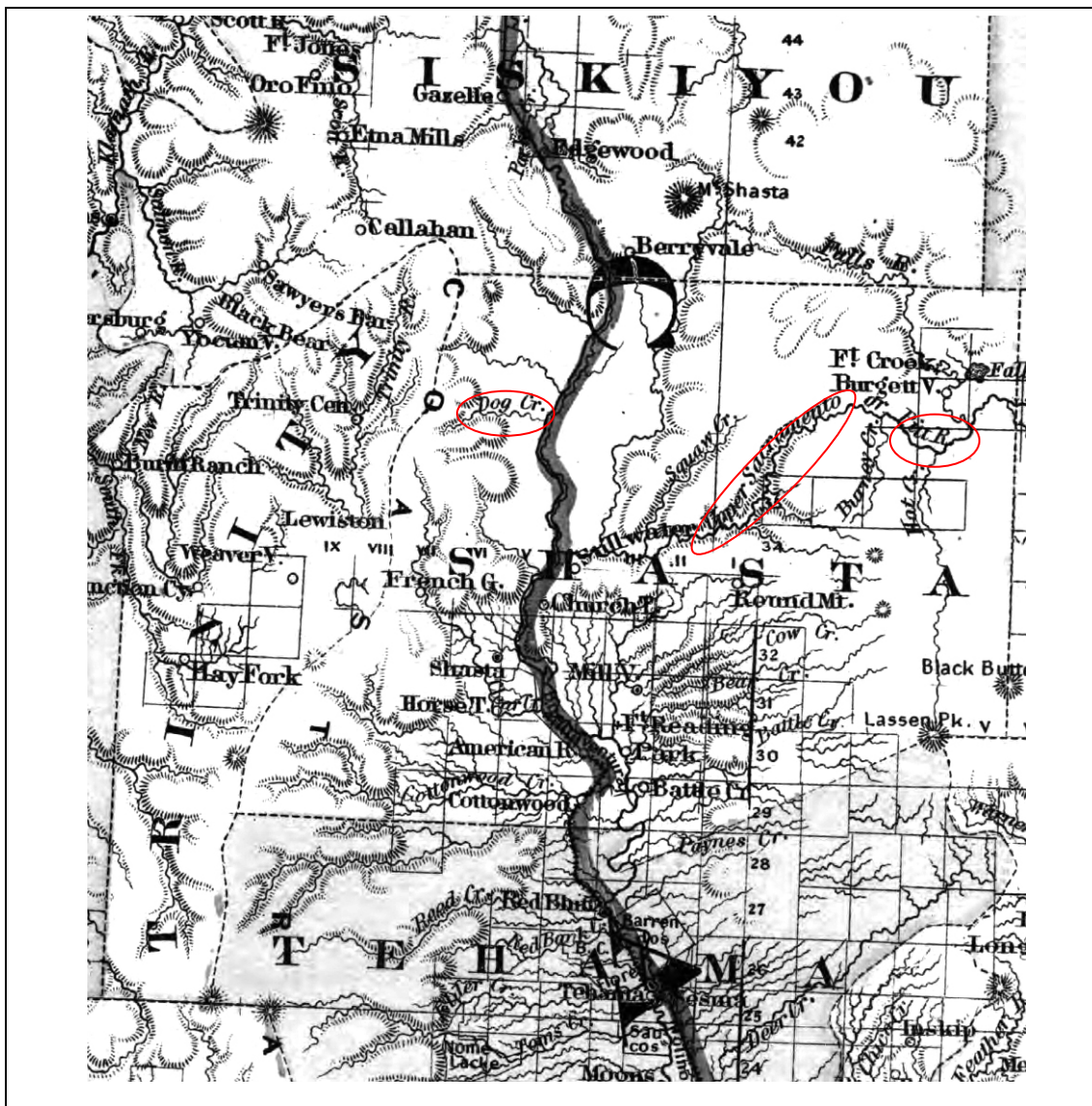


Figure 5.4. Detail of Colton's California Railroad map. This shows the section of the planned route from Sacramento to Oregon. Note that Pit River is shown as "Upper Sacramento River or Pitt River." Dog Creek at the time was one of the locations the Wintu assembled in July to gather salmon for the winter (Colton & Co. n.p., 1876). (Source: Library of Congress, used with permission.)

reached Berryvale in Strawberry Valley, later known as Sisson and today called Mt. Shasta City. Spur rail lines were laid by logging companies. The first sawmill opened

within four months of the railroad connection to Strawberry Valley (Cranfield 1984: p.25).

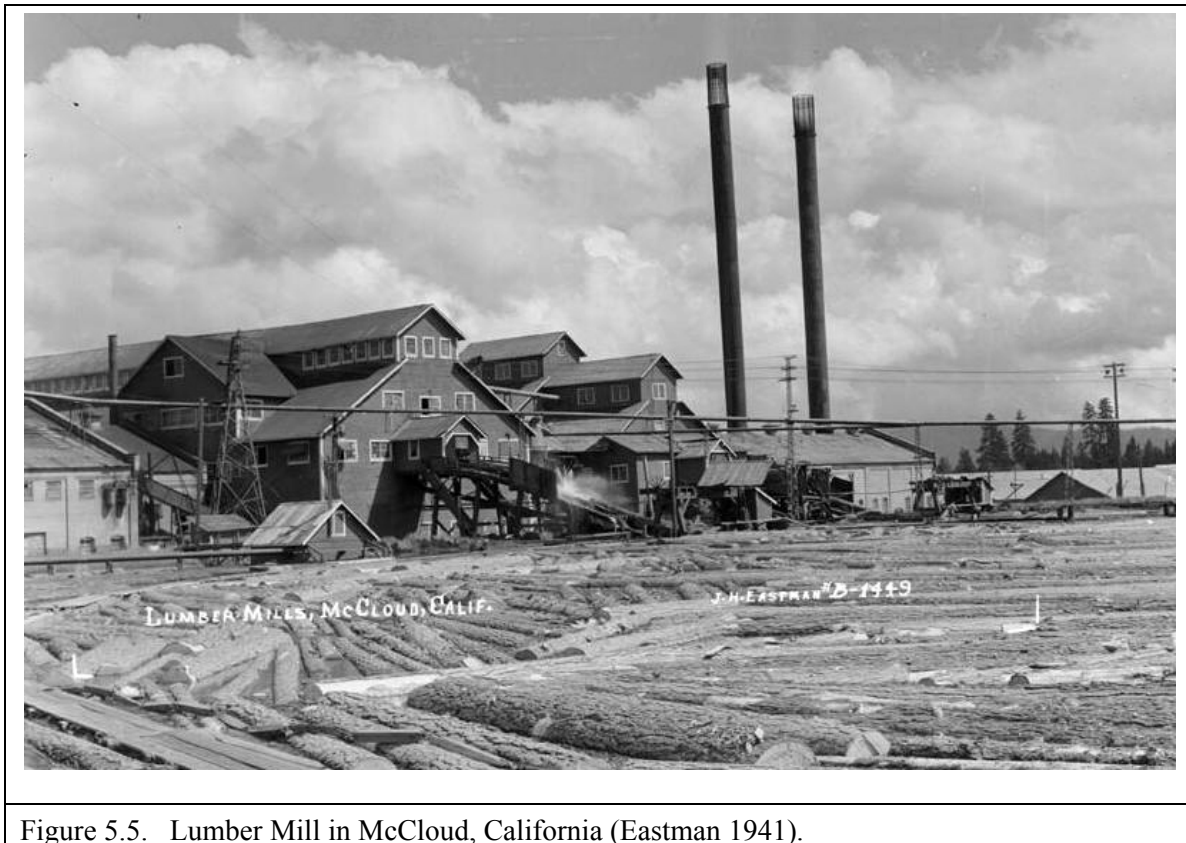
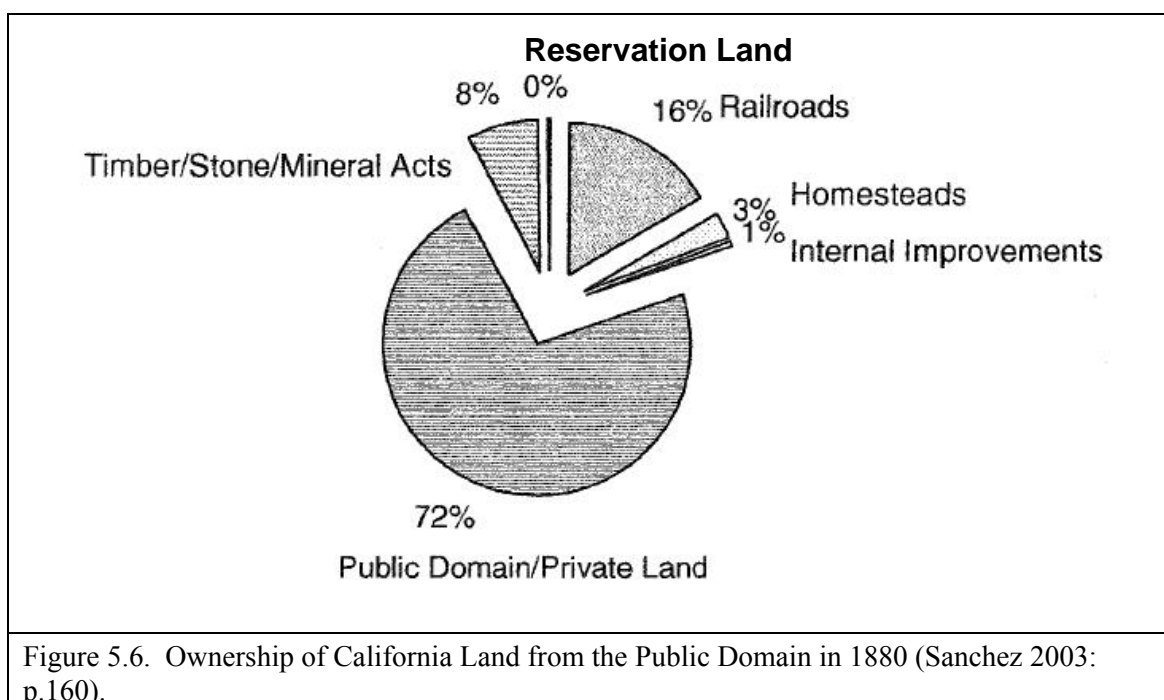


Figure 5.5. Lumber Mill in McCloud, California (Eastman 1941).

The arrival of the railroad impacted the Wintu as well, destroying Wintu transportation corridors, sacred sites, and historical villages. Colton's 1876 map (Figure 5.4) shows Dog Creek, where as many as 1,500 Wintu assembled each year in July to gather salmon for the winter. Building the railroad destroyed this site (Hoveman 2002: p. 43). Copper mining and smelting industries also grew, resulting in considerable damage to the landscape. In 1912 Richard Gregory, Redding Allotment 68, wrote to the BIA agent to ask permission to sell wood, "... as the pine timber is dying, owing to smelter smoke [I] would like to dispose of it while I can, and use the proceeds for [sic] to live on"

(Gregory 1912). By 1913 there were over 400 trees dead on another allotment in the same area from the smelter smoke (Radcliff 1913).



In the United States as a whole, 9.5 % of the public domain was patented to railroads (Robinson 1948: p.157). In California alone, between 1850 and 1880 over 16 million acres were patented to different railroad companies. Figure 5.6 shows that by 1880, railroads possessed sixteen percent of the land in California (Sanchez 2003; Short 2001; White 1983).

Competition for Land in the McCloud Watershed

Indians were prohibited from owning or leasing land, selling timber, mining, or pursuing other income-generating activities. By 1853, Indians were starving and begging for food. Even without the treaties, they were considered wards of the state, and as such, the government had an obligation to protect them, provide a place to live, and to prevent

others from taking the land on which the Indians lived (Thomas 1971). Congress appointed Edward Beale as the first Indian superintendent for California (Hurtado 1988: p.141). The administrations of Beale and his successor, Col. Thomas J. Henley, lasted over a decade and were rife with corruption and incompetency (Hoveman 2002; Sanchez 2003). Cattle for starving Indians wound up with subagents; reservation boundaries were changed, land was lost to squatters; vouchers were irregular; and the books were incomplete (Hoveman 2002; Sanchez 2003). It was not until the 1870s and 1880s that the efforts of humanitarians advocating reform of the living conditions and treatment of Indians began to make a difference.

Baird Fish Hatchery

In 1872, the Central Pacific Railroad reached Redding. That same year Livingston Stone was appointed Deputy Fish Commissioner and assigned the task of setting up a salmon hatchery in California. He arrived in California one month after his appointment without any clear idea where the best place for the hatchery would be. The chief engineer of the Pacific Railroad informed Stone that he had seen Indians spearing fish at the junction of the Pit and McCloud Rivers. Stone headed up to the McCloud River and, indeed, found several camps of Winnemem Wintu drying salmon. Stone saw the Winnemem Wintu as the “last of the California Indians to yield to the encroachments of civilization.” In his report to Commissioner Baird in 1874 Stone wrote:

“...The McCloud River presents an instance of what is becoming increasingly rare, at least in the more accessible parts of the country, namely a region which is just as it was before the white man found it, and with a race of aborigines whose simple habits have not been corrupted by the aggressive influence of communication with the whites” (Heizer et al. 1973b: p.6).

The presence of the Winnemem Wintu did not stop Stone from proceeding with the hatchery plan. In fact the location chosen was an area sacred to the Winnemem

Wintu, marked by a rock in the shape of a salmon's heart (U.S. Department of the Interior Bureau of Reclamation 1947b).

At first the Winnemem Wintu demonstrated some hostility toward the development of the Fish Hatchery at Baird—more in attitude than deed (Figure 5.7). Once Stone had convinced them that he just wanted the spawn of the salmon and that he would give them the fish, the relationship between them settled down.



Figure 5.7. Wintu arrayed in War Dance Costume at the Salmon Breeding Station at Baird, on the McCloud River, California (Houseworth 1882b). Mount Persephone is in the background. (Source: Photograph used courtesy of the National Anthropological Archives, Smithsonian Institution, 56773)

“Our attempt to locate a camp on the river-bank was received by the Indians with furious and threatening demonstrations. ... their resentment was consequently very violent when they saw us bringing our house and

tents and camp belongings to the edge of the river, taking possession of the land which they claimed as their own, and settling down on it. They assembled in force with their bows and arrows, on the opposite bank of the river, and spent the whole day in resentful demonstrations ... in trying to drive us off. Had they thought they could succeed in driving us off with impunity to themselves, they undoubtedly would have done so, and have hesitated at nothing to accomplish their object; but the terrible punishments which they have suffered from the hands of the whites for past misdeeds are too vivid in their memories to allow them to attempt any open or punishable violence. So, at night, they went off, and seemed subsequently to accept in general the situation. Individuals frequently said to me afterward, however, that I was stealing their salmon and occupying their land; but it was more as a protest against existing facts than an endeavor to make any change in the situation” (Heizer et al. 1973a: p.7).

For the first two years the hatchery was run on a seasonal, experimental basis. Eggs were shipped east to replace the dwindling Atlantic salmon. With the cooperation of the Winnemem Wintu, the hatchery flourished (Figure 5.8). In 1873, eggs were sent to New Zealand; eventually they were shipped around the world (Cranfield 1984: p.16). Stone regularly employed twenty to thirty Winnemem Wintu at the hatchery to draw seine, handle fish, and pick over eggs. Even though they received half the pay of white laborers, they were the only Indians working for the US Fish Commission (Heizer et al. 1973b; Hoveman 2002).

In 1874 President Grant set aside 280 acres of land on the McCloud River as a government reservation for “pisciculture,” and trout breeding ponds were built on Green Creek. Rainbow trout were very abundant in the McCloud at the turn of the century, as described in *The Siskiyou Fly Fisher*, 1977. The fishermen reported taking over 500 trout, averaging two pounds each, from one pool in ten days.

“We eagerly joined our rods and tied on our most taking casts...and directly we see hundreds of june [sic] flies, dislodged from their retreat under the leaves, fly fluttering with damp and heavy wings over and near the water’s surface. Talk about rainbow trout. They began their breakfasts right then and there. Dozens of two pounders could be seen at a

glance, as they leaped high, their beautiful sides gleaming in the morning sun...” (Cranfield 1984: p.22).

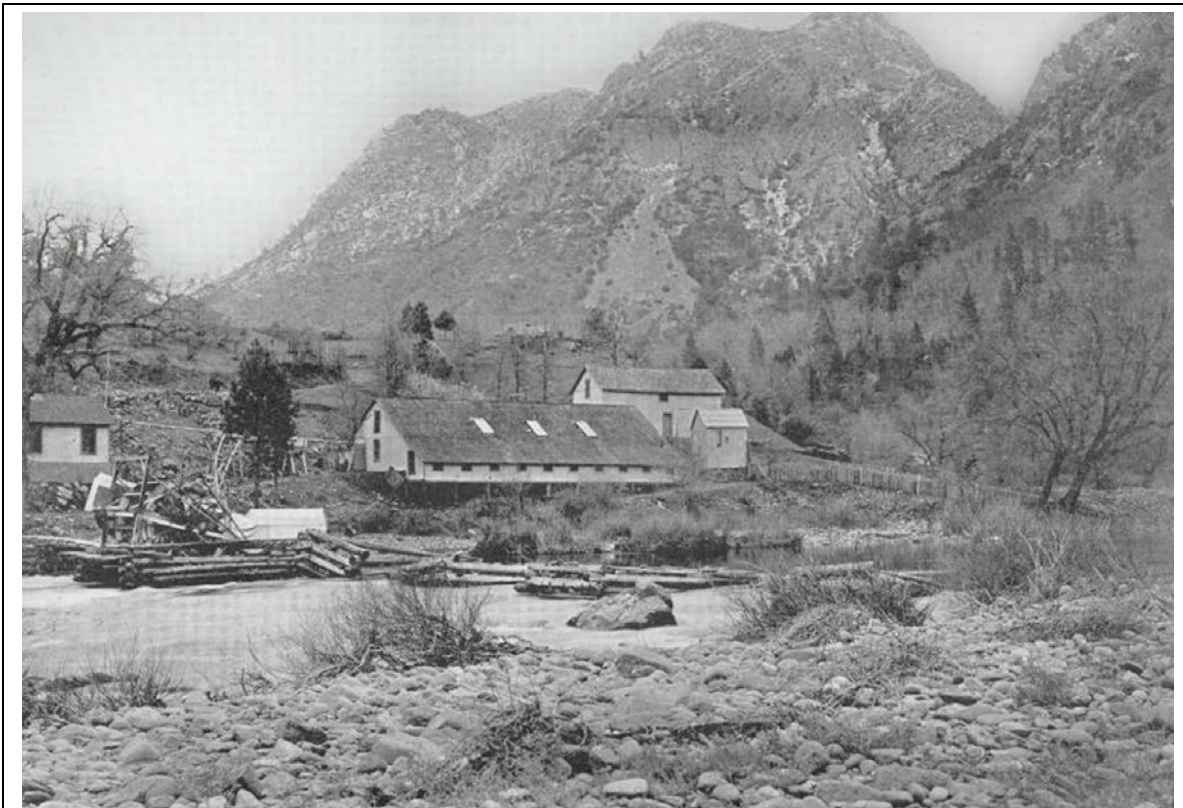


Figure 5.8. Baird Fish Hatchery. The McCloud River in the foreground; in the background the limestone rocks of Mount Persephone. Engine house and current wheel, Hatching house, Stable and Store-House (Stone 1897).

Stephen Powers also reported on the large number of salmon when he described the Wintu method of fishing with spears (Figure 5.9):

“A party of six Indians on McCloud’s Fork speared over 500 (salmon) in one night, which would at a moderate circulation, be 500 pounds of fish to each spearman” (Guilford-Kardell 1980: p.82).



Figure 5.9. Wintu man, Charlie Pit, spearing salmon on the McCloud River (Houseworth 1882c). Mount Persephone is in the background. (Source: Photograph used courtesy of the National Anthropological Archives, Smithsonian Institution, 43848K)

The influx of settlers to Northern California continued year after year. After the valleys were settled, homesteaders had to go into the foothills and up the mountains. Stone considered the presence of soldiers at the hatchery important “on general principle.” They helped stop the Indians from killing salmon before they spawned, and also stopped a white man who tore up a corner post on the reservation, another who put up a fence inside the reservation, and yet another who began cutting timber indiscriminately. Stone requested the boundaries of the reservation be extended because:

“Settlers are beginning to come to the McCloud River. They take up a claim, burn the Indian rancherias, shoot their horses, plow up their

graveyards, and drive the Indians back into the hills, the ultimate result of which must be approximate starvation” (Heizer et al. 1973a).



Figure 5.10. Colchoolooloo's Ranch, taken about 1882. Group of Indians on the McCloud River (Houseworth 1882a). (Source: Photograph used courtesy of the National Anthropological Archives, Smithsonian Institution, 56773)

Extending the railroad north from Redding toward Oregon along the Sacramento River in 1883 fouled the water so badly that salmon egg production was reduced by over 90%. The salmon hatchery stopped operations from 1884 through 1887, but the trout hatchery on Greens Creek was able to remain in operation during those years. After the railroad construction finished, the salmon runs returned to normal levels for a period. In 1903 the number of eggs taken from salmon was reported as twenty-five million. In 1935, the last year of operations at Baird, only 5,200 eggs were harvested. Ironically, 1940 was reported as the best salmon run in 20 years, but the hatchery was closed and

Shasta Dam was already well under construction. By 1945, Baird was inundated by Shasta Lake (Cranfield 1984: p.17).

Sportsman's Paradise

In the nineteenth century Northern California was recognized as a sportsman's paradise, a reputation it still holds today. Southern's Inn, McCloud Hotel, Fisherman's Paradise, Castle Crag Tavern, Castle Rock Resort, and Castle View Hotel all flourished in their day. On the McCloud River wealthy San Franciscans established the Bollibokka Club, Ken-Cam lodge, and Ellery's Lodge. Wintu Indians Bill Towendolly, John Sampson, and Joe Campbell, were often hired as hunting and fishing guides (Hoveman 2002; U.S. Department of the Interior Bureau of Reclamation 1947b: p.22). John Muir, in 1888, described the region as a lush setting:

“The temperature [of the water] is about 45 degrees, and the height of the river above the sea is about 3,000 feet. Asplenium, epilobium, huechera, hazel, dogwood, and alder make a luxurious fringe and setting; and the forest of Douglas spruce (fir) along the banks are the finest I have seen in the Sierra” (Muir 1888: p. 230).

The estates and clubs along the McCloud River are still considered landmarks of a leisurely life (Cranfield 1984). Brief histories of four of these clubs are as follows:

The Bend—T39N R2W Section 34

In 1883 Justin Sisson began buying land along the McCloud River in an area known as “The Bend.” He built cottages to rent to tourists who came to fish and hunt. In 1898 Charles S. Wheeler, an attorney from San Francisco bought this property from Sisson along with land from the Central Pacific Railroad and the U. S. government until he controlled land in 10 sections. Phoebe Hearst leased part of it until 1936, which is when William Randolph Hearst finally bought the land. Hearst had a ‘Bavarian



Figure 5.11 Wheeler's Place on the McCloud River ("Wheeler Place, the Bend, McCloud River").



Figure 5.12. Foot Log at Horse Shoe. Man standing on log provides a sense of scale for the fallen tree on the McCloud River ("Foot log at Horse Shoe" 1883).

village' built with guest houses, a swimming pool, movie theater, billiard room, tennis courts, and a personal airport. In 1984 the Hearst Corporation owned about 41,199 acres in the McCloud watershed (Cranfield 1984).



Figure 5.13. Hearsts' Wynton Estate on the McCloud River. William Randolph Hearst Sr. walking with his dog from Cinderella House to Fairy House (Stackpole 1935). (Source: TimeLife)

Ah - Di - Na—T38N R2W Section 33

William R. Whittier bought this section of land from the Central Pacific Railroad over time from 1895 to 1918. The Whittiers built several buildings and a bridge, put in an orchard, and farmed during the summer. In 1919 William M. Fitzhugh bought this land and the Wheeler Ranch property. Fitzhugh built trout holding tanks, irrigation ponds, and a stone cellar. In 1936 Hearst bought this property and built a trail between

his land at The Bend and Ah-Di-Na. In 1958 the main road to Ah-Di-Na was built by the Long Bell Lumber Company. In 1965, the Hearsts traded Ah-Di-Na to the Forest

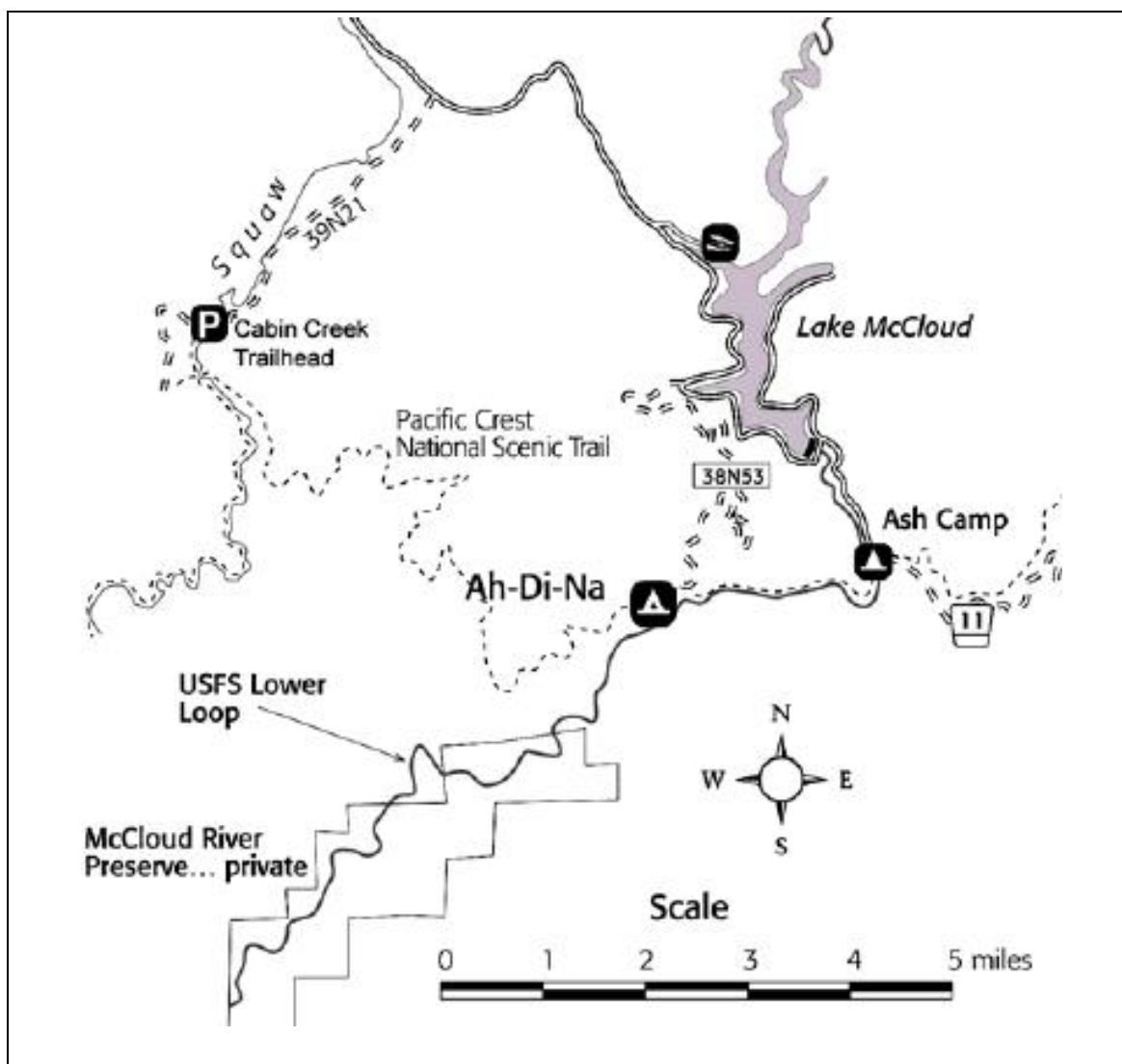


Figure 5.14. Detail of U.S. Forest Service map showing location of Ah-Di-Na. Between Lake McCloud and The Nature Conservancy's McCloud River Preserve, approximately 18 miles south of the McCloud Ranger Station on SR 89. Hikers on the Pacific Crest Trail and fly-fishers using the McCloud River enjoy the campground ("Ah-Di-Na: A Short History" 2008). (Source: U.S. Forest Service)

Service when the McCloud Dam was being built. Figure 5.14 shows the location of Ah-Di-Na relative to Lake McCloud and The Nature Conservancy's McCloud River Preserve. Today there is a public campground at Ah-Di-Na (Cranfield 1984).

The McCloud River Club—T37N R3W, T37N R2W

George W. Scott and William M. Van Arsdale were the founders of the McCloud River Club, which began in 1900 with twenty members (Volkman 1951). Figure 5.15 shows the original lodge of the fly fishing club. They bought land along the river to preserve as much unspoiled frontage as they could, most of which was purchased from the Central Pacific Railroad. The McCloud River Club donated 330 acres in 1974 to The



Figure 5.15. McCloud River Club in 1905 ("McCloud River Club" 1905). (Source: College of the Siskiyous Library collection, used with permission)

Nature Conservancy and retained the rest for its members. Today, The Nature Conservancy's McCloud River Preserve allows up to ten people at a time access to fish on the river (Cranfield 1984: p.49).

Bollobokka Land Company—T37N R3W, T36N R3W

In 1921 Joseph M. Ough sold land to the Bollobokka Country Club. This Club was located in the section of the McCloud River just above the current high-water level of Shasta Lake. In 1946 Southern Pacific Railroad sold more land to Bollobokka but maintained the right-of-way to build a road (Cranfield 1984: p.50). In 2007 Westlands Water District bought Bollobokka for \$35 million “to clear an obstacle for expanding Shasta Reservoir” (Grossi 2007)

U.S. Forest Service

The Shasta Forest Reserve was established on October 3, 1905, by proclamation of President Theodore Roosevelt. In 1907, when the National Forest System was established, the reserve became the Shasta National Forest (Sundahl 1995: p.1). At the time it only affected about twenty sections of land within the northeastern portion of the McCloud Watershed because land was either in private ownership or outside of the forest boundary. When Shasta Dam was completed, the National Park Service managed the shoreline of Shasta Lake. However, in 1948, Public Law 449 transferred administrative responsibility to the Shasta National Forest (Sundahl 2005).

From the beginning, the U.S. Forest Service had more than timber management problems to deal with. Nationwide, millions of acres of forest land had deteriorated as a result of overgrazing (Frome 1984). In California, in the 1940s, Ranger John Gillman reported that about 7,000 head of cattle were grazing on land near Squaw Creek, the Pit

River, and McCloud River. Indians throughout California, including the Wintu, complained to little avail. Randolph, the Indian Agent in Redding, sent a copy of the trespass warning to the Wintu so they could post it (Radcliff 1912a). When the U.S. Forest Service acquired Shasta National Forest, it established regulations to limit grazing, which resulted in bitter disputes with the stockmen. Some of the animals grazed on land allotted to the Indians, but neither the U.S. Forest Service nor cattlemen were concerned with trespass. The disputes were about carrying capacity for grazing animals (Sundahl 1995: p.5). Overuse was not restricted to grazing. All saleable timber had been removed and open-hearth smelting processes in Kennett had denuded the west side of the Sacramento River near Little Squaw Creek. “Mining, grazing, and logging activities were all practiced with apparently but a single purpose – profit” (Sundahl 1995: p.15).

Allotments

From 1846 to 1884, Indians could not acquire land because they were not citizens. Even immigrants could become naturalized citizens and take up land, but this was not an option for Indians. Jeremiah Curtin reported in 1889 that the conditions for the Wintu were such that “There was not a spot of land where they could build a hut without danger of being ordered away from it” (Theodoratus Cultural Research 1981: p.75). Moved by their plight, Curtin transcribed the Wintu and Yana petition and delivered it personally to President Harrison in May, 1890 (Hoveman 2002). (Appendix 4)

President Harrison forwarded the letter from the Wintu and Yana leaders to the Office of the Commissioner of Indian Affairs. Since the Wintu and Yana petition came from the President, the response of the Department of the Interior was immediate. The Office of Indian Affairs (BIA) instructed Indian Inspector A. M. Tinker, who was then in California, to investigate. Tinker reported back after he visited these Indians:

“...they are quiet, industrious and good working people, doing all they can to improve their condition and secure permanent homes for themselves

and their families.” He also reported “to all appearances are worthy of aid from the Government; that they have been self supporting for a long time, - not receiving any aid whatever from the Government; that they do not want to remove to a reservation and settle thereon; but that seeing the public lands disappearing rapidly, they desire to take allotments of land in severalty, and ask that an Agent of the Government be sent among them to aid in selecting and locating lands for their future homes” (Bell 1892b).

The General Allotment Act of February 8, 1887, 24 Stat. 388, generally known as the Dawes Act, is also referred to as the Indian General Allotment Act, the Committee on Indian Affairs Act, and the Severalty Act (*Dawes Act* 1887). Under pressure from influential social reformers, Congress struggled for two decades to develop a new Indian policy. Congress wanted to identify more land for white settlement, to reduce the cost of treaty obligations to tribes, and to satisfy the reformers. The reformers wanted more education, less abuse, and less poverty for the Indians. Both Congress and the reformers believed the best approach was to assimilate Indians into mainstream American society. The Dawes Act is best known for reducing the size of reservations by making allotments to individual Indians in severalty parcels (homesteads), varying in size from 40 to 320 acres. The remaining reservation acreage, considered “surplus” to Indian needs, went back into the public domain and was then made available to white homesteaders. Less known is that Clauses Four and Five of the Dawes Act provided a means for providing allotments to landless Indians (Goodrich 1925; Sutton 2003; Thomas 1971).

In 1906 C. E. Kelsey, a special agent for Indian Affairs, reported that 2,058 allotments had been made in California with 261 canceled, leaving 1,797 outstanding. The majority of these allotments were in Lassen, Modoc, Plumas, Shasta, and Siskiyou counties (Robinson 1948: p.18; Theodoratus Cultural Research 1981: p.45).

Obtaining an allotment must have felt like a step forward for the Indians. Finally, there would be a piece of paper that proved ownership, represented stability, and promised protection from the harassment of settlers. But getting an allotment was not the

same as getting a reservation. The allotments were made in trust for twenty-five years, to be transferred to the Indian holder at the end of that time if they were considered competent. Allotments were lost in a variety of ways. As Kelsey reported, a large number were canceled. If an Indian died before the trust period of twenty-five years was up, the laws of the state controlled the disposition of the land, usually meaning the claim went to probate court (Sutton 2003: p.12). In 1906 the Burke Act shortened the trust period for “any Indian allottee who is competent and capable of managing his or her affairs.” Other Acts extended the trust period. Stockmen, interested in rangeland for cattle and sheep, used Indian allotments with and without permission. Some Indians sold their land and wound up landless again. By looking at how some of the Special Agents dealt with the Indians regarding allotments, one can see how attitudes toward the Indians shifted over the years.

1891: Special Agent Michael Piggott

On May 23, 1891, the BIA appointed Michael Piggott, a “one-legged ex-soldier” from Quincy, Illinois, as Special Agent in California to give special attention to the Wintu and Yana allotments (Bell 1892b). T. J. Morgan, Commissioner of the BIA in Washington D.C., informed Piggott that Tinker had already reported on the tribes’ interest in securing allotments:

“... the old men of these Indians are anxious to locate their lands in the vicinity of where they have always lived; that the young men are willing to take lands wherever they can be found in that section of the country for the allotment; that they can locate in many places 20 or 30 acres of fertile land on which they will be able to make a living; that it is very probable that there is sufficient land in the territory over which these Indians are scattered suitable to make allotments.”(Morgan 1891c)

Morgan’s letter includes detailed instructions about how to proceed. Allotments are to be 80 acres, “unless the lands allotted, or any legal subdivision thereof, are only

valuable for grazing purposes, then such lands shall be allotted in double quantities.” In no case were the allotments to be less than 40 acres, “the smallest legal subdivision of the public survey.” Piggott was advised:

“you will also be careful not to allot any lands to any Indian applicant until you have further ascertained ... that there is no prior, valid adverse right to the lands applied for, or in other words, that the lands applied for are subject to allotment” (Morgain 1891c).

In another early letter to Piggott, Bell, Acting Commissioner at the BIA in Washington D.C., wrote:

“When allotments shall have been made to these Indians they can I hope be assisted in procuring farming implements, seeds, &c. as their circumstances may require, out of appropriations already made and available for aiding Indians ‘who have taken lands in severalty’ under the General Allotment Act [24 Stat.388]” (Bell 1890).

Since the goal of the allotments was to make the Indians “self-sustaining citizens by farming and stock raising in the country occupied by them,” equipment to accomplish this was expected to be part of the provision (Bell 1892b). Yet, when Piggott wrote for farm implements, clarification on who was qualified under the General Allotment Act, survey assistance, and additional forms, he received a testy response from Bell. Neither the Yana nor Piggott could see how the Indians could establish homes on the allotments without assistance, but Bell wrote:

“You should urge the Yana Indians to accept the generosity of the Government in its efforts to locate them on the public lands for the reason that all unoccupied lands are fast being taken up, and there will soon be none for that purpose.”(Wintu library Piggott 1891)

While Bell recognized that it would be important for the Indians to have some place of their own, he was insensitive to their poverty, their need for immediate

assistance, and the challenges to farming in California. Bell could not see why they needed help getting started, “The Indians can certainly remove to the lands allotted to them and build thereon some kind of an improvement as a home, and at the same time continue their daily manual labor among the whites for support.” Bell did not anticipate the complexity of probate when he wrote that the land would become more valuable over time and “may prove to be a good estate to the allottee or his heirs.” (Wintu library Piggott 1891)

Piggott found the Public Land Survey in the area to be “unreliable.” With only one leg, he found it difficult to “climb the hills in search of section lines and quarters,” and asked for authorization to hire an assistant. Bell turned this request down and told him that if a survey was needed he was to submit an estimate of the costs first. Bell instructed Piggott:

“A careful perusal of your general instructions and the enclosures thereof will furnish you much information in regard to the work planned for you in that section of the country, and save this office some unnecessary labor, and give relief to the extent of the already crowded condition of official correspondence” (Wintu library Piggott 1891).

Several letters refer to whites moving into Indian Allotments. From Washington, the instructions to Piggott were to ask them to leave and notify the office if they refused to do so. The letters do not give the outcome (Morgain 1891a, 1891b; Wintu library Piggott 1892a, 1892b). In 1892, Piggott requested that:

“certain lands in California be withdrawn from sale and entry by the General Land Office for the period of 6 or 8 months, in order that the Indians located thereon may have time and opportunity to make applications for allotment of the same for themselves and families under existing laws, and the rules and regulations of the Department pertaining to allotments, such recommendation being made for the reason that professional land grabbers have appeared upon the same and are busily

engaged in their avocation” (Bell 1892a).

On October 4, 1892 the General Land Office did as Piggott requested and put a six month freeze on filings so that the Indians could make their applications.

In 1892, Piggott informed Washington that the Register at the Redding Land Office would not process allotments for “half-breeds” or Indian women married to white men. Indeed, this was a grey area at the time. By the Act of August 9, 1888 (26 Stat. 392), Congress had declared that if an Indian woman married a citizen of the United States, she became a United States citizen and forfeited her tribal membership. Children of this marriage were also considered United States citizens. This Act did not apply to marriages entered into before 1888, so Piggott was instructed to continue giving allotments to married Indian women and “half-breeds” until otherwise instructed (Wintu library Piggott 1892c).

By the time Piggott resigned his assignment as Special Allotting Agent in 1893, he had made 993 allotments in California, Oregon and Nevada. He gave this reason for his resignation:

“Perhaps it would be proper for me to state why my resignation was sent in. I was first appointed by Commissioner Oberly who knew me for years and that I have always been a Republican. The Department records will show that I am a one-legged soldier and was selected by the Indian Bureau for the position I now hold without political influence. I have for many years been strongly opposed to politicians using men in my position for political capital. If the present administration desires my place of a political friend, I want the record to show that I resigned, was not removed” (Bell 1893).

These correspondences indicated that Piggott talked to the Indians as well as government officials. They reflect the efforts of one who tried to be fair within the constraints of the law and his instructions. Piggott’s resignation implies he had to stand

his ground against political pressure. His resources were limited, and the geographic area he served was large. He did his best even though hampered by one leg, winter weather, difficult terrain, and bureaucrats in Washington who were more concerned with budgets than Indian living conditions.

1900: Special Agent William E. Casson

The letters of Special Allotting Agent William E. Casson reflect a different attitude toward the Indians. In 1900 Casson reported about the Wintu and Yana allotments to the United States Land Office regarding the:

“advisability of securing an appropriation from Congress, for the purpose of buying farming implements, wagons, horses, harness, cows, seeds, fruit trees etc., and to purchase rations for the old, helpless and blind” (Casson 1900).

Casson heard repeatedly from the Indians that both Jeremiah Curtin and Special Agent Piggott had promised the land and the assistance they would need to get started with farming. “These Indians have been very anxious to have your department buy them horses, plows, harness, wagons, seeds, mowers and cows” (Casson 1900). Most emphatically, Casson recommended against sending farm implements and animals.

“I cannot see my way clear to recommend to your office that they be furnished horses, cows, harness, wagons etc., for the reason that the few white people who live in the country cannot make a living by farming and the stage stations nearly all over the country have to haul baled hay from the Railroad which is shipped in from other places.”

“This is not a farming country and if these Indians were furnished horses and cows they would be starved to death the first winter.”

“In conclusion I have the honor to recommend that no supplies, teams, harness, wagons or cows etc. be furnished, for the reason before given, as they have no use to them” (Casson 1900).

Even though he was not willing to supply animals, farm equipment, or starter seed, Casson held to the view that the land allotted to the Indians should be for subsistence farming. Any land that had extractive value, such as mines or timber, Casson did not consider appropriate for allotments.

“The lands were allotted from the plats in the U.S. Land Office and not visited for the purpose of ascertaining the character or suitability for homes, for Indians. The greater part of these allotments are in mineral country, and I have visited allotments which have large deposits of copper and gold. In one case an Indian and his family were allotted a section of land which is mountainous and has never lived on it, and upon which prior to the allotment a man had located some quartz claims, he did his work on them annually, as required by the mining laws, he is a poor man and did what he could, but did not patent his mine for lack of means to do so; He only discovered a short time ago that the lands, on which he had located were allotted and patented to Indians. In this case the Indians and white man were both injured by the easy method employed by the Special Agent” (Casson 1900).

He was unable to see the Indians as marginalized or excluded from society, denied most jobs, and impoverished. Since the McCloud River area was already considered a “sportsman’s paradise,” Casson may have seen hunting and fishing by Indians as recreational, instead of traditional means of procuring food.

“A very small percentage of these people raise gardens and they live as a rule, by working, for white people, around mines chopping wood etc.”

“It is said they are not overly industrious and will only work a few days at a time. There are exceptions and some very good, steady men who work as well as white men. There are others among them who are young and strong, who prefer to hunt and fish” (Casson 1900).

Casson wrote that he had a hard time locating individual Indians for a variety of reasons. The missing survey marks and activity of white individuals and businesses made it hard to tell where the allotments were located. Often the Indians were working

somewhere else, since it was not possible to survive by farming only. All of these issues had been described by Piggott when he held the role of Special Allotting Agent. Casson, however, was not sympathetic to the Indians situation, nor did he seem to be aware of the work done by Piggott.

“I think not one third of these Indians live upon the lands but they live, in log houses, in groups. On one day, I met and talked with eighteen Indians not one of whom knew the corners to his lands.”

“There is a great deal of activity in the country, in mining, projected power ditches, electric roads and oil wells, and some of same probably cross allotments and I would respectfully recommend that these people be furnished a surveyor to begin work among them next Spring as soon as the weather will permit, to survey their lands for them, the Indians will assist in doing this work. This will place them in a position to protect themselves against white people who might otherwise take advantage of them” (Casson 1900).

Casson delivered forty-four of the 126 allotment patents he was carrying to distribute. While he had no trouble assessing the land and reporting how inappropriate it was for the Indians, regarding his efforts to deliver the remaining eighty-two patents, he wrote:

“There are many of the allottees numbered 1 to 526 that I have been unable to locate, as they do not reside upon or near their lands at this time; but I expect to find some of them soon and deliver their patents to them. I am trying to locate them by correspondence, as the expense would be too great to look them up personally” (Casson 1900).

Without their patent in hand, the Indians had no visible proof that the allotted land was theirs. White people didn't need to wait for the patent to take possession and occupancy of land. For the Indians, without access to law and with no power to disagree with a white person, it may have been too dangerous to live on the allotted land in advance of the patent. Even with the patent, the land was often too difficult to live on

due to steep terrain or lack of water. Unable to imagine why owning a part of their ancestral territory would matter to them if it wasn't productive for American-style farming, Casson wrote:

“The Indians say they do not care to relinquish lands and take new allotments for the reason that no better lands than they have can be found and that they prefer to keep what they have” (Casson 1900).

Casson prepared a tabulation of the Indian Allotments in which he described improvements, settlement, general remarks, and action taken or proposed for the status of the allotment (Casson 1903). The table is rich in detail and would warrant further study but is beyond the scope of this study.

1905: Special Agent C. E. Kelsey

In 1905, after the injunction of secrecy for the unratified eighteen treaties was lifted, C. E. Kelsey was appointed Special Indian Agent to make recommendations regarding the California Indians. By then the allotment system was recognized as a failure. The survey of 1906 conducted by Kelsey was meant to enumerate the number of landless Indian people and to estimate their needs for land. Much to everyone's surprise, Kelsey's count showed there were at least 20,000 Indians still living in California. The report also described the effect of displacement on the landless tribes and bands. From 1906 through 1937, Congress continued to appropriate money for land and necessities for the homeless Indians (Hoveman 2002; Sanchez 2003).

After the U.S. Forest Service was established, after the forest service was acquired, it was no longer possible to acquire private title to public land. People who wanted to purchase land sometimes wrote to the Indian Agents for information. The Agents wrote back and recommended contacting various Indians to see if they wanted to sell their land (White 1983). On one occasion in 1907, Kelsey, as the representative

agent, became very involved in the efforts of George Armstrong to purchase two Redding Allotments from Wintu Indians: allotment 382 from Ida Pitt and allotment 383 from Aleck McKenzie. Kelsey explained the situation to the Commissioner:

“It appears that Mr. Armstrong, together with Johnie [sic] Baker, Josie Baker, William Baker, Charles Baker, and Horace White, have discovered that these Indian allotments were valuable as mining property, and have located and filed mining claims thereon. Mr. Armstrong requests that he be advised whether they could purchase other lands and exchange them with the Indians, or in what way they could secure full title to these lands”(Kelsey 1907a).

Kelsey was advised to investigate and make a report to see if it is possible to let Armstrong “secure full title under the Act of March 1, 1907 (*Regulations for the Conveyance of Lands of Noncompetent Indians* 1907) and the regulations for the conveyance of lands of noncompetent Indians.” A copy of the regulations was sent to Armstrong for his convenience (Kelsey 1907a).

Kelsey informed Armstrong that there were actually three Wintu allotments together. The third was Redding Allotment 381, for James McKenzie, who was about twenty years old at the time. Ida Pitt was seventeen and Aleck McKenzie was about fifteen. The three allotments were at the confluence of the McCloud River and Squaw Valley Creek, with mostly canyon walls and little flat land. While Kelsey did not consider the land appropriate for agriculture, he did say it was very wild and picturesque with some timber, including Douglas fir (*Pseudotsuga mucronata*), yellow pine (*Pinus ponderosa*), and sugar pine (*Pinus lambertiana*). Kelsey estimated the value of the land and timber at five dollars per acre. However, he said its chief value was the location:

“The natural setting is very beautiful and it is as yet untouched by civilization. A club of wealthy people in San Francisco have built a club house on the McCloud River about a mile and a half above the confluence of the streams, on a flat at the mouth of Claiburn [Claiborne] Creek. The club house alone cost over \$40,000. A road has been built from the club

house to the railroad station at McCloud, a lumbering town to the north. The club has bought up all the land for ten miles or more up the McCloud River, their holdings exceeding ten thousand acres. I do not know the cost of the land, but it must be considerably in excess of the cost of the club house. They own section 27 and three quarters of section 22. The other land surrounding it is in the Shasta National Forest. These holdings were acquired by the club before the establishment of the National Forest. They would have tried to get the land covered by the allotments if the title had been other than an Indian title. The club people have bought up the entire country as far as possible in order to prevent timber cutting, fires, etc., and to keep it in its primitive wildness. The McCloud River canyon is becoming a fad among those who have means to pay for exclusiveness.”

“Another club has been organized to build a house a couple miles below the Indian allotments. Mrs. Hearst, Sr., has a fine villa a few miles up the McCloud River. Sites on this stream, especially the exceptional sites, such as these allotments occupy, are likely to be in demand” (Kelsey 1907b).

According to Kelsey, Horace White was a prospector who had discovered a ledge loaded with copper. The Bakers were friends with both White and Armstrong. Armstrong knew that sometimes Indian allotments were cancelled. White believed a mine would never be developed because he expected the McCloud River Club to buy it from them immediately, in order to prevent a smelter from being located on the river. The plan was to get the land at a low price and sell for a profit. Even though he could see the scheme, Kelsey still saw the land as worthless to the Indians because it was unfit for agricultural purposes. He recommend that the land be sold so the money could be invested in more suitable land for the allottees (Kelsey 1907b). The Acting Commissioner wrote back:

“The office considers from your report that this is a special case where it appears that those Indian allottees are noncompetent within the purview of the law, because of the fact that Charley Pitt, their ignorant paternal grandfather or great-grandfather selected allotments # 381, #382, and #383 for them without regard to their future welfare and interests, and by reason of the barrenness of their allotments these minors are poverty-stricken, and

being ignorant are unable, if they would, to either embark in some gainful industrial pursuit or develop their allotments” (Kelsey 1908a).

Kelsey was instructed to sell the allotments as soon as he took care of a few details; he had to get a guardian for the minor Indians appointed by the court, secure reports on the lands proposed to be purchased in replacement, and get the consent of the allottees through their guardians for the purchase of the new land (Kelsey 1908a).

Before Kelsey could carry out these instructions, the McCloud River Club “had a partial survey made and alleged that the government survey is grossly defective and that the plat is wrong.” According to Kelsey, this posed a new obstacle to selling the land:

“It therefore seems absolutely necessary to have a determination of the line before we can sell the allotments... It is undeniable that many surveys in California, especially in difficult territory, were partially or wholly fraudulent... It may be that some work was done and the rest guessed at.” (Kelsey 1908b)

Kelsey’s concern was that it would cost better than \$2,000 to do a legitimate survey and, if the costs were taken from the proceeds of the Indian allotments, the sale would leave nothing for the minor allottees. The correspondence on this matter ends in 1908 when Kelsey was advised that no resurvey was authorized. However, in 1914 Ida McKenzie petitioned to sell the 160 acres in Redding Allotment 382 for \$500, which was valued only as grazing land (Kelsey 1914).

While Kelsey believed that the allotments the Indians had received were, in the most part, uninhabitable, he was acutely aware that “there is not a scrap of land available to give the Indians in place of the unprofitable allotments.” He also reported other reasons that made it difficult to buy land for the Indians:

“I have found in my five years experience in buying land for Indians that few white people will sell land to or for an Indian. Few white people in

the mountains will listen to an Indian when he wants to talk of buying land. They will not sell to an Indian except at an exorbitant price, and the Indian gets desperate very soon and pays the exorbitant price, if he is able.” (Kelsey 1910)

1915: Special Agent John Terrell

In 1915, John Terrell became Special Agent and had , \$10,000 of Indian Appropriation Act money available to purchase land for homeless Indians. When Terrell arrived in California he was advised by Horace Wilson, the local Supervisor, that nothing had been committed from the fund. Terrell’s report to Cato Sells, Commissioner of Indian Affairs, described Terrell’s initial efforts to educate himself about efforts to buy land. Wilson sent Terrell to meet with Mr. W. C. Randolph, Indian Clerk, who lived in Redding. Randolph took Terrell to meet local Indians. Considering the future importance of the Redding Rancheria, Terrell’s description is noteworthy:

“The few Indians who reside in Redding could hardly come within the merits of the provisions of the Act. They are of different tribes, degree of blood, of different social conditions and cannot in hardly any sense be considered a ‘band’ of Indians” (Wintu library Terrell 1915b).

Next they went to Happy Valley, about ten miles south of Redding. Randolph introduced Terrell to Tom Miller and C. W. Bolles, ranch owners who had some land they were willing to sell for \$10 per acre. Terrell reported the land was rough, unimproved, and needed irrigation. Terrell observed in his report:

“The Indians come in the fruit gathering season to get work, very much as the negros [sic] in the South, leaving their city homes, go to the cotton fields during the gathering of the cotton” (Wintu library Terrell 1915b).

Then they went to Baird, on the McCloud River. Randolph and Perrin C. Radcliff, the Wintu Interpreter at Baird who owned Redding Allotment 50, had been in

touch with each other several times. It was difficult for the Winnemem Wintu to travel to Redding to see the Indian Clerk, Randolph. In 1912, Radcliff asked Randolph if he would “come up here which would be great help to the Indians up this way” (Radcliff 1912b). In his role as Interpreter, Radcliff wrote frequently to Randolph regarding Wintu issues, describing problems with survey marks, trespass, trees dying from the smelter smoke, shortages of money, and homelessness.

Randolph and Terrell wanted to meet with Mr. D. P. Doak, who had bought sections of land from the railroad, because Terrell wanted to see if any of this land would be suitable for the Wintu (Wintu library Terrell 1915b).

“At Baird I saw several of the full blood Indians who reside there. We spent almost the entire day looking over various tracts of land along the McCloud River above the Government Fishery Reserve. I have in mind that it might be feasible and possible to purchase some land along this river in the vicinity of the Government Fishery” (Wintu library Terrell 1915b).

Doak was not interested in selling his land to the Agents. From the beginning of his appointment Terrell encountered the same problem as Kelsey: it was hard to get white people to sell land for Indian use. The reluctance of white people to sell was not solely the result of hesitation to have Indians located nearby; the government bid the lowest amount and it could take longer than eight months before the seller would receive payment (Meritt 1915). At the meeting with Terrell, Doak already anticipated there would be a dam built, although Doak did not foresee Shasta Dam would eventually become the federally funded Central Valley Project:

“[Doak] was associated with a number of gentlemen owning land on the Pit and McCloud rivers ... which had been bought largely with the view in the near future of building a very large dam for the development of a great power and water supply for the Cities of Sacramento and San Francisco, as well as other intervening cities and towns; and, that instead of selling any of their lands would desire to add to their holdings by

purchase in the near future of the Indian allotments in the vicinity of their proposed dam.”

“Mr. Doak has been generous to say that there will be no disposition to disturb these Indians in their present little homes on his lands, further than they may be forced to in the development of the water power.”

It now occurs to me that likely their interests may be held obedience [sic] pending the probable material change of their present location should the proposed dam be built. In view of the fact Mr. Doak and his associates will desire to deal with the Government for the purchase of the few Indian allotments in the vicinity of the proposed dam, feel confident that at the proper time through the assistance of these people the future interests of the Indians will be protected” (Wintu library Terrell 1915a).

At Terrell’s request, Radcliff put together a list of landless Wintu. Randolph wrote to Radcliff to let him know Terrell “does not intend to buy any land for the McCloud River Indians, as they are already pretty well landed” (Radcliff 1916). Radcliff wrote again to Terrell to say that he was surprised and disappointed to find that Terrell was not actively looking for land for a permanent village (Wintu library Terrell 1916). Terrell wrote back that he had stopped in Redding to discuss the situation with Randolph, who did not see that there was any immediate or serious need for “land among your people.” Terrell went on to write:

“By reason of the advanced age of most of them would suppose their greater need during the winter will be food and clothing. I would suggest that in event of these absolute necessities of life for these old people that you advise with Mr. Randolph. I hope to reach your country as early in the spring as the weather will permit” (Terrell 1916).

This intentional lack of efforts by the Agents to find a village or view the Winnemem Wintu as a living community left the tribe vulnerable to further fragmentation as time went on. The records show the Agents from this period, as well as

earlier agents, provided assistance to those who wrote to inquire about purchasing Indian allotments. In 1916, Horace Wilson responded to a letter that asked about an upcoming auction sale of Indian allotments:

“...the Indian lands which are advertised, bids to be opened May 24, 1916, to which you evidently refer, are to be sold by this office... A complete list of the lands for sale by this office is inclosed [sic] herewith as well as other information which may be useful to bidders” (Wilson 1916).

John Terrell’s interactions on behalf of the Indians were with white people, in particular those with significant land holdings and power. Advice from Randolph, combined with the general perception of the Wintu as migrant labor, did not incline Terrell to put their interests as his first priority, nor was he interested in spending much time with them. His belief that abeyance was the best course of action regarding purchase of land for the Winnemem Wintu reflected how far removed he was from understanding their culture, the economic conditions that had made them migrant workers, or the many years the homeless Indians had already been waiting to secure land despite repeated promises by the government. There were homeless Wintu, but the homeless would stay where they were not being run off. Often the homeless lived on the allotments of other Indians and sometimes on land owned by white people. The only reason Randolph considered the Wintu “pretty well landed,” was because the homeless Wintu continued to live in communal fashion on the allotments near Baird Fish Hatchery. Randolph’s attitude accepts tribal living but does not formally acknowledge it. If the Agents had bought land for a village, the act of purchasing land for the Wintu and the spatial nature of a village would have established the beginning of a tribal relationship with the BIA. Instead, the letters indicate both Wilson and Randolph did not make the Wintu a priority. Indeed, Wilson was more concerned to make sure that the BIA managed the sale of allotments than find replacement land for the allottees. While the agents wrote to people who inquired about land, there are no letters in the National

Archive files to suggest the allottee was simultaneously consulted regarding the potential sale. Available land was rapidly disappearing from Shasta County. The effects of this failure to secure land and create a village for the Winnemem Wintu were compounded over time.

1922 – 1928

The Bureau of Indian Affairs correspondence files found at the National Archive continue to refer to money that Congress made available to secure lands for homeless Indians. In 1922 Snyder Act funds were used to establish the Redding Rancheria. Thirty-one acres along Clear Creek, south of Redding, were bought to establish a colony for homeless Pit River, Yana and Wintu Indians (Hoveman 2002; Sanchez 2003). Still, as before, the Indian Agents were more likely to offer assistance to those interested in buying Indian allotments than finding replacement land for the Indians. In 1926 Field Clerk W. S. Kreigh replied to a person looking for land and listed available tracts for sale, including:

“Indian allotment of Robert Gregory. It is not now for sale. It may be sold later and then you may have a chance at it, if you so desire” (Wintu library Kreigh 1926).

In 1928 Kreigh was helpful again when he replied to another letter that had asked for information about allotments 49, Rosie Smithson; 165, Charles Bennett; 166 William Bennett; 202, William Stone; 203, Maggie Stone; and 375, Kittie McKenzie:

“You do not state what you desire one of these tracts for. None of them are agricultural. You should see them before bidding” (Kreigh 1928).

In 1924, in gratitude for their service during World War I, the federal government granted Indians citizenship and the right to vote. Equally as important, in 1926 they were granted the right to sue. This would give the Winnemem Wintu, along with other

California Indians, a chance to get back on the map. Their struggle moved into the legislature and courtroom.

1929 – 1937

By the 1930s, the Sacramento Agency envisioned itself as primarily responsible to clustered groups such as rancherias, reservations, and schools. The Agency treated Indians who had allotments, or were unallotted, or were identified as non-wards, as individuals and sought to relinquish responsibility for them as soon as possible. Title for some allotments had been converted from trust to fee patent but there were a number of Redding Allotments still held in trust and managed by the BIA these. L. A. Dorrington, the Superintendent in Sacramento, California, was not able to see the people under his jurisdiction as vibrant tribal communities. As though they were names from history, he listed the Northern California tribes in this letter to the Commissioner of Indian Affairs:

“Kindly be advised that the matter of tribes among the Indians of California is quite difficult to ascertain for the reason that years ago, during the gold rush days, the Indians were moved about considerably by the soldiers.... Further, it is believed the Indians of the various tribes under this jurisdiction have intermarried with members of other tribes to a larger extent probably than any other place in the United States. However, generally speaking the Indians found in the northern part of California in that portion formerly under the Roseburg School are Pitt River, Klamath, Karuck, Salmon River, Shasta, Hoopa, Wylackie, and Winton [Wintu]. Also the Nosa or Yana band” (Dorrington 1929).

Peter Johnson of La Moine, California tried to buy Redding Allotment 375, Kitty McKenzie’s 80 acres. There were six heirs to the allotment and they were not all in agreement to sell. It was in this same letter that Dorrington summarized the heirs’ disagreement and concluded:

“It is true that the amount bid would make but little for each heir, but the land is not worth more, has no future, and is doing them no good.

However, as it appears that the majority of the heirs do not care to sell, it is recommended that Mr. Johnson's deposit of \$37.50 be returned to him" (Dorrington 1929).

The Great Depression was very hard on the Indians. O. H. Lipps, the Bureau of Indian Affairs Superintendent in Sacramento in 1934, received so many requests for assistance that he wrote a form letter "To the California Indians Residing within the Jurisdiction of The Sacramento Indian Agency." People were asking for support and hoped that there might be money from the United States Court of Claims, the Indian Reorganization Act, or any source of subsistence relief. Lipps' letter explained:

"The only funds this Agency has for helping Indians is a comparatively small amount for the relief of the old, indigent and helpless ward Indians, and for urgent medical service for ward Indians... The amount available is not sufficient to provide the relief such Indians really need and should have, so we are compelled to spread it out in small amounts in order to give a little assistance to as many as possible. So far we have been unable to secure funds to assist the many able-bodied Indians who may be in need of continuous direct relief during the coming winter by reason of unemployment" (Wintu library Lipps 1934).

At the same time, Lipps brought the situation to the attention of both the Indian Affairs office and the Federal Relief Administration in Washington. In 1935 more funding for lands and homes for homeless Indians was appropriated.

"The requirements that lands purchased under this program [Indian Reorganization Act, July 18, 1934] must be 'submarginal' in character have been greatly liberalized to meet the needs and requirements of the Indian population, and it is now possible to include in our purchase projects limited areas of better class lands, the maximum price to be paid being placed at \$20.00 per acre and the maximum average being placed at from \$9.00 to \$10.00 per acre. This liberalization will enable us to purchase some areas which will afford subsistence home sites, garden plots, and areas upon which winter food can be raised for stock" (Lipps 1935).

The government rules, regulations, and policies that required “submarginal” land be purchased for Indians reflected the submarginal status of the Indians. Land had always been difficult to purchase. By adding the “submarginal” requirement, the government further limited the purchase options. This mandate expressed racism, by deeming Indians unworthy of prime land, and environmental injustice, by condemning them to the hardships associated with submarginal land. Even with “liberalization,” which allowed the agency to include “limited areas of better class lands,” no concern for social equity or economic opportunity for the Indians influenced the BIA choices.

Summary

Wendy Nelson Espeland discussed the paradoxical role bureaucracies play in both maintaining and limiting democracy in “Bureaucratizing Democracy, Democratizing Bureaucracy.” The social leveling associated with mass democracy requires regulation, legal systems, and political representation. Bureaucracies provide the “elaborate and durable forms of administration” needed to implement and manage these goals. However, within the bureaucracy, authority becomes vested in those who have credentials proving their expertise, such as diplomas and certificates. This creates a sense of technical superiority and often makes internal decision-making processes inaccessible to outsiders. Over time bureaucracies may change from “efficient administrative apparatuses” into “powerful organizations devoted to perpetuating themselves” (Espeland 2000: p. 1080).

The early letters between Piggott and the Commissioner in Washington reflected efforts to efficiently carry out the goal of getting land for the homeless Indians. The bureaucracy balanced the will of the President, the laws of Congress (Dawes Act and PLSS), and the rules of the agency (appointment, budget, paperwork). The letters implied changes in the bureaucracy as subsequent agents become experts in Indian issues and decisions were made internally. The Indians were increasingly moved outside the

decision-making processes. Each period of interaction with the BIA Agents further fragmented the Winnemem Wintu and reduced their future opportunities. Piggott appears to have made every effort to secure allotments. But, given the poor condition of the land, shortage of water, and lack of start-up farm equipment, animals, or seed, most Indians could not make a subsistence living from agriculture on the allotments. Because so much land had already been patented to the railroads, the allotments were discontinuous, which fragmented the Winnemem Wintu and made it difficult to maintain a tribal relationship with the BIA agents. Agent efforts to secure replacement land were often half-hearted, underfunded, or blocked by private owners. Agents frequently supported the efforts of interested buyers to purchase allotment land because they believed the land was useless to the Indians. By the 1930s, the agents viewed work related to non-ward Indians, inherited allotments, and requests for assistance as tasks they hoped to soon be done with. The Sacramento Agency considered the strategic issues of education, health care, and the effectiveness of groups living on reservations or rancherias to be their important work.

The more the Winnemem Wintu were not clustered by the BIA—be that as non-ward Indians, unallotted Indians, or heirs of allotments—the more vulnerable they became to future loss. The allotments were important to the Winnemem Wintu. They may not have been right on the McCloud River but at least they were located in traditional territory. However, the allotments made it difficult for the Wintu to remain a strong and recognized cultural unit. Separating the tribe into allotments was disempowering because, although they are still communal in culture, they were forced into an individual posture by the government agencies. Since the allotments near the Baird Fish Hatchery provided a home base, the Wintu maintained cultural identity and tribal unity better than other tribes faced with the fragmenting effects of homelessness and allotments. The fragmentation impacted the perception of the agents and influenced how they dealt with the Wintu. As time went by, the agents stopped seeing them as a cohesive tribal unit and dealt with them on an individual basis. Caleen Sisk-Franco said

“my granny thought the Baird Fish Hatchery was on our reservation.” With six Redding Allotments near the Baird Fishery Reservation, the Winnemem Wintu considered the area home. The land used by the Baird Fish Hatchery was a “reservation,” meaning it was held by the federal government. The Baird Reservation, combined with the allotments, functioned as a village for the Winnemem Wintu. People traveled for work as opportunities dictated, whether picking produce, building roads, working at the hatchery, or serving in the military. No matter how long they were away, they could always go home to Baird, once again to take up residence or participate in a ceremony (Sisk-Franco 2009). While the Winnemem Wintu had found their own ways of clustering, the BIA did not recognize their cluster as a rancheria or reservation.

6. Shasta Dam

“All this land has been taken from us to the last acre; we have never received any value for it, not a single dollar nor even one kind word.”

-Wintu and Yana Petition, 1889



Discovery, claim, and conquest defined the nature of the conflict between Americans and Indians through the nineteenth century as sovereignty and law passed from the Indians to the United States. Indians were made wards of the state, their lands were taken, and, for many years, they had no property rights, voting rights, or access to the legal system for protection or redress. Racism was open, exclusion was complete, and survival was limited. By the twentieth century in California, Indians who had survived the arrival of the Americans, found places to live, and secured means of income—however tenuous—were adjusting to the dominant culture. Those who lived on or owned allotments in the 1930s may have thought that the worst of the conflict was over.

With the authorization to build Shasta Dam, the Winnemem

Wintu, who had never settled a treaty with the federal government and were involved in the Indian Claims Commission court case for compensation for the reservations that were never made, were about to face a new form of removal. The new technique was *eminent domain* and the agency was the United States Bureau of Reclamation (USBR). Eminent domain is the power of the government to undertake massive projects for civic good and appropriate whatever property is needed for public use. Of course, along with the authority, the USBR had the funding to pay for the land they acquired. Examining how the Indian Allotments were acquired will reveal how racism, once open and expressed by individuals, became institutionalized. The actions to acquire the Shasta Reservoir land

for the Central Valley Project were carried out by the USBR employees. Regardless of personal beliefs, employees carried out their jobs to accomplish the goals of their employers: the USBR and the BIA.

Methodology

In this chapter I use multiple USBR sources to compile maps to represent the allotments they had to acquire in the CVP Shasta Reservoir area. This chapter uses USBR and BIA letters from the National Archive to examine if and how the Wintu were compensated for land acquired through the Central Valley Project Indian Lands Acquisition Act of July 30, 1941, 55 Stat 612. National Archive letters are used to consider whether the Wintu compensation for land in Shasta Reservoir was on par with white owners.

I use USBR reports and documents published on-line to examine the current USBR feasibility study to increase the height of Shasta Dam and the USBR response to the Winnemem Wintu opposition on the grounds of environmental injustice.

Building Shasta Dam

The first study of the water resources of the Sacramento and San Joaquin valleys was made for the War Department in 1874. The next major study, the Marshall Plan, became the basis for the Central Valley Project (CVP). A project the size of Shasta Dam needed more money than the taxpayers of California alone were able or willing to raise. The California voters approved the CVP, provided engineering and financial aid would come from the federal government (Eiselen 1947: p.22). Had it been possible to build the dam with state and private money, many in California would have preferred that choice in order to avoid federal oversight and regulations governing the cost of and access to water. Through subsidies and other policies, the development of water resources

benefited politically well-connected communities with wealthy landowners more than small farmers and ranchers (Bryner 2002: p.33). See *Central Valley Project Studies, Payments for Beneficiaries, Problems 10-13* for an early report of how the question of who would pay and who would benefit from building Shasta Dam was being examined and politicized (U.S. Department of the Interior Bureau of Reclamation 1947a).

Believing in the benefits of the dam, California petitioned the United States Congress for funding support. When the federal government initiated public-works programs to provide jobs during the Great Depression, California had a “shovel-ready” project to offer (McClurg 1997: p. 9). The Rivers and Harbors Act of August 30, 1935, authorized building Shasta Dam. President Roosevelt allocated funds through the Emergency Relief Appropriation Act of 1935 (Graham 1950: p. 591). Construction began in 1938 and was completed in 1945.

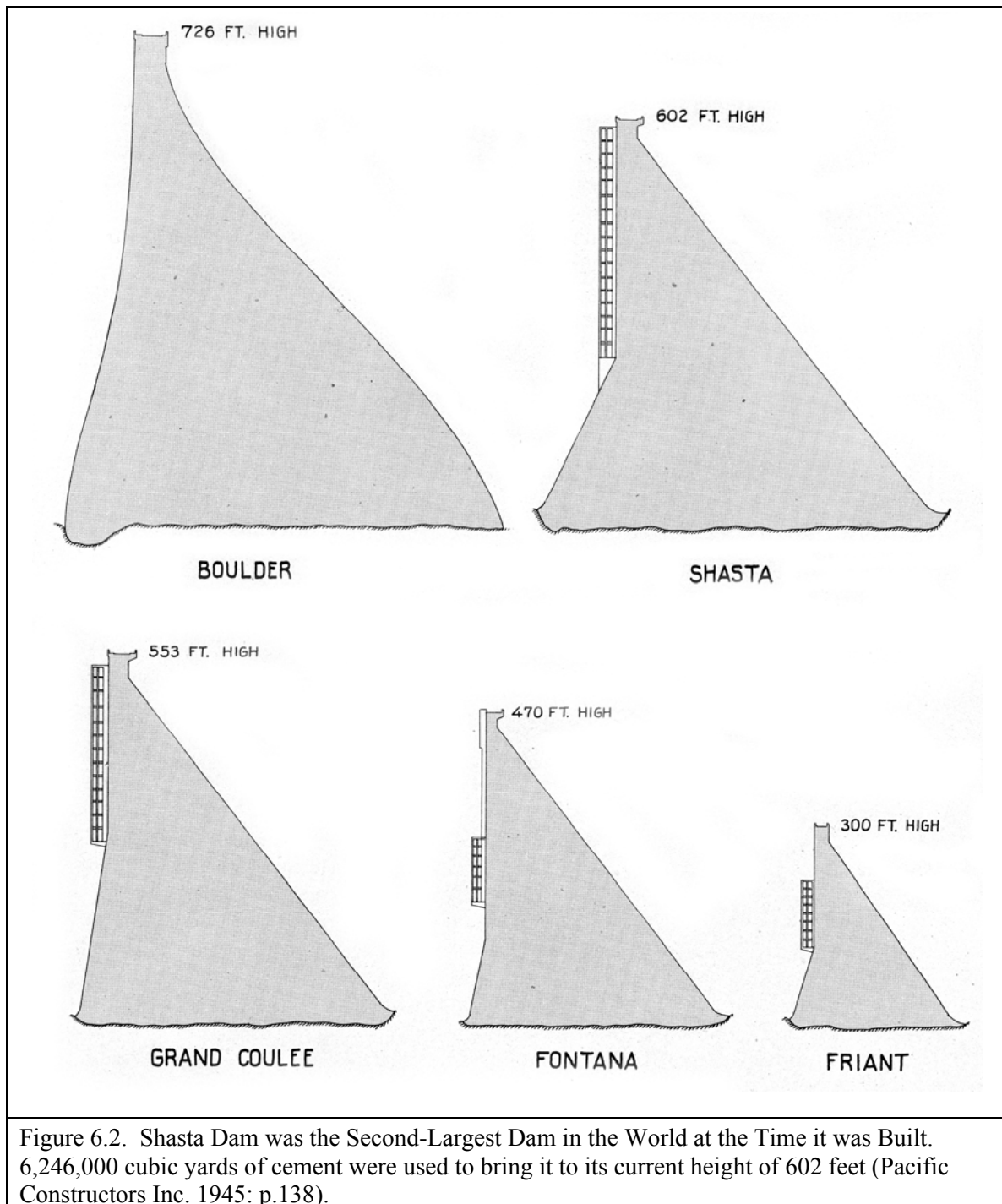
Shasta Dam is located about nine miles north of the city of Redding in the northern end of the Sacramento Valley. The entire reservoir is within Shasta County (Bureau of Reclamation 2007: p. 1.4). The dam is in the Klamath Mountain geomorphic province, which is an extension of the Sierra Nevada Mountains. The two ranges are linked by granitic bedrock, but the break is covered by alluvium from the Sacramento Valley and volcanic extrusions from the Cascade Range and Modoc Plateau. It is a potpourri of granitic, metamorphic, and sedimentary rocks (Parsons 2003: p. 4.9-3). The land surrounding Shasta Lake is rugged and steep, as seen in Figure 6.1. Elevations vary from 580 feet above mean sea level (ft msl) at the foot of the dam and 1070 ft msl at the full-pool contour line of Shasta Lake to peaks of 4,000 ft msl and higher. In order to relocate the Southern Pacific Railroad in that rugged terrain, twelve tunnels and eight bridges had to be built (Bureau of Reclamation 2007; U.S. Department of the Interior Bureau of Reclamation 1947b: p. ES-1).



Figure 6.1. Elevation Model of Shasta Lake and the Surrounding Area. Mount Shasta is seen in the background (Bowen 2009). (Source: image used with permission, courtesy of Dr. William A. Bowen, California Geographical Survey. <http://geogdata.csun.edu>)

Over six million cubic yards of concrete were used to bring the dam to its current height of 602 feet, which is 533 feet above streambed (Pacific Constructors Inc. 1945: p.138). Figure 6.2 shows how Shasta Dam compares in size with other masonry dams in the United States. The impoundment created by Shasta Dam collects runoff from Squaw Creek and the Sacramento, McCloud, and Pit Rivers (U.S. Department of the Interior Bureau of Reclamation 2006: p. 1-2).

The dam site may be a logical engineering solution but was selected without regard to Indian traditions or values. When Shasta Dam was completed, it created the



largest man-made lake in North America, covering traditional Winnemem Wintu ancestral villages, homesteads, cemeteries, and sacred sites (Clark 2005; Franco 2007). It submerged most of the habitable terrain, including the Baird Fish Hatchery, Kennett, Copper City, and the Pit River Railroad. It blocked the salmon run that used to fill the rivers. What was once the lower reach of the McCloud River became part of Shasta Lake, with over twenty miles of the McCloud flooded at high water (Cranfield 1984: p.46; Sundahl 1995: p.13).

USBR and the Redding Allotments

Among the many tasks required in order to build Shasta Dam, the USBR had to acquire the Redding Allotments and move the graveyards that were below the impoundment level of Shasta Lake. Of the 196 Wintu Redding Allotments I located on the map for this study, 157 were in the Shasta Reservoir area. However, no single source was ever found that documented which allotments the USBR acquired, how much was paid, or when the transactions were completed. The details regarding these transactions were difficult reconstruct. Perhaps because the transactions stretched out over a number of years; or required a Congressional Act to complete them; or involved multiple agencies; the transaction records were scattered rather than kept together. In order to piece together which allotments the USBR needed to acquire for Shasta Reservoir, four different USBR sources were used. The first source was *Central Valley Project Studies: Recreational Administration, Problem 23 (CVP Problem 23)* (U.S. Department of the Interior Bureau of Reclamation 1947b). The second source was a set of documents from the National Archive that was prepared by USBR for the Winnemem Wintu in 2006 (CVP Shasta Dam 2006a, 2006b). The third source was the letter from Supervising Engineer Young to Nash, which listed three allotments the USBR needed to purchase (Young 1938). The fourth source was the USBR map of the twenty-six graveyards that

had to be moved because they were in the impoundment area of Shasta Lake. The map is included in Appendix 12 (*Shasta Reservoir Location of Graveyards* 1941).

Central Valley Project Studies: Problem 23 (*CVP Problem 23*)

CVP Problem 23 provided a summary description table of land ownership (Table 6.3), along with a corresponding map (Appendix 19). The text regarding allotments was brief:

“Indian allotments are administered by the Office of Indian Affairs of the Department of the Interior. These lands can only be alienated with the approval of the Secretary of the Department” (U.S. Department of the Interior Bureau of Reclamation 1947b: p.19).

| The Following Tabulation Lists the Acreage of Various Owners in Shasta Reservoir Area as of December 31, 1943 | |
|---|---------|
| | Acres |
| Federal Land | |
| • Bureau of Reclamation, acquired, being acquired, or withdrawn for CVP | 94,540 |
| • Public Domain | 26,200 |
| • Indian Allotments | 4,490 |
| State Land | 7,410 |
| Private Lands | |
| • Southern Pacific Co. (railroad lands) | 50,100 |
| • Other Private Lands | 28,730 |
| Total | 211,470 |

Table 6.3. Acreage of various owners in Shasta Reservoir area as of December 31, 1943 (U.S. Department of the Interior Bureau of Reclamation 1947b: p. 19).

Nothing more about the Indian allotments was mentioned in *CVP Problem 23*. However, with this table summarizing acreage, and the corresponding map showing location, once the USBR map georeferenced it was possible to visually reference this information to the Redding Allotments previously mapped. The allotments shown on the *CVP Problem 23* map corresponded to the Redding Allotments. The area inundated by

Shasta Lake was not categorized by ownership on the *CVP Problem 23* map, so it was not possible to tell the status of those Redding Allotments from this map.

National Archive Documents from the USBR

The second source used to determine which allotments the USBR acquired came from the National Archive records. These records were researched and duplicated by staff of the USBR for the Winnemem Wintu in 2006. The commitment to do this search and review the acquisition of the allotments, shown here in bold text, was found in the Environmental Scoping Report prepared for the Shasta Lake Water Resources Investigation:

“The FR/EIS [Feasibility Report / Environmental Impact Statement] needs to adequately address compliance with the Central Valley Project Indian Land Acquisition Act (CVPILAA, 55Stat 612), regarding the acquisition of tribal lands for the original Shasta Dam construction and for any potential new construction.”

“The FR/EIS [Feasibility Report / Environmental Impact Statement] will assess existing and future (without project) conditions in the study area. However, it will not study or address the sufficiency of compliance with the CVPILAA under the original construction of Shasta Dam.

Reclamation is conducting a document search of its Shasta records, separate from the feasibility study, to review the acquisition of allotted Indian trust land for the original construction of Shasta Dam [emphasis added]” (Garcia 2006: p.3-8).

Not knowing whether or not this research had been done, in March, 2009, I talked to Patricia Rivera, Native American Affairs Program Manager, USBR Mid-Pacific Region, Sacramento, regarding my search for information about what allotments had been acquired by the USBR to build Shasta Dam. She replied by email:

“The information you are asking for has been provided to the Winnemem. A document search was conducted by the Mid-Pacific Region and all information retrieved was copied and sent to the Winnemem (letter dated

May 9, 2007). As noted in our letter to Mark Franco none of the documents provided were or are maintained as a system of records or created in the course of business by Reclamation, rather the documents were preserved and made available from the National Archive and Records Administration (National Archive). For your information, the records that were made available from National Archive have been returned with no other information within the Mid-Pacific Region. I would recommend that the documents and information you are requesting would be best retrieved directly from Mr. Franco since he has all information that we provided on the issue of concern” (Rivera 2009).

I contacted the Winnemem Wintu and obtained copies of the files. The USBR organized the documents into two binders when they sent them to the Winnemem Wintu. The binders were described as follows:

“Winnemem Wintu Research 2006. United States Bureau of Reclamation. Other Contracts. Land acquired by the United States that was once Indian Allotments turned Fee Patent, or land purchased in Fee by individuals of Indian Descent. Acquired pursuant to the Reclamation Act of June 17, 1902” (CVP Shasta Dam 2006b).

“Winnemem Wintu Research 2006. United States Bureau of Reclamation. 55 Stat 612 Contracts. Land acquired by the United States that was held in trust for the Indians by the Federal Government. Acquired pursuant to Public Law 198-77, Chapter 334. 55 Stat. dated July 30, 1941” (CVP Shasta Dam 2006a).

No map was included with the files, but the documents included names or allotment numbers that corresponded to the Redding Allotments. The complete list of allotments for this study is in Appendix 4.

There were fifty-one files in two binders from the USBR that referred to forty-three unique allotments. Two allotments had two files: 204 and 285. Thirty-one of the forty-three allotments were held in trust. Of the twelve allotments that were held in fee patent, one (allotment 285) was owned by the Hemingways, described as a white family.

Another six files held in Fee Patent referred to town sites in Copper City that were not allotments.

USBR Letters

The third source, which is included in Appendix 7, is a copy of the letter Walker Young, USBR Supervising Engineer, wrote to the BIA in 1938, asking for approval to purchase Redding Allotments 48, 49, and 204 (Young 1938). Roy Nash, Superintendent of the Sacramento BIA Agency, contacted the Commissioner of Indian Affairs for instructions on how to best handle the sales (Nash 1938). Nash informed the Commissioner that the USBR was required to secure land purchase contracts to meet the requirements of the General Accounting Office as proof of purchase for any land purchased. Nash noted:

“As the contract would not be binding if signed by the Indians without being approved by the Department, we are sending one of the blank contract forms with request that we be given complete instructions as to how they should be filled out before submitting to the Indians for signature” (Herrick 1938).

The response from John Herrick, Assistant to the Commissioner, was detailed and administratively daunting. Herrick’s whole letter is included in Appendix 8. In addition to all the paperwork required, Herrick wrote:

“It should also be mentioned that the deeds will have to be submitted first to this Office with other papers pertaining to the sale for the approval of the Secretary of the Interior. When they are approved and delivered to the Bureau of Reclamation, that Bureau will undoubtedly refer the deeds to the Department of Justice for its opinion as to the sufficiency of title; and the consideration, therefore, will probably not be paid until the title has been accepted and the deeds recorded in the local County records by the Bureau of Reclamation or the United States Attorney for that jurisdiction” (Wintu library BIA CVP 66798 1939c).

Three USBR sources were used to compile the map in Figure 6.4 the *CVP Problem 23* map, the USBR files from the National Archive, and Young's letter. These combined sources show there were seventy-two unique allotments to be purchased by the USBR. Copper City was the location of the town site parcels included in the National Archive files. The seventy-two allotments represent about 9,500 acres the USBR needed to acquire, instead of the 4,490 acres listed in Table 6.1 from *CVP Problem 23*. The acreage of the town sites in Copper City were not included in the calculation of 9,500 acres because these were not allotments.

The BIA record of allotments must have been well documented. No matter what year, author, or agency, each time an allotment was referenced in correspondence, the location description, allotment number, and allottee name are consistent. The Special Agents and Bureau Supervisors may not have known how to locate the allottees, whether they were alive, had any descendents, or even if they spent time living on their allotments, but they never lost track of the land. So, it was somewhat of a surprise to find that the National Archive files for allotments 43, 193, 202, 204, 286, and 318 sent by the USBR to the Winnemem Wintu were marked "no records found." Since finding information in National Archive files may be time consuming and require going through more than one record group, it appears the effort in 2006 was less than thorough. For example, even though the National Archive file for Redding Allotment 204 was marked "no records found," the San Bruno National Archive records of BIA correspondence contain letters from the USBR that show Redding Allotment 204 was the first completed purchase. Nash wrote the cover letter on June 9, 1939, and carefully listed all the required documents, attached in duplicate, including the all-important notarized signature from Jimmie Mitchell, the sole heir. Nash also wrote that the USBR was "quite anxious to secure title to this particular piece immediately, as the realignment of the railroad is across the edge of this property" (Wintu library BIA CVP 66798 1939b). Processing the paperwork to complete the sale of Redding Allotment 204 did not go as quickly as the

USBR hoped, and a flurry of letters ensued until the final approval of the transaction was made July 12, 1939 (Wintu library BIA CVP 66798 1939a, 1939d, 1939e, 1939f).

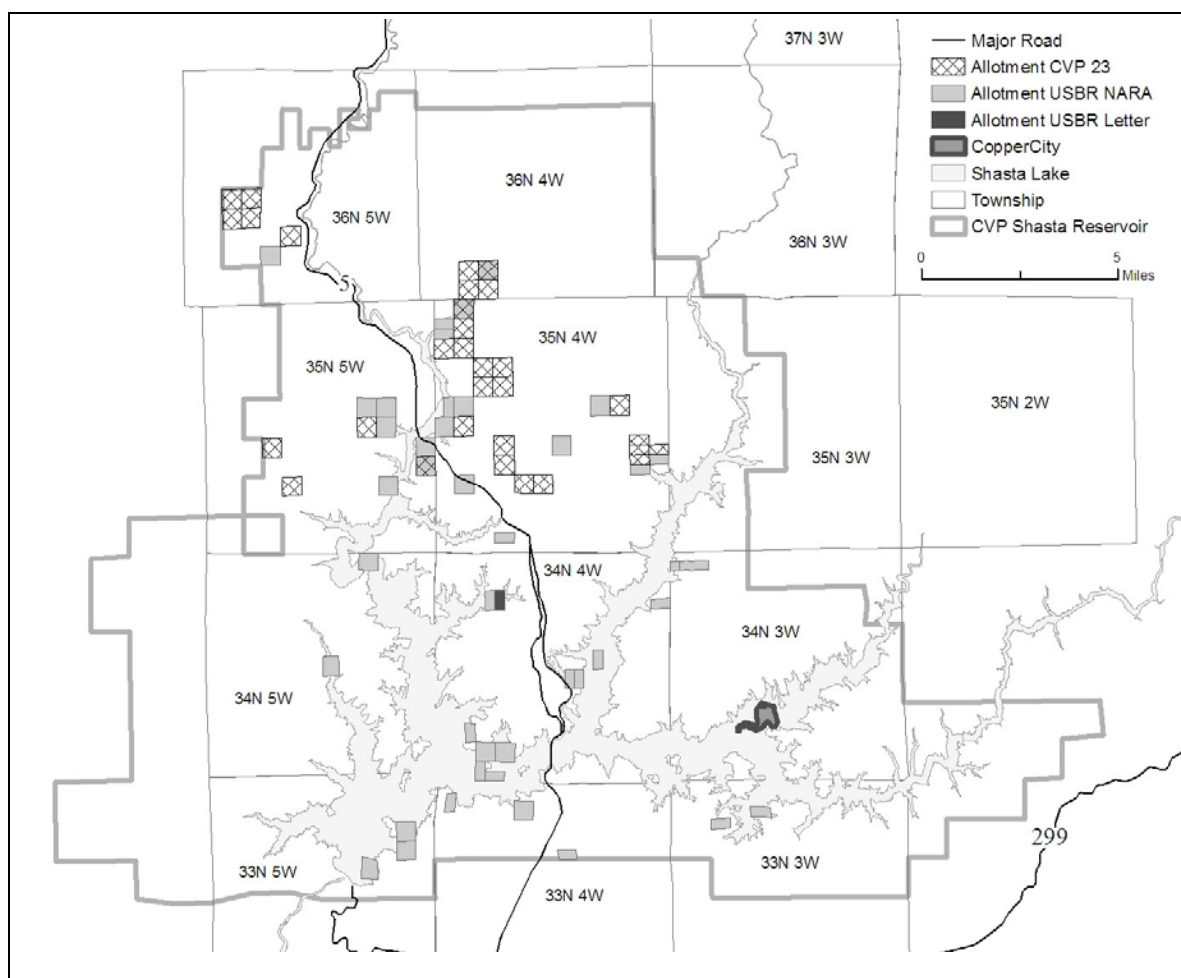


Figure 6.4. Three sources were used to represent the allotments the USBR needed to acquire in the Shasta Reservoir Area. Of the 72 allotments that were identified from the USBR documents found in the National Archive files plus the allotments mapped by the CVP Problem 23 study, only three allotments were referenced in both sources. Six parcels were town sites located in Copper City (CVP Shasta Dam 2006a, 2006b; U.S. Department of the Interior Bureau of Reclamation 1947b). (Source: compiled from *CVP Problem 23* map, Letter from Young to Nash, Redding Allotments, USBR National Archive files, BLM PLSS, ESRI Data Disk, Cal-Atlas).

On May 7, 2009, I spoke to Patricia Rivera about the National Archive files and told her they seemed incomplete. She responded they were historical, had been moved several times, and these were all they could find. Even though incomplete, I was able to make use of the files to review and analyze them through the Critical Cartography theoretical framework.

Central Valley Project Indian Lands Acquisition Act, 55 Stat 612

How much time and resources the USBR dedicated to acquiring title for the Indian Allotments from 1938 through 1941 isn't known. Each allotment case was unique. Determining the ownership and probate status, finding all the heirs, and completing the document search must have been time-consuming. Acquiring all the allotment titles was far from completed in 1941. Faced with the realization that lack of titles to the allotments might actually hold up progress on the project, the USBR turned to Congress for assistance. H. R. 4261 was read in 1941 with this introduction:

“Mr. Speaker, this bill is one that takes on the characteristics of an emergency. The dam is being constructed and is almost ready for use. Title to some of the land is held by the Indian Bureau. We are very, very anxious that the trade may be made, and that is all that the bill provides. The Secretary of the Interior who is the head of the Indian Bureau and also the head of the Bureau of Reclamation will make the trade with the Indians and give them land outside the project and fix the value of the land in the drainage area of the Friant Dam. This is all the bill amounts to in the last analysis and I do hope the gentleman will allow the bill to go through at this time” (Wintu library CVPILAA 1941: p.6191).

The Central Valley Project Indian Lands Acquisition Act of July 30, 1941, 55 Stat 612, gave the USBR “all the right, title, and interest of the Indians in and to the tribal and allotted lands within the area embraced by the Central Valley project.” The funds were to be deposited with “the superintendent of the appropriate Indian Agency.” Section 3 addressed how the funds were to be used:

“Funds deposited to the credit of allottees, their heirs, or devisees may be used, in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements, or the relocation of existing improvements or construction of new improvements on the lands so acquired for the allottees or heirs whose lands and improvements are acquired under the provisions of this Act. Lands so acquired shall be held in the same status as those from which the funds were derived, and shall be nontaxable until otherwise provided by Congress” (*Central Valley Project Indian Lands Acquisition Act* 1941).

Perhaps those involved at the time envisioned a smooth hand-off from one bureau to another within the Department of the Interior, but the actual result was that neither the USBR nor the BIA were later invested in transferring the allotment land to new locations. The Winnemem Wintu had no power to influence the interpretation of the CVP Indian Lands Acquisition Act directive then, nor have they been able to persuade the USBR and BIA to carefully review the record of transactions so incomplete work may be finished today.

USBR Transferred Payment for the Allotments to the BIA

One cannot tell exactly what happened to the transaction records related to the Redding Allotments when the USBR received news the CVP Indian Lands Acquisition Act had been passed. While some paperwork to purchase allotments may have been completed, the Act effectively completed all the remaining allotment land acquisition as far as the USBR was concerned. In order to close the files on the allotments, all that remained for the USBR was to document the record to show the allotments were acquired through the CVP Indian Lands Acquisition Act and send the money to the Bureau of Indian Affairs.

When the USBR created the map of land ownership for the *CVP Problem 23* study in 1940s, the allotments referenced were, for the most part, not the ones referenced by the National Archive files. Letters from the USBR and the BIA reveal another two

allotments acquired for Shasta Reservoir. These discrepancies lead to questions regarding quality checks: who made sure the transactions were completed? The records reviewed for this study show that the USBR needed to acquire at least seventy-two Redding Allotments in the Shasta Reservoir area, yet the check from the USBR, received by the BIA, was for only twenty-eight parcels. The CVP Indian Lands Acquisition Act was passed for the benefit of the USBR. However, the USBR in 1943 did not advocate for the Indians and urge the BIA to find replacement land instead of distributing money. The National Archive documents requested by the USBR in 2006 were to fulfill a commitment made in the Environmental Scoping Report to review the records, but it appears the extent of the “review” was to send the incomplete files to the Winnemem Wintu.

Given the inconsistencies in the USBR sources referenced for this study and the incomplete search of the files at National Archive, there can be no confidence that the USBR ever carefully accounted for all the allotments they acquired in the Shasta Reservoir area when Shasta Dam was built. Sending a check for twenty-eight allotments to the BIA when there were at least seventy-two allotments involved would mean that the USBR did not finish paying for the land they acquired for Shasta Reservoir. Record-keeping discrepancies on this scale, which indicate accounting errors, deserve more attention from the USBR than the effort they put into finding and reviewing the National Archive files for the Winnemem Wintu in 2006.

USBR Had to Move Graveyards

There were twenty-six burial sites located in the area below the impoundment level of Shasta Lake. The remains had to be moved to a new cemetery, in accordance with CVP Indian Lands Acquisition Act, Section 4:

As to any Indian cemetery lands required for the project, the Secretary of the Interior is authorized, in his discretion, in lieu of requiring payment

therefore, to establish cemeteries on other lands that he may select and acquire for the purpose, and to remove bodies, markers, and other appurtenances of [sic] the new sites. All costs incurred in connection with any such relocation shall be paid from moneys appropriated for the project. All right, title, and interest of the Indians in the lands within any cemetery so relocated shall terminate and the grant of title under this Act take effect as of the date the Secretary of the Interior authorizes the relocation. Sites of the relocated cemeteries shall be held in trust by the United States for the appropriate tribe, or family, as the case may be, and shall be nontaxable (*Central Valley Project Indian Lands Acquisition Act* 1941).

The USBR map showing the location of the graveyards may be seen in Appendix 12 (*Shasta Reservoir Location of Graveyards* 1941). The map was georeferenced so a shapefile of the graveyard locations could be added to the study map. The graveyards were all located in the Shasta Lake impoundment area. There was no information about acquiring any allotments located near the graveyards on the *CVP Problem 23* map nor were they included in the National Archive files sent to the Winnemem Wintu by USBR. However, R. S. Calland, District Engineer, USBR, referenced an “appraisal report for Unit No. 6-S, Shasta Reservoir, appraised June 22, 1939” when he wrote to the Commissioner on February 18, 1942 regarding the allotments:

“A considerable area of the lands involved have actually been taken for construction purposes. Clearing is in progress on practically all of the area. The Indians involved are frequently inquiring if the purchase price for their lands has been made available for their use.”

“None of the trust patents are of record in Shasta County. Practically all of the allotments are now held in trust for heirs of the original allottees. There are no papers in the probate of any of the estates of record in Shasta County. It is believed that acquisition of the lands should be accomplished in accord with the Act of July 30, 1941” (Calland 1942)

Figure 6.5 adds details to the map shown in Figure 6.4. In Figure 6.5, the locations of the graveyards moved by the USBR are indicated. Thirty-five allotments spatially associated with the graveyards were also added to this version of the map. It is

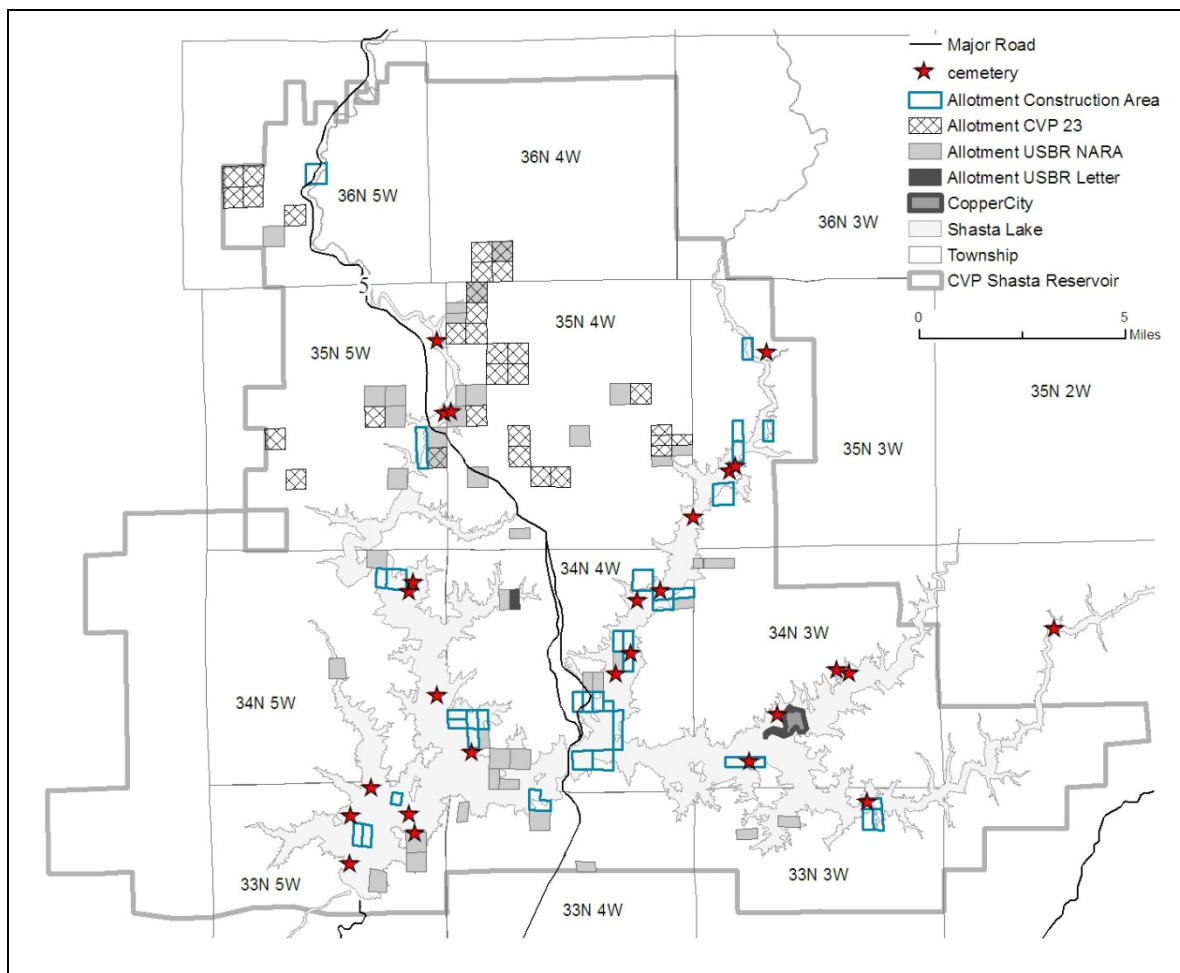


Figure 6.5. Shasta Reservoir area showing the 72 allotments the USBR needed to acquire for CVP Shasta Dam in relationship to the graveyards that had to be relocated. None of the allotments outlined in blue were identified in any of the available USBR documents, yet Calland wrote, “A considerable area of the lands involved have actually been taken for construction purposes.” In order to confirm that the allotments were acquired by USBR, “appraisal report for Unit No. 6-S, Shasta Reservoir, appraised June 22, 1939” would need to be located (CVP Shasta Dam 2006a, 2006b; U.S. Department of the Interior Bureau of Reclamation 1947b). (Source: compiled from CVP Problem 23 map, Letter from Young to Nash, Redding Allotments, USBR National Archive files, USBR Graveyard map, BLM PLSS, ESRI Data Disk, Cal-Atlas).

likely that at least some of the allotments in the Shasta Lake impoundment area, where Calland wrote that construction had already begun, were also acquired by the USBR. However, without the appraisal report this assumption cannot be confirmed. Calland sent a detailed report to the Shasta County recorder regarding the 301 remains from the graveyards had been reinterred in two side-by-side cemeteries. (Appendix 18). Most of the 118 whites were moved to the Central Valley Cemetery. All of the 183 Indians were moved to the adjoining United States Shasta Reservoir Indian Cemetery (Calland 1941).

Were Indian Owners Treated Differently than White Owners?

The BIA may have provided the detailed instructions about what was required to purchase the allotments, but the USBR did the work of acquiring the land in Shasta Reservoir. Two of the files provided by USBR from National Archive are for land owned by the Hemingways. These purchases are clearly marked as belonging to a white family but may have been included because the land had once been Redding Allotment 154. It is tempting to examine the chain of ownership of each allotment, but the focus of this study is not to discover how the Wintu lost possession of every allotment. This study only examines how the allotments still in Wintu possession were acquired by the USBR for CVP Shasta Dam. Since the USBR included the Hemingway files in the documents they sent to the Wintu, they provided a comparison of how these white owners were treated relative to the Wintu. The two files appear to refer to the same property and, if that is true, it appears the Hemingways were paid twice, \$200 and \$2,300 for 0.11 acres. When the USBR did not send the money promptly, the Hemingways' lawyer contacted the USBR for payment. Not only was payment sent, but a letter of apology from the USBR accompanied the check. The Hemingways had the right to deal directly with the USBR. The Wintu were represented by the BIA. Before the CVP Indian Lands Acquisition Act was passed by Congress, the USBR needed to contact the Wintu to make the purchase offer and secure signatures. After the CVP Indian Lands Acquisition Act

was passed, the USBR only needed to process paperwork. Any questions the Wintu had about the status of payment for the land were directed to the BIA, even though that agency generally had no information to report. One Wintu in particular, Herbert Keluche, heir to Redding Allotment 155, was very anxious to receive any money he might be entitled to and wrote repeatedly for information. On February 15, 1943, Rockwell wrote this regarding Keluche's inquiries (Appendix 9):

“We are now in receipt of a check from the Bureau of Reclamation covering purchase of all the allotments under the Shasta Dam. The check was received this morning. Previously, we had written not less than 24 letters to Mr. Keluche over a period of a year and a half explaining that the money had not been received and that when it had been, he would receive his proportionate share. But seemingly our letters were to no avail, because we received letter after letter from him in addition to having letters referred to us that he had written to various Governors and other public officials, including The President of the United States. Mr. Keluche insisted that the money was here and that the other heirs had received theirs – he wanted his” (Superintendent 1943b).

When the BIA received the check from the USBR for twenty-eight allotments, Rockwell needed guidance from the Commissioner of Indian Affairs before the money could be distributed (Appendix 10).

“A check amounting to \$46,225 has just been received from the Bureau of Reclamation in settlement for 28 parcels of Indian land purchased by them in connection with the Central Valley Project (Shasta Dam).”

“We have given thought to the use of these funds for a possible rehabilitation program for the people in the Shasta area. It is our feeling that such a program would stand little chance of being even partly successful. The interests of many of the Shasta County Indians would be served better if they would leave the county entirely.”

“The entire matter of the sale of these Indian allotments to the Bureau of Reclamation and payment for these has dragged on interminably. The Indians are anxious to get their money. Will you

please be good enough to wire your decision regarding these funds” (Rockwell 1943).

The response from Fred Daiker, the Commissioner, straddled the fence and did not tell Rockwell which course of action to take (Appendix 14). Daiker’s analysis of the CVP Indian Lands Acquisition Act of July 30, 1941 (55 Stat. 612) concluded that it superseded prior instructions and, while the money was expected to be used to purchase other lands, it was not required. Therefore “each case must therefore be considered on its own merits”(Wintu library BIA CVP 66798 1943).

There is nothing in Rockwell’s letter to clarify which twenty-eight parcels were covered by the check. More details may yet exist because Rockwell wrote, “Amounts due approximately 175 heirs and allottees from this sale range from 33¢ to \$2,000.” What I did find in the National Archive files in San Bruno are a series of letters that show how Rockwell chose to proceed after Daiker’s response. Letters apparently were sent to inform the Indians the money for the allotments had been placed in their accounts. Unfortunately, no versions of these letters were included in the National Archive chronological file of the letters sent by the Superintendent.

A flurry of small checks were distributed in August and September, 1943. Some, as in Appendix 16 to Charles Cornish, acknowledge the enclosed check was for the sale of “certain Indian allotments to the Bureau of Reclamation.” Most, as in Appendix 17, simply said, “This check represents all the money to the credit of your account in this office at the present time” (Superintendent 1943-June, 1943-October). However, the letter to Mrs. Frances Sisk Dixon Hayward, as seen in Appendix 18, shed light on what the instructions from Chicago may have been:

“When Mr. Goldstein interviewed you on May 22, 1942, you stated that you wished to add a bathroom to your home and to purchase bonds. We think this is a very wise way to spend the money you have on deposit here. If you are still of the same opinion, I would suggest that you make

arrangements with a lumber company to purchase the necessary lumber and bathroom fixtures. When these materials are delivered you should sign the bill and state on the face of it that you want us to pay it from funds you have to your credit. When the lumber company sends the bill to this office payment will be made immediately” (Superintendent 1943a).

In the same letter Mrs. Hayward requested disbursement of funds for four other people. Rockwell replied that each person had to make their own application. If the allotment was in probate, as it was for Bertha Edwards for Redding Allotment 195 (Appendix 18), the money could not be distributed until the inheritance was settled (Superintendent 1943-February, 1943-June). One interesting point about this note is that the Redding Allotment 195 was yet another of the 157 allotments in the Shasta Reservoir area, but it was neither identified on the *CVP Problem Study 23* map nor listed in the files the USBR had copied from National Archive.

Even while distributing money to the Wintu he could locate, there was at least a brief time when Rockwell hoped that some land might be acquired to replace the land lost to the Shasta Reservoir:

“We are at the present time trying to survey the public domain allotment situation and get valuations on the allotments in order to study the whole question of exchange with Forestry, looking toward blocking where possible. I am convinced that a lot of these public domain allotments have no rehabilitation possibilities and that they should be disposed of in some manner. We can exchange and block—that would be good. If we can’t some other method should be employed. I believe that the Indian office is ready to go along with us on the matter now” (Superintendent 1943c).

How much effort was put into the negotiation between Bureau of Indian Affairs and the U.S. Forest Service is not known. What is known is no exchange with the U.S. Forest Service happened.

The Wintu were not treated the same as white people regarding the sale of the allotments. The USBR had to follow the BIA rules and standards to complete the transactions to buy the allotments, and then pass the money to the BIA rather than directly to the Indians. The BIA would then put the money into the appropriate account. The BIA followed specific guidelines for distribution of the money and each request from an Indian had to have merit (such as to be used for house repairs or to buy bonds). The BIA had to receive a request before any money would be distributed. The request had to come directly from the recipient, not a friend or relative acting on his or her behalf. If the estate was in probate, the money would be tied up until that was settled. The dynamics of this paternal level of management reflect Espeland's description that Bureaucracies were transformed from "efficient administrative apparatuses" into "powerful organizations devoted to perpetuating themselves" (Espeland 2000: p. 1080). Rockwell may have been frustrated to receive twenty-four letters from Keluche in eighteen months, but that would average about one letter in three weeks. Rockwell may have considered Keluche's efforts to seek resolution by contacting departments other than the BIA a waste of everyone's time, but Rockwell expressed no sympathy for the length of time Keluche and others had to wait for payment. It was not until August of 1943, six months after receiving the check from the USBR, that the BIA was ready to begin disbursing the money to the Indians.

Accounting for the money the BIA did receive from the USBR would require a great deal more research. Given the issues with probate and the difficulty of finding all the heirs it seems unlikely all the money was distributed. What happened to the balance? Answering that question would be worthy of future research.

New Plans to Increase the Height of Shasta Dam

When the USBR was founded as the Reclamation Service in 1902, its mission was to reclaim arid lands in the west by making water available for farming. Money for

the Reclamation Fund was raised from the sale of public lands to settlers. The fund was to be replenished from the sale of water to users, who were intended to be family farmers, not large landowners (Espeland 2000: p.1085). Before the 1930s, over 90 percent of the farms within federal reclamation projects were 160 acres or smaller (Pisani 2003: p.402). As the number of small farms declined, sale of water and power to private utilities and cities became the main source of revenue for the USBR. Floyd Dominy, Commissioner of the USBR from 1959 to 1969, recognized that:

"To a very real degree the term 'reclamation' no longer signifies simply the reclaiming of arid lands. Today's meaning of reclamation is the reclaiming and expansion of the economy of the West and through it that of the Nation" (Pisani 2003: p.404-405).

Until the 1970s the USBR was primarily staffed and administered by engineers who had been hired for their technical expertise designing, building, and operating big dams and complex water projects. It is not surprising that the USBR became an insular organization, dedicated to its own ends, and powerful enough to see projects through from concept to funding to completion (Espeland 2000: p.1084).

Then, in 1969, the National Environmental Policy Act was passed. It was intended to make federal agencies responsive to a broader base of constituents and make the agencies consider the environmental consequences of proposed projects. In 1976, the USBR reluctantly prepared its first Environmental Impact Statement (EIS) for Orme Dam in Arizona. The engineers who wrote it described the economic benefits of the dam but did not describe the unique habitat that would be destroyed, or mention the Yavapai tribe that would be forced to relocate (Espeland 2000: p. 1090).

When the EIS was formally presented, the public reaction was overwhelmingly negative. The USBR had failed to anticipate the public perception that the engineers' analyses of the cultural issues was outside of their area of technical expertise. The

authority of bureaucrats resides in their technical expertise, so the agency's credibility was damaged by the disastrous reaction to the EIS. The USBR needed to restore the public's confidence and produce a procedurally scrupulous EIS. As a result, the USBR adapted rational decision-making models, drawn from cognitive psychology and economics, to help evaluate and weigh diverse kinds of information for the purpose of undertaking an EIS. The goal was to "inform and involve the public in ways that would assure that decision-makers understood and incorporated the public's views in the planning process, to build credibility for the study, and to help facilitate consensus about what to do." Most important to the USBR, the models provided "well-established, public, defensible procedures that could be easily reproduced and defended if their credibility was challenged" (Espeland 2000: p.1090-1092).

The conflict regarding Orme Dam became moot when Secretary of the Interior, James Watt, selected an alternative project in 1981. The Orme Dam EIS did provide a broader base of constituents an opportunity to participate in the decision-making process. However, the Yavapai were critical of the new USBR public-participation framework because it was not necessarily neutral. Being included in discussion does not always translate into decision-making power. The USBR technical experts still controlled the terms of participation, determined what facts were relevant, and set the schedule for input and discussion (Espeland 2000: p.1103). Further, while the National Environmental Policy Act does require sufficient documentation to prove that the agency is in compliance with the requirements of the EIS, the act did not require agencies to select the superior alternative. The USBR has had over thirty years since Orme Dam to master the procedures associated with producing a defensible report and recommendation.

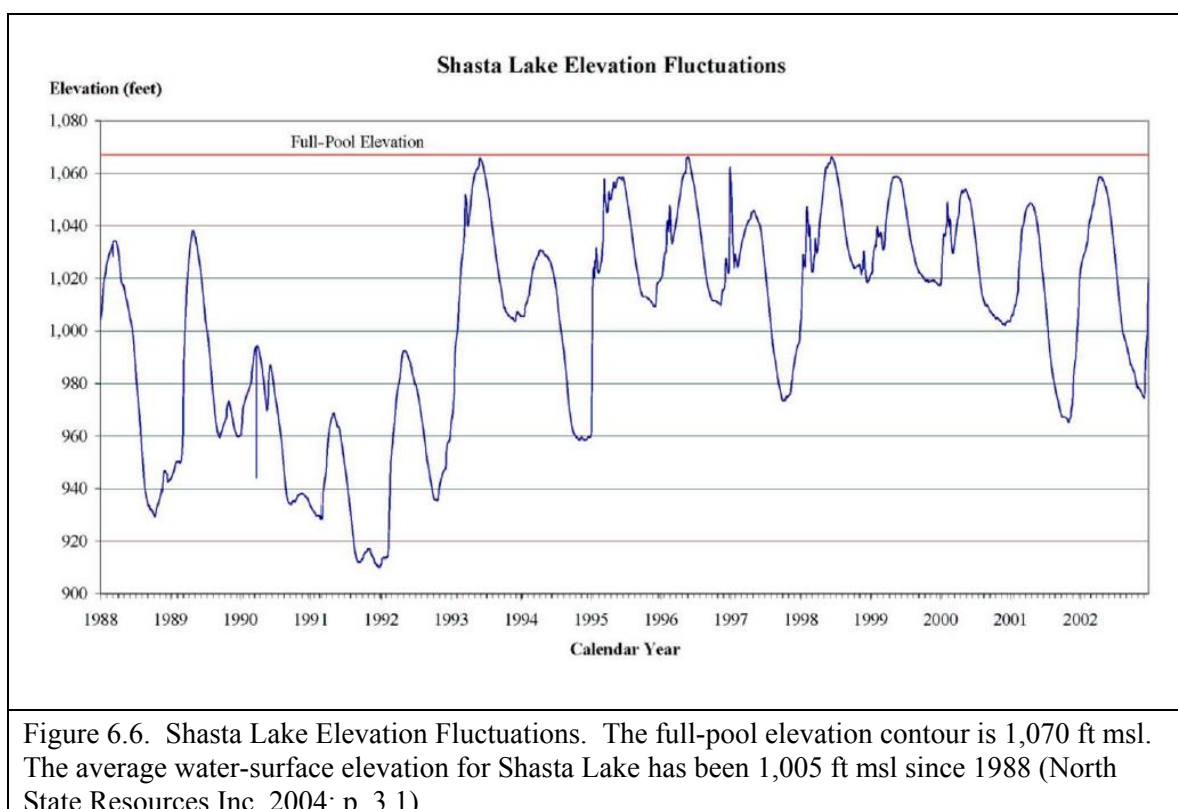
In 2000, the USBR initiated a study to evaluate the potential of increasing the storage capacity at Shasta Lake. The authority to do this study comes from Public Law 96-375 and the CALFED Bay-Delta Authorization Act, Public Law 108-361 (Bureau of Reclamation 2007: p. ES-1). The mission statement is published on their web site:

“To develop an implementable plan primarily involving the enlargement of Shasta Dam and Reservoir to promote increased survival of anadromous fish populations in the upper Sacramento River; increased water supply reliability; and to the extent possible through meeting these objectives, include features to benefit other identified ecosystem, flood control, and water resources needs” (U.S. Department of the Interior 2009).

The final Feasibility Report (FR) and Environmental Impact Statement (EIS) was scheduled to be completed in 2010 (Bureau of Reclamation 2007). The plans proposed raising Shasta Dam either of two alternative heights: 6.5 feet or 18.5 feet. Since dams don’t create water, the amount they store depends on annual rainfall. However, raising Shasta Dam to 6.5 feet would increase capacity by 290,000 acre-feet and at 18.5 feet the water storage capacity would increase by 640,000 acre-feet (Montgomery Watson Harza 2006: p. 2.2). An acre-foot is 325,853 gallons – roughly the amount of water used annually by a family of four (Lucas et al. 2007).

MBK Engineers prepared a technical report to assess the potential flood control benefit if Shasta Dam were to be enlarged. Major floods occurred in the Shasta Dam watershed in 1940, 1956, 1965, 1970, 1974, 1986, and 1997 (MBK Engineers 2004: p. 3). MBK used data from sixteen flood years (1952, 1955, 1958, 1964, 1967, 1969, 1970, 1974, 1978, 1980, 1981, 1983, 1986, 1995, 1997, and 1998) to model water storage levels for the enlarged dam configurations. The study relied upon a CALSIM model, which operates on a monthly basis. “The subtraction of the estimated starting storage from the top-of-conservation storage yielded a volume of incidental flood storage available for each of the historic events” (MBK Engineers 2004: p. 8). “The results show that raising Shasta would have added significant incidental flood storage (greater than 200,000 acre-feet) in 3 of the 13 years” (MBK Engineers 2004: p. 9). Another technical report, this one by North State Resources, described the cyclic nature of water elevations at Shasta Lake. Droughts lower the water level. Shasta Dam operates at optimum conditions

between 965 ft msl and 1070 ft msl but on September 14, 1977, the water-surface level was only 836 ft msl. Figure 6.6 shows the fluctuations in the water-surface levels at Shasta Lake from 1988 to 2002. During that period, the water-surface elevation averaged 1,005 ft msl (North State Resources Inc. 2004: p. 3.1-2). Given the cyclic nature of water elevations and the low number of times in which a significant amount of additional water would have been stored, the necessity for the expanding the dam seems questionable.



The feasibility studies incorporate federal laws intended to remediate and improve the environment, such as the Endangered Species Act, Central Valley Project Improvement Act, and the Clean Water Act (McClurg 1997: p. 61). In compliance with the National Environmental Policy Act, an EIS is required to evaluate five initial alternative concept plans. While the USBR determined which issues from the concept

plans would be addressed in the environmental documentation, scoping allows any interested parties to bring forward additional cultural, environmental, and economic issues to be included in the evaluation process (Garcia 2006: p. 1.1). Decision makers then analyze the scoping comments for insight on what the public believes should also be considered as part of the feasibility study. The USBR convened public scoping meetings in Sacramento, Fresno, Los Angeles, Concord, Dunsmuir, Redding, and Red Bluff in 2005. Over 200 comments were received from a variety of individuals and groups, including the Winnemem Wintu. It was not until this scoping period, approximately five years into the funding and feasibility study, that the Winnemem Wintu were able to voice their environmental justice concerns. The Shasta Lake Water Resources Investigation report described why Environmental Justice is part of the NEPA process:

“The FR/EIS needs to include a full discussion of Executive Order 12898 (Environmental Justice in minority and low-income populations).”

“As required under NEPA and in keeping with Executive Order 12898, the EIS will describe the measures taken by Reclamation to: 1) fully analyze the environmental effects of the proposed Federal action on minority communities, e.g. Indian Tribes, and low-income populations, and 2) present opportunities for affected communities to provide input into the NEPA process” (Garcia 2006: p.3-4).

In April 2005, Mark Franco and Gary Mulcahy of the Winnemem Wintu met with representatives of the CALFED(California Federal) Environmental Justice Subcommittee of the Bay-Delta Public Advisory Committee, referred to here as the Subcommittee. CALFED is a collaboration of twenty-five local, state, and federal agencies. Bay-Delta consists of the San Francisco Bay and Sacramento-San Joaquin River Delta (Bureau of Reclamation 2007: p. 1-11). The Winnemem Wintu requested a government-to-government relationship with the United States but that request was not granted because the tribe is not currently recognized by the federal government. As environmental justice stakeholders, the Winnemem Wintu submitted a resolution:

“to suspend and remove any further consideration of the proposed enlargement of Shasta Dam from the CALFED project until such time when the Bureau of Reclamation, the Central Valley Project (CVP) implementation agent for the Department of Interior, fulfills the obligations to the Winnemem Wintu Tribe set out in the CVP – Indian Lands Acquisition Act (55 Stat 612)” (Clark 2005: p. 2).

The tone of the Subcommittee report was sympathetic to the Winnemem Wintu. The Subcommittee unanimously supported the resolution and agreed to make reasonable efforts to get it on the agenda of the Bay-Delta Public Advisory Committee.

“The recommendation requests an action that may be beyond the purview of CALFED to address, yet the decision by the Winnemem to raise its concerns through the EJ Subcommittee reflects favorably on the collaborative, open and transparent nature of the CALFED process” (Clark 2005).

In 1981, the Yavapai were less than satisfied with the USBR public-participation framework used at Orme Dam. In 2005, the environmental justice platform available to the Winnemem Wintu through the hearing at the Subcommittee was welcoming but without power to implement recommendations. Their level of authority was to make recommendations: The extent that these recommendations have been incorporated is unknown at this time (2009) because the Feasibility Report and EIS have not been published at the time of this writing.

Summary

Even though both the USBR and the BIA are agencies under the Department of the Interior, they do not share a common mission, staff, or offices. Hindered by the onerous details required to complete each allotment purchase, the USBR had only partially completed these transactions when Congress passed the CVP Indian Lands Acquisition Act, 55 Stat 612. This act required the USBR to pay for the allotments, but

required the BIA to receive and distribute the money. Even though the USBR maintains they were not the agency responsible for completion of the allotment transactions in the 1940s, the details reviewed in this study suggest, at least, record-keeping discrepancies that deserve thorough investigation and detailed response from the USBR.

In Chapter 2, describing the theoretical framework of Critical Cartography, I noted that the historical conditions of environmental racism may be exposed by adding the element, or scale of time (Almaguer 1994; Pulido 2000). Since the USBR has drawn a temporal boundary around the issues to be considered in the current FR/EIS related to SLWRI, they have effectively limited the Winnemem Wintu issues that may be displayed on the map. By choosing to display details only found in the contemporary scale, the increase in the size of Shasta Lake appears small in proportion to the existing high water level. By excluding the dam building period, 1938-1945, the USBR excluded the issues raised by the Winnemem Wintu at the CALFED Subcommittee meeting. It was during the dam building period, 1938-1945, that the Winnemem Wintu lost 90% of their sacred space, were not compensated for allotments, and were dispersed from their ancestral home on the McCloud River. The Winnemem Wintu have been petitioning the federal government to complete the commitments made in CVP Indian Lands Acquisition Act for nearly seventy years. The temporal boundary drawn by the USBR around contemporary issues is an illustration of institutionalized power perpetuating the environmental injustice by denying the relationship of present actions to historical conditions.

7. Putting the Winnemem Wintu back on the map

“I told my people Don’t you fight, live in peace. There is room for all in this big country. I was mistaken. We agreed to leave the whites in peace, but the whites would not leave us in this land which we held to be ours since it belonged to our fathers and in justice it is ours yet for no man has bought it from us.”

-Wintu and Yana Petition, 1889



The Winnemem Wintu lost ownership of the land in their historical territory through various means, some of which have been described earlier in this study. Despite the individual posture imposed by the allotments on a tribal community, and the loss of everyday contact with each other after the Shasta Dam diaspora, the Winnemem Wintu continued to maintain an active relationship to the land in their historical territory through spiritual practice and political action. The efforts needed to maintain this connection, in turn, helped maintain and continued to reinforce their shared cultural identity. In this chapter I will explore how the Winnemem

Wintu use identity to maintain internal cohesion as a tribe and

how they create and manage their tribal relationship with government agencies and other organizations. In an article about another tribe that experienced termination, “Managing Place and Identity: the Marin Coast Miwok Experience,” authors Jennifer Sokolove, Sally Fairfax, and Breena Holland wrote, “the ability of a group of people to make officially recognizable claims about who they are,” depends on group cultural identity that is “actively constructed over time through political work” (Sokolove et al. 2002: p. 23).

Spiritual Practice

One way in which the Winnemem Wintu continued to construct their identity is through spiritual practice. Congress extended first amendment religious freedom to Indians with the Indian Civil Rights Act of 1968 and the American Indian Religious Freedom Act of 1978 (Michaelsen 1985: p. 51-53). However, since Indian religious experience and worship are not separated from day-to-day life, the pervasive quality of Indian religious experience often arouses suspicion of fraud when protection of sacred sites or spiritual practice is invoked (Michaelsen 1985: p. 62). In *Native American Cultural Overview*, Theodoratus wrote:

“Federal land management policies and their burdensome, often ethnocentric interpretations, sometimes serve to polarize the assessment of Indian claims as unusual and illogical” (Theodoratus *Cultural Research* 1981: p. 21).

Nevertheless, California Indians prevailed and sometimes acquired access to use lands they had lost. Florence Jones was the medicine woman and spiritual leader for the Winnemem Wintu in 1978. Jones used the ancient prayer grounds near Shasta Lake and wanted to put up a permanent structure to use as protection from bears. It took the intercession of the Native American Heritage Commission before the U.S. Forest Service responded by conducting a study to evaluate the environmental and social impacts “if Flora continues to gather herbs and practice her ancient healing arts at the site” (Sanders 1979). As part of the requirements of the American Indian Religious Freedoms Act, the U.S. Forest Service conducted a cultural inventory of religious places on federal lands. The study resulted in archaeological documentation of places significant to the Winnemem Wintu. The study also clearly showed that topography is essential for the maintenance of Wintu identity and cultural continuity. The subjective spirit world and the objective physical world together give vision and meaning to life, making

the world both symbolic and real. Myth and its embodiment in geographical reflections enhance the Wintu sense of consciousness. Geographical formations remind Wintu that a great range of possibilities exists, and that one must be open to reality to be enlightened about the world (Theodoratus et al. 1994).

Generally, Indians learned to be guarded about the location of sacred sites because of the appeal they have to a variety of non-Indian groups. The Winnemem Wintu are no exception, but Panther Meadows on Mount Shasta became very public when they participated in a successful cooperative effort to stop plans to build a ski resort there. This \$21 million project was to accommodate 5,000 skiers a day with seven lifts and three lodges (Beggs et al. 2003: p. 44). The U.S. Forest Service completed the EIS in 1990, found it to be in compliance with the multiple-use classification of the mountain, and approved the project. Opposition to the ski resort united diverse groups such as *Save Mount Shasta*, the *Native Coalition for Cultural Restoration of Mount Shasta*, two nonprofit Indian tribes and various other organizations. Using the 1966 National Historic Preservation Act, they succeeded in getting the U.S. Forest Service to reverse the decision in 1998 (Huntsinger et al. 2000: p. 551). The U.S. Forest Service found “Contemporary Indian uses of Mount Shasta are clearly rooted deeply in traditional values and beliefs. The spiritual and secular activities being practiced today on Mount Shasta are consistent with historic Native American activities” (Theodoratus et al. 1991: p. 10 in Huntsinger et al. 2000: p. 551).

Cultural conflict continued in various forms after the U.S. Forest Service withdrew the permit for the ski resort. Panther Meadows is an alpine wildflower meadow that attracts environmentalists, hikers, rock climbers and New Age spiritual pilgrims. To provide visual and physical separation from the path and to protect the spring, U.S. Forest Service built a U-shaped rock wall now surrounds it on three sides.

Political Action

Political experience gained in defending and re-inscribing spiritual practices on their land also enabled the Winnemem Wintu to undertake political action in response to the most recent proposal to raise the height of Shasta Dam. Indian spirituality and worship require communication with the spirits at their location, which makes destruction of a sacred site a culturally cataclysmic event (Gordon 1985: p. 1449). Most sites sacred to the Winnemem Wintu were destroyed when Shasta Lake inundated their historical villages. Increasing the height of Shasta Dam would destroy the remaining important sacred sites on the McCloud River; this mobilized the Winnemem Wintu to organize resistance to the USBR plans (Clark 2005: p. Attachment 1, Page 4).

In September 2004 the Winnemem Wintu conducted a War Dance at Shasta Dam. The USBR initially denied the Winnemem Wintu an access permit but yielded in the face of public pressure and publicity. At the ceremony they were joined by environmental groups and other Indian nations. The press coverage included television, radio, and newspapers. As tourists, visitors, guests, and supporters came and went, the Winnemem Wintu danced, prayed, and sang around the sacred fire non-stop for four days (Cummings 2005: p. 8). The media coverage was invaluable. As important, though, was the effect performing the war dance had on the Winnemem Wintu as a tribe. The physical endurance needed to perform the ceremony for four days, combined with the symbolism of participating in an ancestral event for the first time in over 100 years, was exhilarating. One dancer said, “Something really important happened there. We now know that we have the power and strength to carry on. I don’t know if the war dance will change the world, but it certainly has changed us” (Cummings 2005: p. 9).

Whether or not the federal government recognizes that the Winnemem Wintu are a tribe, they must actively nurture and maintain their identity. When the Winnemem Wintu went to Congress to petition for federal recognition; or to the CALFED

Subcommittee meeting to ask, yet again, that the USBR complete the commitments of the CVP Indian Lands Acquisition Act; or to Shasta Dam to perform the war dance to stop the USBR from increasing the height of the dam; these actions indirectly, and powerfully, reinforced their identity.

8. Summary of Results, Discussion, and Conclusion

“Should you our high chief be unable to obtain this justice which would be of small cost to the American Nation but precious to our people then we beg you to inform us so we may see our position and know at last that for us there is neither justice nor equality in this white man’s Republic.”

-Wintu and Yana Petition, 1889



Maps are accepted as scientific documents and are expected to be unbiased, repeatable, accurate, verifiable, and factual. Those who use readily-available GIS digital data in order to compile contemporary maps tend to assume that base layers conform to this scientific standard yet it is clear that what is mapped or unmapped reflects political biases and historical errors. Recent advances in mapping software and computer technology made it possible for this study to create maps from historical documents in order to re-examine the social and power relationships that caused the Winnemem

Wintu to be put on and then taken off the map, both literally and metaphorically. In this chapter I review how Critical Cartography provides a framework in order to look beyond the science of maps and explore their political power to conceal, as well as to reveal.

Maps are neutral, unbiased scientific representations of space. The very science of maps is a component mechanism of state control of social systems because maps may be used as graphic inventory of land ownership, values, use, and potential. The federal government underwrote the great surveys that laid out transportation routes, cataloged resources, and excluded the Indian Nations from the map. In the process, the federal authority to create and validate maps grew

along with the authority to zone land, distribute land from the public domain, determine qualifications for ownership, and levy taxes. The Public Land Survey created both the graphic representation of the land and the inventory of land as ownership of parcels passed into private ownership. Even though the Winnemem Wintu have been a continuous community in the McCloud watershed from prehistoric times, from the Gold Rush through Statehood, maps were used to make their historical territory available to incoming American claims and ambitions. The cession and reservation boundaries associated with the unratified treaties were laid out for the convenience of the negotiating agents, not based on tribal territory. The Public Land Survey was used to patent land to railroad companies, homesteaders, miners, and other interests. Each map contained partial truths and each interpretation contributed to mapping the Winnemem Wintu out of legal existence.

Critical Cartography links geographic knowledge with power. The eighteen treaties negotiated with California Indians were filed under an injunction of secrecy so the boundaries of the proposed reservations were not available to the public or Indians for over fifty years. Kroeber redrew Powers's boundary of the Wintu in order to provide a spatial connection on the map between the Shasta Indians and the Achomawi to support Dixon's linguistic connection between those tribes. Kroeber and Heizer presented a version of Merriam's tribal boundaries to the Indian Claims Commission that favored Kroeber's interpretation that the Okwanuchu were Shasta Indians, not Wintu. The Land Claims Commission had the power to recognize or extinguish private land claims in California. By defining the temporal scale to exclude past Central Valley Project (CVP) actions from consideration in the Feasibility Report/Environmental Impact Statement (FR/EIS) underway now for Shasta Lake Water Resources Investigation (SLWRI), the USBR is exercising the power of its agency to minimize Winnemem Wintu opposition to the proposal. The

Winnemem Wintus' historical presence on their land was less important to the state than the authority of the map.

The visual power of maps enables us to see patterns that are not otherwise visible because maps can simultaneously display disparate and heterogeneous locations, events, entities, and phenomena. When the Redding Allotments are displayed against hillshade, it is evident the locations were inappropriate for subsistence farming. However, the allotments provided food sources the Wintu valued, such as acorns, which was not evident to the BIA agents. Reading's land grant would have been dwarfed by the reservation created by the Cottonwood Treaty. The railroad opened up Northern California to business and tourists but fragmented the land available for allotments because a checkerboard pattern of ownership had been imposed on the land. The mountainous terrain around the McCloud River provided attractive sporting retreats for the rich but made poor choices for subsistence allotments. Using a map to display and contrast the density of the historical Indian villages with the scattering of allotments is insightful. The terrain is very steep, and the flat paper does not adequately convey how inaccessible and inhospitable some of the allotments were; they satisfied neither the Bureau of Indian Affairs intention that the allotments would be used for sustainable farming nor the Winnemem Wintu intention that the land would provide a reservation for their tribal continuity.

Critical Cartography provides a framework to analyze historical maps in order to derive information about social relationships. By exploring the attitudes and efforts of the Indian agents to secure land for homeless Indians, it was possible to follow the fragmentation of the Winnemem Wintu spatially and politically. The BIA decisions that denied them equipment, a village, replacement land, and drove them into the roles of migrant worker all had spatial components. Examining how and why the map changed over time exposes the power relationships between the Winnemem Wintu and the agencies they deal with.

Critical Cartography promotes cartographic integrity, responsibility, and advocates social change. By working with CalTrans to define their area of political and spiritual responsibility, the Winnemem Wintu re-established their presence on the map and defined themselves as active agents to the CalTrans agency. As software continues to evolve and mapmaking tools become more accessible to the general public, the Winnemem Wintu will make their own maps instead of relying on agencies or researchers. The Winnemem Wintu are actively engaged with a diverse community of support that includes researchers, film makers, writers, reporters, politicians, and non-profit agencies. The Winnemem Wintu empower these supporters by providing background data and are enriched by receiving new data from the supporters. This cycle enables the Winnemem Wintu to continually improve and update the background data they make available to their supporters.

Critical Cartography assumes that maps make reality as much as they represent it (Crampton et al. 2005). The issues faced by the Winnemem Wintu come into sharp focus when maps reveal the spatial relationships of various historical events. For the Winnemem Wintu, opposing plans to increase the height of Shasta Dam is inextricably interwoven with their efforts for cultural and spiritual survival as they work to protect sacred space on land that the United States legal system defines as owned by others. Without a tribal territory, they must work very hard to maintain cultural and tribal identity, and to pass on tribal knowledge to new generations. The historical documents regarding the Winnemem Wintu were generally found to be in the literary mode of letters and lists. Representing the information cartographically, and using a series of maps to examine changes over time, enhanced and clarified the data. Critical Cartography did reveal that the USBR acquired significantly more allotments from the Wintu when CVP Shasta Dam was built than previously understood. From the incomplete documentation they made available to the Winnemem Wintu in 2006, there is no reason to believe they did pay for all the allotments by passing appropriate payment to the BIA. When the

Central Valley Project Indian Lands Acquisition Act (CVPILAA) was read to Congress it was introduced as a time extension so that acquiring the allotments would not hold up completion of CVP Shasta. The USBR representative implied to Congress that replacement land would be found for the Indians. Once the CVPILAA was passed, the BIA had to assume follow-up responsibility for the USBR regarding compensation for land acquired under the provisions of the CVPILAA. The Sacramento BIA Agency was given discretion to act on a case-by-case basis regarding the money received from the USBR, and chose to distribute money, thereby terminating their relationship with many individual Wintu. Even though the USBR and BIA are both bureaus of the Department of the Interior, each has a separate mission. The nature of this agency structure compounds the difficulty experienced by the Winnemem Wintu, rather than facilitating problem resolution, because each agency may deny responsibility for what the other agency did, or did not, do. Since the current mission of SLWRI regarding the FR/EIS to increase the height of Shasta Dam is, “to develop an implementable plan,” it is in the interest of the USBR to exclude the Winnemem Wintu concerns that the CVPILAA was not completed. However, this exclusion is exactly the foundation for the Winnemem Wintu claim of environmental injustice.

There are many opportunities for future research, especially concerning the Redding Allotments and the Central Valley Indian Lands Acquisition Act. Publishing the result of research efforts through libraries, historical societies, and professional groups such as the Indigenous Mapping Network help make research material available to other researchers. For the Winnemem Wintu, regaining their place on the map represents more than space; it also represents recognition and the return of their identity, authority, and legitimacy.

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List of 196 Wintu Redding Allotments located in the study area

Appendix 4

| Line | USBR_no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|---------|-----------|------------|---------------|---------|------------|------------------------------|
| 1 | 1 | | Alexander | Captain | 237 | Trust Land | |
| 2 | 2 | | Bennett | Charley | 182 | Trust Land | |
| 3 | 3 | x | Gregory | Big Frank | 13 | Trust Land | |
| 4 | 4 | | Bryant | William | 584 | Trust Land | |
| 5 | 5 | | Button | Sally | 350 | Trust Land | |
| 6 | 6 | | Button | Otto | 161 | Trust Land | |
| 7 | 7 | | Charley | Frank | 193 | Trust Land | Casson reported dead 1900 |
| 8 | 8 | | Cherike | Mary | 291 | Trust Land | |
| 9 | 9 | | Clalas | Carrie | 217 | Trust Land | |
| 10 | 10 | | Clotche | Charles | 155 | Trust Land | |
| 11 | 11 | | Conestant | Helen | 159 | Trust Land | |
| 12 | 12 | | Conestant | Jake | 158 | Trust Land | Casson reported sick |
| 13 | 13 | | Dudley | Charly | 318 | Trust Land | |
| 14 | 14 | | Gregory | Robert | 68 | Trust Land | |
| 15 | 15 | | Henry | Lillie | 286 | Trust Land | |
| 16 | 16 | | Hunt | Jack | 221 | Trust Land | |
| 17 | 17 | | Kenyon | Mary | 350 | Trust Land | |
| 18 | 18 | | Miles | William | 297 | Trust Land | |
| 19 | 19 | | Redding | John | 330 | Trust Land | Casson reported dead 1900 |
| 20 | 20 | | Richards | Louis | 56 | Trust Land | |
| 21 | 21 | | Sala | Edward | 355 | Trust Land | |
| 22 | 22 | | Sahamismit | | 43 | Trust Land | |
| 23 | 23 | | Sisk | David | 500 | Trust Land | Casson reported dead 1900 |
| 24 | 24 | | Sisk | Lizzie | 464 | Trust Land | Casson reported dead 1900 |
| 25 | 25 | | Smith | John | 333 | Trust Land | Casson reported dead 1900 |
| 26 | 26 | | Stone | Maggie | 203 | Trust Land | |
| 27 | 27 | x | Stone | William | 202 | Trust Land | |
| 28 | 29 | | Timmons | Frank | 501 | Trust Land | Casson reported dead 1900 |
| 29 | 30 | | Charlie | Toby | 46 | Trust Land | Casson reported dead 1900 |

| Line | USBR no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|-----------------|--------|------------|------------|------|-------------------|------------------------------|
| 30 | 31 | | Towndolly | Grant | 1 | Trust Land | |
| 31 | 32 | | Tuna | Jack | 373 | Trust Land | |
| 32 | 34 | | Conway | Willie | 130 | Fee Patent | |
| 33 | 38 | | Hunt | William | 296 | Fee Patent | |
| 34 | 44 | | Radcliff | Marshall | 136 | Fee Patent | |
| 35 | 44 | | Redcliff | Paren | 50 | Fee Patent | |
| 36 | 45 | | Crooks | Sarah | 7 | Fee Patent | |
| 37 | 47 | | Reid | William | 227 | Fee Patent | |
| 38 | 48 | | Simtale | Gibson | 357 | Fee Patent | |
| 39 | 50 | | Towindola | Garfield | 585 | Fee Patent | |
| 40 | 51 | x | Towindolly | Lillie | 223 | Fee Patent | |
| 41 | 28/39/ Young | | Stone | Ada | 204 | Fee Patent | |
| 42 | 36/37 | | Johnson | Maudie | 285 | Fee Patent | |
| 43 | 49/ Young | | Smithson | Billy | 48 | Fee Patent | |
| 44 | Young | | Smithson | Rosie | 49 | Young to BIA | |
| 45 | | x | Delta | Liddie | 243 | CVP Study area | Casson reported sick |
| 46 | | x | Clalas | Andy | 218 | CVP Study area | Casson reported dead 1900 |
| 47 | | x | Clalas | Raymond | 219 | CVP Study area | Casson reported dead 1900 |
| 48 | | x | Condola | Lula | 211 | CVP Study area | Casson reported dead 1900 |
| 49 | | x | Hunt | Fannie | 222 | CVP Study area | Casson reported dead 1900 |
| 50 | | x | Towndolly | Hattie | 283 | CVP Study area | Casson reported dead 1900 |
| 51 | | x | Tuna | Liddie | 169 | CVP Study area | Casson reported dead 1900 |
| 52 | | x | Richards | Lucy | 53 | CVP Study area | Piggott additional proof |
| 53 | | x | Andrews | Ida | 171 | CVP Study area | |
| 54 | | x | Andrews | Jennie | 173 | CVP Study area | |
| 55 | | x | Andrews | Lucy | 170 | CVP Study area | |
| 56 | | x | Andrews | Alanson | 172 | CVP Study area | |

| Line | USBR no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|---------|--------|------------------|------------|------|----------------|----------------------|
| 57 | | x | Bennett | William | 166 | CVP Study area | |
| 58 | | x | Bennett | Hattie | 180 | CVP Study area | |
| 59 | | x | Calas | Lizzie | 220 | CVP Study area | |
| 60 | | x | Campbell | Helen | 44 | CVP Study area | |
| 61 | | x | Clalas | Thomas | 216 | CVP Study area | |
| 62 | | x | Clotche | Sarah | 156 | CVP Study area | |
| 63 | | x | Condola | Albert | 215 | CVP Study area | |
| 64 | | x | Condola | Fannie | 213 | CVP Study area | |
| 65 | | x | Condola | Rosie | 214 | CVP Study area | |
| 66 | | x | Condola | Martha | 212 | CVP Study area | |
| 67 | | x | Davis | Lucinda | 132 | CVP Study area | |
| 68 | | x | Miles | Harry | 287 | CVP Study area | |
| 69 | | x | Richards | Stanley | 54 | CVP Study area | |
| 70 | | x | Richards | David | 55 | CVP Study area | |
| 71 | | x | Sala | Lucy | 356 | CVP Study area | |
| 72 | | x | Towndolly | Esgre | 284 | CVP Study area | |
| 73 | | | Bennett | Amanda | 167 | CVP Study area | Casson reported sick |
| 74 | | | Campbell | Jim | 42 | CVP Study area | Casson reported sick |
| 75 | | | Cherike | Jack | 290 | CVP Study area | Casson reported sick |
| 76 | | | Col-choo-loo-loo | | 499 | CVP Study area | Casson reported sick |
| 77 | | | Delta | Tom | 242 | CVP Study area | Casson reported sick |
| 78 | | | Gibson | Tom | 26 | CVP Study area | Casson reported sick |
| 79 | | | Samson | Old | 185 | CVP Study area | Casson reported sick |

| Line | USBR no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|---------|--------|-------------|------------|------|----------------|---|
| 80 | | | Alexander | Unis | 241 | CVP Study area | Casson reported dead 1900 |
| 81 | | | Button | Bettie | 163 | CVP Study area | Casson reported dead 1900 |
| 82 | | | Charlie | Theodore | 45 | CVP Study area | Casson reported dead 1900 |
| 83 | | | Conestant | Littie | 160 | CVP Study area | Casson reported dead 1900 |
| 84 | | | Davis | Ida | 133 | CVP Study area | Casson reported dead 1900 |
| 85 | | | Green | Sarah | 235 | CVP Study area | Casson reported dead 1900 |
| 86 | | | Gregory | Lizzie | 65 | CVP Study area | Casson reported dead 1900 |
| 87 | | | Jim | Doctor | 288 | CVP Study area | Casson reported dead 1900 |
| 88 | | | Luchet | William | 231 | CVP Study area | Casson reported dead 1900 |
| 89 | | | Phillips | Kitty | 233 | CVP Study area | Casson reported dead 1900 |
| 90 | | | Sallie | Sedem | 14 | CVP Study area | Casson reported dead 1900 |
| 91 | | | Samson | Emma | 184 | CVP Study area | Casson reported dead 1900 |
| 92 | | | Silverthorn | Jane | 328 | CVP Study area | Casson reported dead 1900 |
| 93 | | | Tuna | Tom | 168 | CVP Study area | Casson reported dead 1900 |
| 94 | | | Waituluma | Luli | 47 | CVP Study area | Casson reported dead 1900 |
| 95 | | | Walker | Beecher | 229 | CVP Study area | Casson reported dead 1900 |
| 96 | | | Walker | Charley | 5 | CVP Study area | Casson reported dead 1900 |
| 97 | | | Tuna | John | 9 | CVP Study area | Piggott correcting allotment |
| 98 | | | Yuptei | Nom | 377 | CVP Study area | Piggott correcting allotment |
| 99 | | | Sunshine | William | 51 | CVP Study area | Piggott correcting allotment; Casson dead 1900 |
| 100 | | | Alexander | Edward | 239 | CVP Study area | |
| 101 | | | Alexander | Mary | 238 | CVP Study area | |
| 102 | | | Alexander | Maurice | 240 | CVP Study area | |

| Line | USBR no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|---------|--------|-----------|------------|------|----------------|---------|
| 103 | | | Andrews | George | 293 | CVP Study area | |
| 104 | | | Barber | Mary | 195 | CVP Study area | |
| 105 | | | Bennett | Tom | 164 | CVP Study area | |
| 106 | | | Bennett | Charles | 165 | CVP Study area | |
| 107 | | | Bennett | John | 181 | CVP Study area | |
| 108 | | | Bennett | Joe | 154 | CVP Study area | |
| 109 | | | Boyer | Theresa | 150 | CVP Study area | |
| 110 | | | Boyer | Alice | 151 | CVP Study area | |
| 111 | | | Button | Nettie | 162 | CVP Study area | |
| 112 | | | Campbell | Joseph | 187 | CVP Study area | |
| 113 | | | Campbell | Mary | 186 | CVP Study area | |
| 114 | | | Campbell | Horace | 70 | CVP Study area | |
| 115 | | | Charley | Joe | 134 | CVP Study area | |
| 116 | | | Clotche | Lida | 157 | CVP Study area | |
| 117 | | | Curl | William | 8 | CVP Study area | |
| 118 | | | Davis | Eddie | 131 | CVP Study area | |
| 119 | | | Davis | Jeff | 292 | CVP Study area | |
| 120 | | | Eadler | Augusta | 152 | CVP Study area | |
| 121 | | | Eadler | Cristina | 153 | CVP Study area | |
| 122 | | | Fulton | Jim | 329 | CVP Study area | |
| 123 | | | Green | Sam | 234 | CVP Study area | |
| 124 | | | Gregory | Sada | 134 | CVP Study area | |
| 125 | | | Gregory | Nina | 67 | CVP Study area | |

| Line | USBR no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|---------|--------|-------------|------------|------|----------------|---------|
| 126 | | | Gregory | Jerry | 69 | CVP Study area | |
| 127 | | | Gregory | Alice | 66 | CVP Study area | |
| 128 | | | Gregory | Dick | 6 | CVP Study area | |
| 129 | | | Jackson | Charley | 124 | CVP Study area | |
| 130 | | | Jackson | Tilda | 125 | CVP Study area | |
| 131 | | | Jim | Polly | 289 | CVP Study area | |
| 132 | | | Kenyon | William | 4 | CVP Study area | |
| 133 | | | McKenzie | Kittie | 26 | CVP Study area | |
| 134 | | | Morton | Fred | 378 | CVP Study area | |
| 135 | | | Phillips | Ned | 232 | CVP Study area | |
| 136 | | | Radcliff | Carrie | 135 | CVP Study area | |
| 137 | | | Reid | Dolly | 225 | CVP Study area | |
| 138 | | | Reid | Mike | 224 | CVP Study area | |
| 139 | | | Reid | James | 226 | CVP Study area | |
| 140 | | | Richards | Dick | 152 | CVP Study area | |
| 141 | | | Samson | John | 183 | CVP Study area | |
| 142 | | | Shoemaker | Stephen | 280 | CVP Study area | |
| 143 | | | Silverthorn | Pat | 612 | CVP Study area | |
| 144 | | | Silverthorn | Pat | 327 | CVP Study area | |
| 145 | | | Timmons | Elijah | 465 | CVP Study area | |
| 146 | | | Towndolly | Josie | 282 | CVP Study area | |
| 147 | | | Towndolly | John | 281 | CVP Study area | |
| 148 | | | Towndolly | John | 281 | CVP Study area | |

| Line | USBR no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|---------|--------|-------------|------------|------|----------------------|---------------------------|
| 149 | | | Tuna | George | 586 | CVP Study area | |
| 150 | | | Vennamon | Andy | 542 | CVP Study area | |
| 151 | | | Walker | Tomas | 230 | CVP Study area | |
| 152 | | | Walker | Tillie | 228 | CVP Study area | |
| 153 | | | Wesley | Sarah | 294 | CVP Study area | |
| 154 | | | Wesley | Lee | 295 | CVP Study area | |
| 155 | | | Young | Rosie | 354 | CVP Study area | |
| 156 | | | Young | Tom | 410 | CVP Study area | |
| 157 | | | Young | Ella | 235 | CVP Study area | |
| 158 | | | Fitzpatrick | Jennie | 338 | McCloud R Study area | Casson reported dead 1900 |
| 159 | | | Griffen | Walter | 412 | McCloud R Study area | Casson reported dead 1900 |
| 160 | | | Johnson | James | 253 | McCloud R Study area | Casson reported dead 1900 |
| 161 | | | Johnson | Lucy | 254 | McCloud R Study area | Casson reported dead 1900 |
| 162 | | | McMillen | Nellie | 257 | McCloud R Study area | Casson reported dead 1900 |
| 163 | | | Shurtliff | Rosie | 345 | McCloud R Study area | Casson reported dead 1900 |
| 164 | | | Timmons | Kitty | 467 | McCloud R Study area | Casson reported dead 1900 |
| 165 | | | McKenzie | James | 381 | McCloud R Study area | Kelsey Armstrong letters |
| 166 | | | McKenzie | Aleck | 383 | McCloud R Study area | Kelsey Armstrong letters |
| 167 | | | Pitt | Mary | 380 | McCloud R Study area | Kelsey Armstrong letters |
| 168 | | | Pitt | Charley | 379 | McCloud R Study area | Kelsey Armstrong letters |
| 169 | | | Pitt | Ida | 382 | McCloud R Study area | Kelsey Armstrong letters |
| 170 | | | Firlotte | EDC | 188 | McCloud R Study area | |
| 171 | | | Fitzpatrick | Archy | 337 | McCloud R Study area | |

| Line | USBR no | CVP 23 | NAME Last | NAME First | RA # | CVP AREA | Letters |
|------|---------|--------|-------------|------------|------|----------------------|---------|
| 172 | | | Fitzpatrick | Henry | 339 | McCloud R Study area | |
| 173 | | | Green | Murry | 236 | McCloud R Study area | |
| 174 | | | Griffen | Ann | 413 | McCloud R Study area | |
| 175 | | | Griffen | Alicy | 415 | McCloud R Study area | |
| 176 | | | Griffen | Mollie | 414 | McCloud R Study area | |
| 177 | | | Herth | Robert | 251 | McCloud R Study area | |
| 178 | | | Herth | Mary | 252 | McCloud R Study area | |
| 179 | | | Heusen | Nick | 411 | McCloud R Study area | |
| 180 | | | McMillen | Millie | 258 | McCloud R Study area | |
| 181 | | | Mele | Dick | 419 | McCloud R Study area | |
| 182 | | | Mele | George | 421 | McCloud R Study area | |
| 183 | | | Mele | Ellen | 420 | McCloud R Study area | |
| 184 | | | Mele | Benny | 422 | McCloud R Study area | |
| 185 | | | Miles | Martha | 190 | McCloud R Study area | |
| 186 | | | Mitchell | Sykes | 409 | McCloud R Study area | |
| 187 | | | Popejoy | Margaret | 360 | McCloud R Study area | |
| 188 | | | Popejoy | Levi | 359 | McCloud R Study area | |
| 189 | | | Popejoy | Edie | 358 | McCloud R Study area | |
| 190 | | | Sisk | William | 466 | McCloud R Study area | |
| 191 | | | Smith | Susie | 189 | McCloud R Study area | |
| 192 | | | Thomas | Joseph | 343 | McCloud R Study area | |
| 193 | | | Thomas | Liddie | 344 | McCloud R Study area | |
| 194 | | | Worley | Mose | 346 | McCloud R Study area | |

| Line | USBR_no | CVP 23 | NAME Last | NAME First | RA # | CVP_AREA | Letters |
|------|---------|-----------|-----------|---------------|---------|-------------------------|---------|
| 195 | | | Worley | Jane | 347 | McCloud R Study area | |
| 196 | | | Young | Aleck | 353 | McCloud R Study area | |

| | |
|------------|--|
| USBR_no: | Reference to the files in the two books sent by USBR to the Winnemem Wintu after researching the National Archive in Denver |
| CVP23 | Reference to the allotments identified from the map in CVP Problem Study 23. |
| NAME_Last | Last name of the Winnemem Wintu who received the original allotment. |
| NAME_First | First name of the Winnemem Wintu who received the original allotment. |
| Red_No | Redding Allotment number |
| CVP_Area | Trust Land: USBR identified this allotment as held in trust. Fee Patent: USBR identified this allotment as fee patent. USBR Letter: Young to BIA: Not identified on CVP 23 map or included in files from USBR but included in letter written by USBR Young to BIA in 1938. CVP_Area: Allotment within the CVP Reservoir area. McCloud R Study Area: Allotment outside the CVP Reservoir area but within the McCloud River Township study area. |

Appendix 1: Digital data, downloaded, clipped, and projected.

| Name of source | Brief description of data | Use of data for this project | Data source |
|---------------------------|---|---|--|
| Background | Canada Mexico United States Ocean area | Used to georeference maps, clip data, create state maps | ESRI Data and Map 9.3. Data & Maps & StreetMap North America disk Last modified 2008 |
| California Base Map | The goal of this project is to provide a convenient base map that can be used as a starting point for CA projects. It's simple, but designed to work at a number of scales. | California State boundary USA, Canada, Mexico base for maps showing European discovery and settlement flows | CA.gov Cal-Atlas Geospatial Clearinghouse Imagery, Base Maps, Land Cover / Base Maps / CA Base Map http://projects.atlas.ca.gov/projects/base-map/ |
| California Hydro Polygons | This data set is extracted from USGS 1:100,000 DLGs for hydrology and merged into a single data set representing lakes, reservoirs, and other polygonal water bodies in California. | Used to show lakes and reservoirs in the study area | BLM GeoSpatial Data Downloads http://www.blm.gov/ca/gis/index.html |
| Census | Cities Counties Places States | Clipped to California Extract data relevant to thesis study area. Used to georeference maps, clip data, create shapefiles | ESRI Data and Map 9.3. Data & Maps & StreetMap North America disk Last modified 2008 |

| Name of source | Brief description of data | Use of data for this project | Data source |
|--|--|--|---|
| California Interagency Watershed Map of 1999 (updated May 2004, "calw221") | State of California's working definition of watershed boundaries. California's 101 million acres are divided into ten Hydrologic Regions (HR). Each HR is progressively subdivided into six smaller, nested levels: the Hydrologic Unit (HU, major rivers), Hydrologic Area (HA, major tributaries), Hydrologic Sub-Area (HSA), Super Planning Watershed (SPWS), and Planning Watershed (PWS). Calwater 2.2.1 most accurately delineates true watersheds in mountainous terrain. | Used to show water drainage areas | CA.gov Cal-Atlas Geospatial Clearinghouse Inland Waters / Calwater (release 221) Last modified 11-18-2004 http://www.atlas.ca.gov/download.html |
| Contour lines | Contour lines in 100 foot increments, shown in meters and feet, for the Shasta-Trinity National Forest polygon | Contour line for land impacted by flooding if Shasta Dam height is increased | USDA Forest Service Julie Cassidy Heritage Resources Mt. Shasta Ranger Station 204 Alma Street Mt. Shasta, CA 96067 |
| County Boundaries | County boundaries in California | Show county boundaries. Clip data for study area | CA.gov Cal-Atlas Geospatial Clearinghouse Boundaries / County Boundaries (1:24K) (release County Boundaries 2009) Last modified 6-3-2009 http://www.atlas.ca.gov/download.html |

| Name of source | Brief description of data | Use of data for this project | Data source |
|---|--|---|---|
| Digital Raster Graphic (DRG) USGS Quad Images MrSID version o_nw0103 – 106 o_nw0203 - 206 o_nw0303 - 306 o_nw0403 - 406 | Mosaicked, trimmed California vicinity 7.5 Minute by 7.5 Minute 1:24,000 | Reference Locate features and create shapefiles | CA.gov Cal-Atlas Geospatial Clearinghouse Imagery, Base Maps, Land Cover / Base Maps / drg / 7.5_minute_series_albers_nad83_mosaic / MrSID Last modified 9-29-2006 http://www.atlas.ca.gov/download.html |
| Digital Raster Graphic (DRG) USGS Quad Images MrSID version C_nw0101.sid | Mosaicked, trimmed California vicinity 1 Degree by 2 Degree 1:250,000 | Location reference Locate features and create shapefiles | CA.gov Cal-Atlas Geospatial Clearinghouse Imagery, Base Maps, Land Cover / Base Maps / drg / 1x2_degree_series_albers_nad83_mosaic / MrSID Last modified 9-29-2006 http://www.atlas.ca.gov/download.html |
| Hydrologic features, Units 4, 5, and 6 | California-wide layer of watersheds consistent with the Federal Standards for Delineation of Hydrologic Unit Boundaries; Version 2.0 (August 30, 2004) | Hydrologic Units 4, 5, and 6 were used for ridgelines between watersheds to create some of the boundaries for the Merriam map. Also used to identify some rivers | CA.gov Cal-Atlas Geospatial Clearinghouse Inland Waters / Hydrologic features (release 2.0) Last modified 12-31-1969 http://www.atlas.ca.gov/download.html |

| Name of source | Brief description of data | Use of data for this project | Data source |
|---|---|---|---|
| Hillshade (Color), 30 Meter Resolution | <p>Color hillshade image based on the National Elevation Dataset (NED) at 30 meter resolution</p> <p>This is a statewide version that is clipped to the California state border.</p> | <p>Hillshade in color to display topography, landforms, etc.</p> <p>Wintu Boundary map</p> <p>Cut donut to create grayscale mask around Wintu Boundary map.</p> | <p>CA.gov Cal-Atlas Geospatial Clearinghouse</p> <p>Imagery, Base Maps, Land Cover / baseMaps / hillshades / 0030m_ned / hil30m_color_v1.sid</p> <p>Last modified 8-6-2004</p> <p>http://www.atlas.ca.gov/download.html</p> |
| Hillshade (Color), 90 Meter Resolution | <p>Color hillshade image based on the National Elevation Dataset (NED) at 90 meter resolution</p> <p>This is a statewide version that is clipped to the California state border.</p> | <p>Hillshade in color to display topography, landforms, etc.</p> | <p>CA.gov Cal-Atlas Geospatial Clearinghouse</p> <p>Imagery, Base Maps, Land Cover / baseMaps / hillshades / scaled / hil90m_color_v2.tif</p> <p>Last modified 8-6-2004</p> <p>http://www.atlas.ca.gov/download.html</p> |
| Hillshade (Color), 300 Meter Resolution | <p>Color hillshade image based on the National Elevation Dataset (NED) at 300 meter resolution</p> <p>This is a statewide version that is clipped to the California state border.</p> | <p>Hillshade in color to display topography, landforms, etc.</p> | <p>CA.gov Cal-Atlas Geospatial Clearinghouse</p> <p>Imagery, Base Maps, Land Cover / baseMaps / hillshades / scaled / hil300m_color_v2.tif</p> <p>Last modified 8-6-2004</p> <p>http://www.atlas.ca.gov/download.html</p> |

| Name of source | Brief description of data | Use of data for this project | Data source |
|---------------------------------|--|---|--|
| Hydro | Drainage Major Lakes Major Rivers Named Streams and Rivers Streams, creeks Reservoirs | Clipped to California Extract data relevant to thesis study area | ESRI Data and Map 9.3. Data & Maps & StreetMap North America disk Last modified 2008 |
| Index | USGS Map Sheets | Clipped to California Extract data relevant to thesis study area | ESRI Data and Map 9.3. Data & Maps & StreetMap North America disk. Last modified 2008 |
| Landmarks | Park Landmark Mountain Peaks Volcano | Clipped to California Extract data relevant to thesis study area | ESRI Data and Map 9.3 Data & Maps & StreetMap North America disk Last modified 2008 |
| Major Dams of the United States | U.S. Geological Survey | Dam | http://www-atlas.usgs.gov/atlasftp.html?openChapter=s=chpwater#chpwater http://www-atlas.usgs.gov/atlasftp.html |
| Ownership | Categories of owners in Shasta-Trinity National Forest | | USDA Forest Service Julie Cassidy Heritage Resources Mt. Shasta Ranger Station 204 Alma Street Mt. Shasta, CA 96067 |
| Parcels | Shasta County recorder's office record of ownership | Current land owner | Shasta County data http://www.shastagis.co.shasta.ca.us/gissearch/search_new.aspx |
| Parks | Forest Service boundary | Shasta-Trinity National Forest | ESRI Data and Map 9.3 Data & Maps & StreetMap North America disk Last modified 2008 |

| Name of source | Brief description of data | Use of data for this project | Data source |
|--------------------|---|---|---|
| Public Land Survey | Downloaded as six files, two each for Township, section, and quarter-quarter section: one from BLM GCDB (Geographic Coordinate Data Base Project) Source Data and the other from Forest Service and Alternate Source Data | <p>This was used to locate and create shapefile layers for Indian Allotments, Baird Fish Hatchery, and some of the historic land owners in the McCloud River area.</p> <p>Some townships were not divided into sections and some sections were not divided into quarter-quarters; If needed, I cut polygons to make smaller units.</p> <p>These layers were also used to help georeference Plat documents and Wiegel map.</p> | <p>These files may be downloaded from several sources, I used:</p> <p>http://www.geocommunicator.gov/LSIS6/map.jsp</p> <p>Another source:</p> <p>http://www.blm.gov/ca/gis/index.html</p> |
| Transportation | Highways | <p>Clipped to California.</p> <p>Extracted data relevant to thesis study area</p> | <p>ESRI Data and Map 9.3. Data & Maps& StreetMap North America disk.</p> <p>Last modified 2008</p> |

| Name of source | Brief description of data | Use of data for this project | Data source |
|---|---|--|---|
| Watershed and subwatershed hydrologic unit boundaries | The Watershed and subwatershed hydrologic unit boundaries provide a uniquely identified and uniform method of subdividing large drainage areas. The smaller sized 6th level sub-watersheds (up to 250,000 acres) are useful for numerous application programs supported by a variety of local, state, and federal agencies. This data set is intended to be used as a tool for water-resource management and planning activities, particularly for site-specific and localized studies requiring a level of detail provided by large-scale map information. | Not used in thesis, boundaries are not the same as hydrologic features (release 2.0) | CA.gov Cal-Atlas Geospatial Clearinghouse Inland Waters / WBD, Watershed Boundary Dataset (release Certified) Last modified 1-9-2009 http://www.atlas.ca.gov/download.html |

Appendix 2: Paper maps, scanned or digital; georeferenced and used for visual reference to create new shapefiles.

| Name of source | Brief description of data | Use of data for this project | Data source |
|---|--|--|--|
| CalTrans Winnemem Wintu Territory Designation | Map drawn by CalTrans | Used to show Winnemem Wintu historic and present tribal territory so CalTrans personnel know which tribe to contact regarding contemporary cultural issues | Wintu library. 2004. <i>Caltrans Winnemem Wintu Territory Designation</i> |
| CVP problem 23 Landowners | Problem 23 was one of 24 problems identified and studied related to the CVP, Shasta Dam. This one was important to this study because it makes clear, if brief, reference to the amount of land held by Indians. | Used to create a GIS layer of "Landowners" map so acreage mentioned in text could be compared to acreage shown on the map | United States. Bureau of Reclamation. 1947. "Central Valley Project Studies. Recreational Administration, Problem 23." Washington, D.C.: The Bureau; For sale by the Supt. of Docs. U.S. G.P.O. |
| Dubois 1935 Wintu Boundary | Map published by DuBois showing general location of Wintu and the subgroups | Used to visually compare territory boundaries as drawn by various researchers | DuBois, Cora. 1935. "Wintu Ethnography." In <i>American Archaeology and Ethnology</i> , edited by A. L. Kroeber, R. H. Lowie and R. L. Olson. Berkeley: University of California Press. Original edition, Reprinted by permission of The Regents of the University of California |

| Name of source | Brief description of data | Use of data for this project | Data source |
|------------------------------|---|--|---|
| Guilford-Kardell / Wiegel | Guilford Kardell located Curtin and Harrington records of historic Indian villages on Wiegel, C. R. 1912. <i>Map of the County of Shasta, California. Compiled from U. S. Geological and U. S. Land Surveys, Official and Private Surveys, etc.</i> | Used to create layer of historic villages. | Guilford-Kardell, Margaret, and James Dotta. 1980. "Some Pre-Contact Shasta County Wintu Site Locations: A Correlation of the Previously Unpublished Notes of Jeremiah Curtin and J. P. Harrington with Later Published, Recorded, and Unrecorded Data on the Dawpom, Winemem, Puidalpom, and Waimuk Areas of Wintu Population." P. O. Box 990427, Redding, CA 96099: Occasional Papers of the Redding Museum |
| Kroeber 1925 | | Used to visually compare territory boundaries as drawn by various researchers. | Kroeber, Alfred Louis. 1925. <i>Handbook of the Indians of California</i> . Berkeley: California Book Company |
| Kroeber 1966 Merriam 1966 | Indian territory boundaries of Kroeber and Merriam, redone by Heizer for the Indian Claims Commission | Used to visually compare territory boundaries as drawn by various researchers. | Heizer, Robert Fleming. 1966. <i>Languages, Territories, and Names of California Indian Tribes</i> . Berkeley: University of California Press |
| LaPena 1978 | | Used to visually compare territory boundaries as drawn by various researchers. | LaPena, Frank. 1978. "Wintu." In <i>Handbook of North American Indians, Volume 8, California</i> , edited by William C. Sturtevant General Editor and Robert F. Heizer Volume Editor. 324-340. Washington, D.C.: Smithsonian Institution |

| Name of source | Brief description of data | Use of data for this project | Data source |
|----------------|---|--|---|
| LaPena 2002 | | Used to visually compare territory boundaries as drawn by various researchers. | LaPena, Frank. 2002. "Wintu Tribal Territory." In <i>Journey to Justice: The Wintu People and the Salmon</i> , edited by A. R. Hoveman. Redding, CA: Turtle Bay Exploration Park |
| Plats, on-line | <p>Master Title Plat (MTP). The MTP is a graphic depiction of current land status on a drafted map affecting one particular township. There are other plats included in the MTP plat group: i.e. oil & gas and the leasable minerals plats which are a graphic depiction of the current lease status affecting one particular township.</p> <p>Historical Index (HI). The HI is a narrative, chronological summary of use and title transactions affecting one particular township. Other types of HI documents are the Mineral Location and Contests HIs and the Acquired Lands HIs.</p> | <p>Two sources of MTP and HI were used.</p> <p>Downloads from the BLM web site for the Township and Range relevant to the study area, used to supplement the plat book and to compare information.</p> | <p>Description of the California Automated Land Records Management Improvement Project:</p> <p>http://www.blm.gov/ca/forms/mtp/index.html</p> <p>MTP and HI may be downloaded from this site:</p> <p>http://www.blm.gov/ca/forms/mtp/search.php</p> |
| | | | |

| Name of source | Brief description of data | Use of data for this project | Data source |
|--|---------------------------|---|---|
| Plat Book No title or author shown on book; appears to be record of land Acquired Under Reclamation Act and Added by Public Law 449, March 19, 1948. This withdrew land for USBR to build CVP Shasta Dam and later moved land to the Shasta Trinity National Forest | | <p>The tabular data from this book was the first document used to add attribute data to PLS file. The pages were scanned and georeferenced so the Plat pages could be used to visual quality check.</p> <p>Plat book and tabular records for 34N1W – 34N9W through 38N1W – 38N10W</p> | On file at the Shasta Lake District office of the Shasta-Trinity National Forest Mt. Shasta Ranger Station 204 Alma Street Mt. Shasta, CA 96067 |
| Powers 1877 | | Used to visually compare territory boundaries as drawn by various researchers. | Powers, Stephen. 1877. "Tribes of California." In <i>Contributions to North American Ethnology</i> , Vol. 3, edited by J. W. Powell. 229-242, 518-533. Washington, D.C.: Department of the Interior. U. S. Geographical and Geological Survey of the Rocky Mountain Region. J. W. Powell, in Charge |

| Name of source | Brief description of data | Use of data for this project | Data source |
|--|--|---|---|
| Royce | Show Indian Land Cessions in the United States | Show the location of the eighteen unratified treaties in California and create a shapefile of the boundaries for the Cottonwood Treaty. | Royce, Charles C. 1971. <i>Indian Land Cessions in the United States, Comp. By Charles C. Royce, with Introduction by Cyrus Thomas. California 1</i> . Smithsonian Institution. Bureau of American Ethnology. Eighteenth annual report ... 1896-'97. pt. 2, p. 521-997, 67 maps (part double). 30 cm. Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA [On-line]: http://lcweb2.loc.gov/cgi-bin/query/r?ammem/gmd:@field(NUMBER+@band(g3701em+gct00002)) |
| Shasta Reservoir Location of Graveyards | CVP map. K1824C, June 11, 1941, Rev 3-4-43 Associated text files with description of area, people contacted, efforts made to verify location of existing graves | Cemeteries identified by USBR. Scanned map was georeferenced and used as a visual to locate graveyards so a shapefile could be created. | NARA, San Bruno |
| USBR Map showing land ownership | | Used PLSS files to locate township, section, a quarter-quarter section Created separate data layer for each ownership type. | CVP project 24 records |
| | | | |

Appendix 3: Text sources used to create shapefiles by locating features based on combinations of downloaded data and georeferenced maps.

| Name of source | Brief description of data | Use of data for this project | Data source |
|---|--|---|---|
| Redding Allotments | List of Redding Allotments, with name, allotment number, section information, and acreage | Used PLSS files to locate township, section, a quarter-quarter section based on written description. Created separate data layer with attributes. | BLM records Plat book NARA files from Winnemem Wintu |
| USBR binder Land acquired by the United States that was once Indian Allotments turned Fee Patent | NARS files researched and copied for the Winnemem Wintu by USBR in response to FR/EIS SLWRI 2005. 19 files | Used PLSS files to locate township, section, a quarter-quarter section based on written description. Created separate data layer with attributes. | USBR records, via Winnemem Wintu |
| USBR binder Land acquired by the United States that was held in trust for the Indians | NARS files researched and copied for the Winnemem Wintu by USBR in response to FR/EIS SLWRI 2005. 32 files | Used PLSS files to locate township, section, a quarter-quarter section based on written description. Created separate data layer with attributes. | USBR records, via Winnemem Wintu |
| Wintoon [Wintu] Tribal boundaries as described by Merriam. | Merriam didn't agree with Kroeber about the Wintu Tribal boundaries, but didn't publish his work. Maps created by others were modified, especially in the northern area between La Moine and Mount Shasta. | Used hydrologic features, rivers, streams, mountains, cities, and USGS DRG to locate boundaries based on Merriam's text description. | Merriam, C. Hart. 1955. "Tribes of Wintoon Stock." In <i>Studies of California Indians</i> , edited by Staff of the Department of Anthropology of the University of California. 3-25. Berkeley and Los Angeles: University of California Press. |

Send to Secy of Interior for his consideration

(2-0)

To our Great Chief, Benjamin Harrison,
President of the United States.

Sir

We the undersigned representatives of the Wintu and Yana peoples have met together at Redding Shasta Co. California, on this 7 day of November 1889 and after due deliberation have resolved to send you the following statement and petition:

The Wintu people before the Whites came into the land of our fathers, owned and inhabited the country extending from Mount Shasta on the north to Carquines Straits on the south. The western boundary of this country was the mountain range west of the Sacramento valley except in the region between north Yallo Valley and Edgewood where the line went west of the range and the Wintu

(3-D)

occupied one half of the present county of Trinity.

The eastern boundary beginning at the south was the Sacramento River to Yehama, from that point northward the Wintu had a strip of country east of the Sacramento following the line of Little Cow Creek and including the triangle of land between Pit River, Cow Creek and the Sacramento, north of Pit River it extended to the head-waters of Squaw Creek and the McCloud River. Within the above limits no other people but the Wintu lived. For untold generations, from the time the Yapaits left the earth, they owned all the valley on the right bank of the Sacramento with the foothills and northern uplands as well as the eastern half of Trinity county.

The Yana, known by the Whites as Nosas, though Yana is their own name for themselves, held and inhabited from the first that country lying between the Wintu land and that range running north and

(4-D)

south from Lassen's Butte as from a center. The northern limit of this country was Round Mountain and the southern Deer Creek at or near Vina, the great estate of Senator Stanford.

When white men came the Wintu and Yana owned three-fourths of the whole Sacramento valley from Mount Shasta to the waters of San Francisco Bay, the greatest extent of rich, beautiful and valuable land in the State of California. All this land has been taken from us to the last acre: we have never received any value for it, not a single dollar nor even one kind word.

How did we lose our land with its fisheries, its hunting grounds, its acorn forests, its fields of clover, the blossoms of which were pleasant food to us?

To describe this to you our Great Chief we will use the words of one of our oldest and wisest men, Norelputus, who was in years of reason and strength when the first new settlers came. He says: "We thought the white men were the Yapaitu, the ancient people, the

(S-D)

spirits of our religion who lived in this world before the Winter came into it. Some of these Yapaiteu were turned into the animals, birds, plants, rocks that are in the world now and the rest went far away beyond the edge of the world where they lived happily.

We thought that the white men were the Yapaiteu who had come back, we called them Yapaiteu and call them by that name yet from habit though we have learned to our cost that they are a different people.

Believing the new people to be Yapaiteu we said to ourselves at first there will be a better life now, more justice and happiness in the world, but as soon as the new people were numerous and strong, they took our women, our children, took our land, killed our men. When our people saw they had to do not with Yapaiteu but with people who had no respect for us they wished to band together and defend their wives, children and land.

White men came to me and said: "If your people raise a hand not one of them will live, we will kill

(b-D)

them all." I told my people Dont you fight, live in peace. There is room for all in this big country. I was mistaken. We agreed to leave the whites in peace, but the whites would not leave us in this land which we held to be ours since it belonged to our fathers and in justice it is ours yet for no man has bought it from us.

No matter where we built a house a white man came after awhile and said: "This is my land." If we answered, No this is our land. he said: "You Indians just get out of here, if you dont I will shoot you. I bought this land. I got this land from Washington" Then we had to go for if we rose up against one white man all white men would kill us. So we had to leave in silence and go to another place with tears in our eyes, and I had to think in my heart. It must be that Washington told the white people, when you go to California kick the Wintu, swear at the Wintu, drive the Wintu from their land, kill the Wintu.

When we went to a second place and put up houses

(7-D)

we lived there a while then another white man came and said: "Clear out of here you Diggers this is my land" and after that we were driven from place to place till now in this land of ours there is no place so barren that we can hold it.

From the time that white men began to take our country they killed a great number of us, in one place fifty, in another twenty, in another one and even two hundred.

If one of us at this time stands at a fence and looks into a field a man cries out. What are you looking at you Indian, be off, dont hang around here. If our women go to gather acorns a white man drives them away saying: "Those are my acorns, dont you take those acorns. I want them for my hogs."

From being a people many thousand in number, strong, happy, rich we have been turned into a people a few hundred in number, a poor, weak remnant without land, without money, without education, without credit, looked down upon by men who slew our kindred and

(8-D)

possess our ancient home.

Such are the Wintu people to-day.

What is the condition of the Yana or Nosas?

The Yana were two thousand in number at the lowest calculation. This people who were perfectly innocent, who did no harm to the whites were massacred in 1864 so that of the two thousand there remain to-day but twenty-four and the majority of these would not be alive had it not been for the humane efforts of Mr. Oliver of Redding and Mr Roberts of Round Mountain who secreted some and warned others to escape.

The destruction of the Yana was wrought by two bands of men who bound themselves by oath to spare neither age nor sex, and they kept their oath. They slaughtered little children, they spared neither youth nor middle age nor the most advanced decrepitude. When they had finished their work the Yana land was clear and not one person of the race, so far as they knew was left alive.

But we will not distress you with this narrative

(9-D)

Mr. Jeremiah Curtin of the Smithsonian Institution who has collected the details of this sad history and who will deliver this paper to you and who has been empowered by us to act in our behalf at Washington will give further information should it be your good pleasure to receive it.

Such are we the Wintu and Yana peoples, few in number, poor and weak.

We turn to you our Great Chief and ask for some little share of justice. We know that whatever other men may do or think, you as Chief of the various races of men in this great country wish to render even justice to them all, and that before you as before the law all men are equal. We believe therefore that you will pay earnest attention to our request which is:

Obtain for us some small sufficient share of land out of that which was once our possession.

Obtain for us some means of beginning to live like white men on that land and some means of instructing

(10-D)

our children so they may live after us in decent fashion.

We ask this as payment for the land we lost and for the blood of our kindred which has been shed.

Should you our high chief be unable to obtain this justice which would be of small cost to the American Nation but precious to our peoples then we beg you to inform us so we may see our position and know at last that for us there is neither justice nor equality in this white man's Republic.

Norel ^{his} X Putus
mark

Kolchibuli ^{his} X
mark

Doki ^{his} X Chiriki.
mark

Diki ^{his} X Tjt
mark

Norel ^{his} X Lewis
mark

Lakchi ^{his} X Haras
mark

Olel ^{his} X Tsohi
mark

Panti ^{his} X Tuptei
mark

Pathwi ^{his} X
mark

Topim ^{his} X Waituluma
mark

11-D

Topi ^{his} X Wita
mark

Nomel ^{his} X Suptei
mark

Nom ^{his} X Suptei
mark

Pui ^{his} X Lewis
mark

Kubim ^{his} X Topi
mark

Isarau ^{his} X Putus
mark

Not ^{his} X Womühl
mark

Sawal ^{his} X Haras
mark

Klok ^{his} X Hiwi
mark

Katcim ^{his} X Topi
mark

Wai X Poruma

Turuk ^{his} X Wita
mark

Teoko ^{his} X Peri
mark

Taiumus ^{his} X Hot
mark

Paii ^{his} X Klai
mark

Kaia ^{his} X Ho
mark

Kedi ^{his} X Yali
mark

Bilekut ^{his} X
mark

Yei ^{his} X Chiltik
mark

Pat ^{his} X Hololo
mark

Nov ^{his} X Putus
mark

Hauke to Wilson urging him to spend money for land for Indians

Appendix 6

Land-Allotments.

108465-14

P B M

Purchase of
lands for California
Indians.

JAN 7 1915

Mr. H. G. Wilson,

Supervisor in Charge,

Roseburg, Oregon.

My dear Mr. Wilson:-

Reference is made to your letter of October 3, 1914, calling the attention of the Office to certain bands of Indians in California, located near Susanville, Baird, Redding, and also along the Klamath river, in Siskiyou County, California, who should be provided with lands. You stated that you had not had time to secure any offers from owners of land for sale to the Government, but that you would have the matter looked up as soon as possible and make a further report to the Office.

In view of the \$10,000 appropriation, which is already available for this use, you are requested to furnish such further report at your earliest opportunity, advising the Office at once as to the approximate date when same may be expected. The Office desires to expend this entire appropriation for the purchase of lands for California Indians wherever an advantageous opportunity may be had, and will be glad to give consideration to

-2-

any reasonable offers from owners of suitable tracts which you can procure.

In this connection you are advised that an item of \$10,000 for the purchase of land for homeless Indians in California has also been asked for in the Indian appropriation bill for 1916.

Very truly yours,

C.F. Haake,

Second Assistant Commissioner.

1-JET-5

Young to BIA to Purchase Allotments for CVP

Appendix 7

Bureau of Reclamation
Sacramento, California
October 12, 1938

Bureau of Indian Affairs
Federal Building
Sacramento, California

OCT 26 1938
66798

Gentlemen:

The Bureau of Reclamation of the Department of the Interior desires to purchase the following Indian Allotments in Shasta County for the appraised prices indicated:

1. All of E-1/2 of NW-1/4 of Sec. 8, T.34 N., R. 4 W., M. D. B. & M.; Owner - Walter Harvey; Area - 80 acres; Appraised Value \$1,800.00.
2. All of W-1/2 of NE-1/4 of Sec. 8, T.34 N., R. 4 W., M. D. B. & M.; Owner - Billy Smithson; Area - 80 acres; Appraised Value \$1,850.00.
3. All of E-1/2 of W-1/2 of Sec. 24, T.35 N., R. 5 W., M. D. B. & M., except right of way of Central Pacific Railway; Owner - Estate of Ada E. Stone; Area - 143 Acres; Appraised Value - \$2,850.00

The above properties have been appraised by a board of appraisers appointed by the Secretary of the Interior and their appraisals of these properties have been approved by the Secretary on September 29, 1938.

It is requested that your approval of these sales be given so that this office may proceed to prepare the required land purchase contracts and deeds.

Very truly yours,
WALKER R. YOUNG
Supervising Engineer

By
(Sgd) Nelson B. Hunt
Office Engineer

Herrick to Nash with detailed instructions for USBR

Appendix 8

Land Division
Adj.
66798-33
RLB

Mr. Roy Nash,
Supt. Sacramento Indian Agency.

DEC 7 - 1938

*Wash
Thick*

Dear Mr. Nash:

The receipt is acknowledged of your letter of October 25, enclosing a copy of a letter from the Bureau of Reclamation, in which it expresses a desire to purchase certain Indian lands within the proposed reservoir area at Shasta Dam. You request detailed instructions as to procedure and state that this is the first of many sales to be negotiated of lands lying within the proposed reservoir area.

These homestead allotments are not within the boundaries of an Indian reservation, and therefore the sales of these lands are not precluded by the Indian Reorganization Act. With reference to the three allotments mentioned by the Bureau of Reclamation, the allotment of Rosie Smithson is fee-patented according to our records. The Department, of course, has no jurisdiction regarding the sale of fee-patented lands.

In addition to the certificates of appraisement and the petitions for sales, deeds of conveyances should be submitted in duplicate and should run to the United States of America as grantee. Forms of deeds to be used are "Indian Deed Inherited Lands, form 5-183" and "Deed Noncompetent Indian Lands, form 5-183-a". In using these forms of deeds in the manner outlined, the Bureau of Reclamation requests that after the words "in hand paid", in the body of the deed the following clause should be inserted. "in pursuance of the Act of June 17, 1902, (32 Stat., 388), and Acts amendatory thereof or supplementary thereto".

The deeds should be executed by all of the heirs. No doubt some of the heirs are minors and others are widely scattered but to convey the land to the United States the deed must be signed by all of the heirs. Trust patent land cannot be conveyed to the United States by the issuance of a patent in fee. Where minors are involved their shares will have to be conveyed by legally appointed guardians. Certified copies of the court orders appointing the guardians and certified copies of the court orders authorizing the sales of the interests of said minors should accompany the sales papers. Costs for

this procedure will have to be borne by the grantors as well as any other costs necessary to perfect conveyance of title, including deed recording fees.

In cases of complicated ownership and minority of heirs land is sometimes acquired by the United States through condemnation proceedings. This method of acquiring title however will rest with the Bureau of Reclamation.

Certificates of appraisement should be submitted on Form S-110-a covering tracts proposed for sale. It is not necessary that the Superintendent fill out the "Report of Superintendent" in sales to the Government, but it is advisable that the petitions for sale be signed by all of the interested parties to each tract to be sold. The petitions for sale should also show that the allottees or heirs agree that the money derived from the sales is to be deposited to their respective credit, and subject to disposition in accordance with the Individual Indian Money Regulations.

In determining appraisement values and arranging for the sales attention should be given to certain conditions pertaining to sales of this kind. The costs of recording the deeds in the local County offices as well as costs of court procedure, as mentioned above, will have to be borne by the grantors.

It should also be mentioned that the deeds will have to be submitted first to this Office with other papers pertaining to the sale for the approval of the Secretary of the Interior. When they are approved and delivered to the Bureau of Reclamation, that Bureau will undoubtedly refer the deeds to the Department of Justice for its opinion as to the sufficiency of title; and the consideration, therefore, will probably not be paid until the title has been accepted and the deeds recorded in the local County records by the Bureau of Reclamation or the United States Attorney for that jurisdiction.

A copy of the letter of September 29, 1938, approving the appraisement of certain tracts within the reservoir site which was referred to in the enclosure with your letter is transmitted for your information.

After you have had appraisements made of the two trust allotments in question and any others that may be later involved, the amount of the appraisements made under your direction should be taken up with the Indians for an expression of their views relative to their concurrence or dissent in the amount of the appraisement affecting their particular allotment. If the amount of the appraisement of any particular allotment is not satisfactory to the Indians owning same you should present the matter to Walker R. Young, Supervising Engineer, Bureau of Reclamation, Sacramento, California, advising him of the dissatisfaction of the Indian in so far as the appraisal is concerned.

You should likewise do this in case your appraisal is similar to the one made by the Reclamation Service and the amount is not satisfactory to the Indian. The matter should also be presented to that official in the event that your appraisal is in excess of the one made by the Reclamation Bureau, advising that official that the Indians are not willing to accept the value placed on the land by their appraisers but are willing to accept the figure contained in your appraisal, providing that is the case.

Care should be exercised in executing and transmitting deeds to see that the grantors sign their names as they appear on the face of the deeds and that the acknowledgment of the Notary Public shows the names as they appear on the deeds and as signed. The description should be checked with the allotment record and the certificate of appraisal accompanying each deed should cover the land described in the deed.

It is believed the foregoing instructions are sufficient to enable you to make these sales with a minimum of difficulty and delay. Upon request this Office will furnish any further information necessary.

Sincerely yours,

(Signed) JOHN HERRICK
ASSISTANT TO THE Commissioner.

RLB 12/3
Enclosure 1177282

Rockwell to Lorenzen regarding CVP purchase money for Keluche

Appendix 9

Herbert Keluche - Una.

Chaus

Sacramento Indian Agency

Sacramento, California,
February 15, 1943.Mr. L. H. Lorenzen,
Suite 3, Allingham Bldg.,
Mount Shasta, California.

My dear Mr. Lorenzen:

This will acknowledge receipt of your letters of January 29th and February 9th. I had been out in the field for several weeks and upon my return found an accumulation of work which I have been trying to dispose of - and have just come to your two letters. I regret there has been a delay in answering them.

To review briefly - the allotment of Mr. Keluche's father was purchased by the Bureau of Reclamation in connection with the construction of the Shasta Dam. Mr. Keluche does not have a controlling interest in this allotment. His inherited interest was an undivided 1/11th. His share of the revenue derived from this sale will be \$262.63.

We are now in receipt of a check from the Bureau of Reclamation covering purchase of all the allotments under the Shasta Dam. The check was received this morning. Previously, we had written not less than 24 letters to Mr. Keluche over a period of a year and a half explaining that the money had not been received and that when it had been, he would receive his proportionate share. But seemingly our letters were to no avail, because we received letter after letter from him in addition to having letters referred to us that he had written to various Governors and other public officials, including The President of the United States. Mr. Keluche insisted that the money was here and that the other heirs had received theirs - he wanted his.

It will take some few days before the total check can be distributed into the various Individual Indian Money Accounts and then be available for distribution to the respective allottees and heirs.

Regarding the retention of a small acreage of the allotment which has been used as a cemetery, you are advised the record shows that a majority of the heirs signified their approval of the sale of the allotment in its entirety to the Bureau of Reclamation. The Bureau of Reclamation was so notified and they have paid payment for the allotment as a whole.

-2-

We are asking instructions from our Chicago Office as to procedures to cover distribution of the money involved in the sale of allotments to the Bureau of Reclamation. As soon as we hear from them distribution will be made, and Mr. Keluche will receive his proportionate share. Just how soon this will be, I do not know. That with shortage of personnel here and in our Chicago Office matters requiring study are taking longer to settle.

Very truly yours,

John G. Rockwell,
Field Representative in Charge

By Michael Harrison,
Field Aid.

Rockwell to Commissioner of Indian Affairs,

Appendix 10

(Shasta Dam)

**UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE**

Sacramento Indian Agency

Sacramento, California,
February 18, 1942.

Commissioner of Indian Affairs,

Chicago, Illinois.

Sir:

A check amounting to \$48,225 has just been received from the Bureau of Reclamation in settlement for 25 parcels of Indian land purchased by them in connection with the Central Valley Project (Shasta Dam).

A search of the files reveals a letter from the Indian Office dated December 7, 1939 (File Land Division - Adj. - 66798-32) in which appears the following:

"The petitions for sale should also show that the allottees or heirs agree that the money derived from the sales is to be deposited to their respective credit and subject to disposition in accordance with the Individual Indian Money Regulations."

We can find no instructions in our files to the effect that the money derived from this sale can only be spent in the purchase of new land or homes or both. Before disbursing any of these funds in accordance with Individual Indian Money Regulations we would like to be assured there are no other instructions that would modify those contained in the Office letter of December 7, 1939.

Amounts are approximately 175 heirs and allottees from this sale range from \$35 to \$2,000. It is my feeling that only where a sufficiency of funds and present economic and living conditions warrant, should an individual's money be held for the purchase of new land or home or both. In all other instances my recommendation is that restrictions, if any, on these funds be lifted and that I be authorized to disburse such funds under the Individual Indian Money Regulations.

We have given thought to the use of these funds for a possible rehabilitation program for the people in the Shasta area. It is our feeling that such a program would stand little chance of being even partly successful. The interests of many of the Shasta County Indians would be served better if they would leave the county entirely.

-2-

The entire matter of the sale of these Indian allotments, to the Bureau of Reclamation and payment for them has dragged on interminably. The Indians are anxious to get their money. Will you please be good enough to wire your decision regarding these funds.

Very truly yours,

John G. Rockwell

John G. Rockwell,
Field Representative in Charge

Calland to County Recorder Regarding Cemetery Relocation

Appendix 11

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Sacramento, California
December 22, 1942

Mrs. Winona V. Simmons
County Recorder and ex officio
Local Registrar of Vital Statistics
Redding, California

Dear Mrs. Simmons:

The United States Bureau of Reclamation hereby makes report of the removal and reinterment of human remains found within the area which will be flooded by waters impounded in the Shasta Reservoir, Shasta County, California.

Within such flooded area there were located twenty-six burial places known or designated as the following cemeteries:

| | |
|-------------|----------------|
| Crouch | Radcliff |
| Carrittini | Wycotte |
| Slag Dump | Curl |
| Strowbridge | Treats Pasture |
| Kennett | Old Campbell |
| Pit | New Campbell |
| Pig | Nosona |
| Elmore | Copper City |
| Young-Tuna | Popejoy |
| Old Antler | De La Mar |
| New Antler | Silverthorn |
| Reppart | Reno Canyon |
| Baird | Brock |

No maps of dedication as cemeteries were found of any of said burial places except what is known as the Kennett Cemetery. It does not appear, however, that the Kennett Cemetery Association ever completed its organization or that the same has been a recognized cemetery association for many years. All of said cemeteries are outside the corporate limits of the city, and by the Health and Safety Code of the State of California were under the jurisdiction of the Board of Supervisors of Shasta County, California. The number of human remains-- whites and Indians-- buried in each of said cemeteries varied from 1 to 66. The location of the various graves in said cemeteries could not be identified as to lots or blocks for want of subdivision maps.

On January 5, 1942, contract symbol and number Ilr-1373 was executed by the Board of Supervisors of Shasta County, California, and the Secretary of the Interior of the United States, acting by E. K. Burlew, First Assistant Secretary. A copy of this contract was recorded in Shasta County, California, on March 7, 1942, in Volume 189, page 8, of Official Records of the County Recorder's Office of Shasta County. By said contract, the Board of Supervisors of Shasta County transferred to the United States any right, title, or interest in and to the existing public cemeteries located within said Shasta Reservoir

area and accepted in lieu thereof that certain cemetery known and designated as the "Central Valley Cemetery," located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 33 North, Range 4 West, M.D.M., a plat of which cemetery is submitted herewith for filing in the office of the Recorder of Shasta County, California, at the expense of the United States.

By the terms of said agreement, the United States agreed:

(i) To file in the County Recorder's Office of Shasta County a plat of the relocated cemetery, showing lots, blocks, streets, and avenues, and marked for identification "Plat of Central Valley Cemetery."

(ii) To clear said relocated cemetery in a manner suitable for interment.

(iii) To remove the remains of all persons buried in the area of Shasta Reservoir, and reinter them in the relocated cemetery, excepting the remains of Indians or the remains of such persons as are claimed by relatives to be buried elsewhere.

(iv) To file a record of all reinterments in said relocated cemetery in the County Recorder's office of Shasta County; and

(v) To pay all cost and expenses incident to the foregoing.

The said Central Valley Cemetery was properly cleared, surveyed, and fenced. All remains found within the said burial places, amounting to 301 in number--of which 118 were white persons and 183 were Indians--have been removed from the said reservoir area. One white person was reinterred in the Redding Cemetery, one in the Catholic Cemetery at Redding, and one was prepared and delivered to relatives for shipment to Kirkwood, California. The remaining white persons were reinterred in 114 graves in the Central Valley Cemetery.

The remains of Indians, 183 in number, were removed and reinterred in 181 graves in the United States Shasta Reservoir Indian Cemetery.

The United States Shasta Reservoir Indian Cemetery is located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 33 North, Range 4 West, Shasta County, California, and adjoins the Central Valley Cemetery on the north. The "United States Shasta Reservoir Indian Cemetery" was created pursuant to Act of Congress approved July 30, 1941 (55 Stat. 612). By the terms of said act of Congress, the title to the Indian Cemetery is held in trust by the United States for the burial of Indians only and without charge for burial privileges and shall not be taxable. A map of the "United States Shasta Reservoir Indian Cemetery," as approved by the office of the Secretary of the Interior, was filed in Shasta County, California, on January 5, 1942, in Volume 6, page 13, of Maps of Shasta County, California.

Attached and made a part hereof is the report of Joseph B. Mashburn of all reinterments in said cemeteries, arranged by lots and blocks and showing the name, if known, of the person reinterred in the new cemetery and the cemetery and location from which the remains were removed. Where the name is

unknown and could not be obtained after diligent search and inquiry, the identity is designated as "Unknown".

A diligent search for and inquiry was made of any person liable to know the names of the interred. The identity of many could not be established due to the long time since interment and to the further fact that many of the remains were interred in the early mining days and that it is impossible to locate anyone who might be able to identify the existing graves. Few of the graves had any marks of identification. Careful search of the ground was made, and where the surface of the ground indicated that it might be a grave, an exploration was conducted to determine whether it actually was a grave or contained human remains. In a few cases, what appeared to be graves were found to contain no remains.

Where relatives of the deceased persons could be ascertained their consent was secured in every case. Opportunity was given to relatives to be present at the removal and reinterment, and many availed themselves of the opportunity.

There are submitted herewith, for the information of the public, two volumes entitled "History of Cemeteries, Shasta Reservoir Area Central Valley Project, Kennett Division," showing the location of each burial place in such cemeteries, the number of suspected or possible graves therein, the identity (where the same could be secured) and known history of the person interred, his known relatives, and other pertinent information. Also included in said report is a copy of the consent by the nearest relative to removal and an indication of whether the relatives desired to be informed of the date of removal so as to be present thereat. Attention is called to the fact that, included in said report, the several diagrams of the burial places indicate the approximate location of supposed graves, which locations are numbered. A numbered stake was placed at the grave. This stake accompanied the remains to the new cemetery to avoid confusion in identity.

All removals and reinterments were conducted by Joseph B. Mashburn, doing business as the Madera Funeral Home, undertaker, embalmer and funeral director, duly licensed as such by the State of California, pursuant to contracts therefor made with the United States Bureau of Reclamation.

On February 9, 1942, the Honorable Albert F. Ross, Judge of the Superior Court of Shasta County, California, made an order in Action No. 12013, filed in said court, whereby the said Joseph B. Mashburn was authorized to disinter and remove the human remains from the various burial places and plots within the area in Shasta County, California, that will be submerged by the Shasta Reservoir, and to reinter the same in the said Central Valley Cemetery or the United States Shasta Reservoir Indian Cemetery, except in those cases where relatives of such deceased persons shall request that the remains of such persons be delivered within Shasta County, California, to such relatives for burial elsewhere.

All remains from said cemeteries within said Shasta Reservoir area were removed between the dates of February 11, 1942, and March 23, 1942. Suitable markers showing the name, where known, of all reinterred persons were

placed at the grave. The United States has paid all the cost and expense incident to or in connection with the establishment of the new cemeteries and the removal and reinterment of said remains, except the statutory fees provided by law to be paid the local Registrar of fifty cents (\$0.50) for each person removed and reinterred, voucher for which is herewith presented for your signature.

Voucher also is enclosed to cover cost of filing of map of "Central Valley Cemetery".

Respectfully submitted,



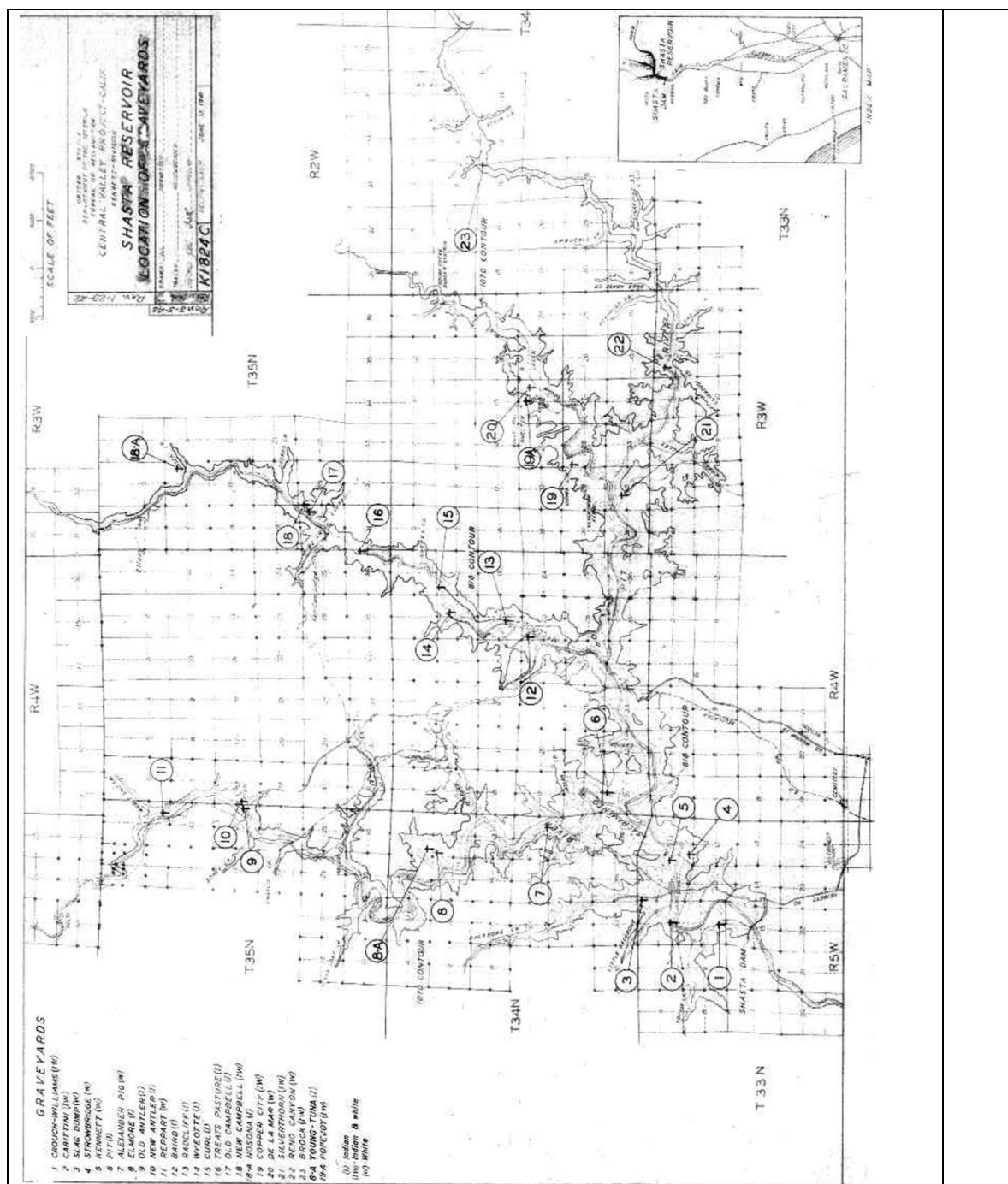
R. S. Calland
District Engineer
Bureau of Reclamation

In dup.

Encs.

USBR Map Showing Original Location of Graveyards

Appendix 12



Memo for Welfare: CVPILAA 1941 Section 3 deals with
disposition of funds received from sale of lands. April 27, 1943

Appendix 13

Land Division
Claims
6060-43

April 27, 1943.

MEMORANDUM for Welfare.


There is attached a letter dated February 18, 1943, together with the file thereon, from the Superintendent of the Sacramento Agency concerning the use of funds derived from the sale of individual Indian lands to the United States in connection with the Central Valley Project of the Bureau of Reclamation.

Our letter of December 7, 1938, referred to in the Superintendent's letter, was prepared at the time when the purchase of the land from the Indians was contemplated by means of deeds to be approved by the Secretary of the Interior. In view of the fact that many of the Indians could not be located or were deceased, the Act of July 30, 1941 (55 Stat. 612) was enacted to obviate the necessity of attempting to obtain the signature of the Indians. By this Act there was granted to the United States such Indian land as may be designated by the Secretary of the Interior as necessary in aid of the construction of the Central Valley Project.

Section 3 of the Act of July 30, 1941, *supra*, deals with the disposition of funds received from the sale of the lands. The provisions of the Act, of course, supersede the instructions contained in our letter of December 7, 1938.

The letter is referred to you for consideration.

Attachment.


Land Division

Daiker to Rockwell on how to use the CVPILAA funds

Appendix 14

Chicago

Mr. John G. Rockwell
Field Representative in Charge
Sacramento Agency

MAY 31 1943

Worlth
Smith
Butler
Glavin

My dear Mr. Rockwell:

This has reference to your letter of February 18 in which you ask whether there is any prohibition against the use of funds deposited to the credit of various Indians of your jurisdiction as proceeds from the sale of land in the Central Valley Project.

Our letter of December 7, 1938, to which you refer, was approved at the time when the purchase of the land from the Indians was contemplated by means of deeds to be approved by the Secretary of the Interior. One of the provisions to which the allottee or heir was to agree was that money derived from the sale was to be deposited as individual money and be subject to the individual money regulations. In view of the fact that many of the Indians could not be located or were deceased, the Act of July 30, 1941 (55 Stat. 612) was enacted to obviate the necessity of attempting to obtain the signature of the Indians. By this Act, there was granted to the United States such Indian land as may be designated by the Secretary of the Interior as necessary in aid of the construction of the Central Valley Project. Section 3 of the Act provides as follows:

"Funds deposited to the credit of allottees, their heirs, or devisees may be used, in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements or construction of new improvements on the lands so acquired for the allottees or heirs whose lands and improvements are acquired under the provisions of this Act. Lands so acquired shall be held in the same status as those from which the funds were derived, and shall be nontaxable until otherwise provided by Congress."

It seems, therefore, that it was expected that the money be used for purchase of other lands, but the language "may be used" implies that this would not be required. Each case must therefore be considered on its own merits, and as provided in the regulations, any expenditure of more than \$500 for unrestricted use should be submitted to this Office for approval.

Sincerely yours,

(Sgd.) Fred H. Daiker
For the Commissioner

EH:bv 5/11/43

P.S. Where land is to be acquired under provisions above quoted, all necessary papers should be submitted here for examination and approval of the Department.

Carbon for Indian Office

Rockwell to Frances Sisk Dixon Hayward

Appendix 15

Frances Sisk Dixon Hayward, Una.



Sacramento Indian Agency
Sacramento 2, California

August 6, 1943.

Mrs. Frances Sisk Dixon Hayward,
1738 Grant Street,
Redding, California.

Dear Mrs. Hayward:

This is in reply to your letter of August 3 regarding the money derived from the sale of certain Indian allotments to the Bureau of Reclamation.

On the date you wrote your letter we mailed a letter to you regarding the amount you have on deposit here. We are now ready to make disbursement of these funds.

When Mr. Goldstein interviewed you on May 22, 1942, you stated that you wished to add a bathroom to your home and to purchase bonds. We think this is a very wise way to spend the money you have on deposit here. If you are still of the same opinion, I would suggest that you make arrangements with a lumber company to purchase the necessary lumber and bathroom fixtures. When these materials are delivered you should sign the bill and state on the face of it the fact that you want us to pay it from funds you have to your credit. When the lumber company sends the bill to this office, payment will be made immediately.

After this has been taken care of we will be glad to send you the balance so that you may purchase the bonds that you desire.

With regard to the disbursement of funds to the credit of Alice Ferguson, Jess A. Sisk, William Sisk and Loyd Clements, you are advised that they will have to make their own application for funds. I do not have a record here of anyone by the name of Emma J. Lane, who would be getting any money from the sale of these allotments. Can you give me more information about her? Is Emma J. Lane also known as Emma T. Vaughn?

No disbursements can be made from the Elijah J. Timmons estate until his heirs have been determined.

Very truly yours,

John G. Rockwell, Superintendent.

M-H-ron

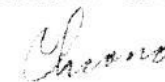
By Michael Harrison, Field Aid.

Rockwell to Charles Cornish

Appendix 16

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Sacramento Indian Agency
Sacramento 2, California

Charles L. Cornish, Ume.



August 4, 1943.

Mr. Charles L. Cornish,
1741 Logan Street,
Redding, California.

Dear Mr. Cornish:

This will acknowledge receipt of your letter of August 2, regarding funds to your credit at this agency. We attach hereto U. S. Treasury check, No. 3114, in the amount of \$200.00, which represents your proportionate share of fund accumulated to your credit from the sale of certain Indian allotments to the Bureau of Reclamation. Included in this amount also, is your proportionate share from the right of way allowed the telephone company over the Emma Sampson allotment sometime ago.

I am glad that you are going to use this money to get a start in the horse shoeing business and wish to take this opportunity of wishing you every success in your venture.

Very truly yours,

John G. Rockwell, Superintendent.

Enc-
Enclosure

By Michael Harrison, Field Aid.

Rockwell to Marshall Radcliff

Appendix 17

Sacramento Indian Agency
Sacramento 2, California
August 25, 1943

Mr. Marshall Radcliff
Anderson, California

Dear Mr. Radcliff:

As requested in your letter of August 14, there is enclosed treasury check No. 3,249, dated August 23, 1943, payable in the amount of \$147.10. This check represents the balance to the credit of your account in this office.

Very truly yours,

John G. Rockwell
Superintendent

Encl.
mft

Rockwell to Mrs. Bertha Edwards

Appendix 18

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Sacramento Indian Agency
Sacramento 2, California

Red-195, Mary Barber

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September 29, 1943.

Mrs. Bertha Edwards,
General Delivery,
Redding, California.

My dear Mrs. Edwards:

This is to reply to your letter of September 23, in which you state you have been informed that you have money coming to you from the sale of the allotment of Frank Charles to the Bureau of Reclamation.

You are advised that your mother, Mrs. Mary Barber, has an interest in the Frank Charles allotment to the value of \$265.00. However, this money is held in an estate status until the Examiner of Inheritance has had an opportunity to hold a hearing and determine who the heirs in your mother's estate will be. Until such time as the heirs have been determined, it will not be possible for any disbursement to be made from this estate. Just when the estate will be probated, we do not know. However, you will be advised when a hearing will be held.

Very truly yours,

John G. Rockwell, Superintendent.

ME-ten

By Michael Harrison, Field Aid.

