

**APPROPRIATIONS APPLICATION FOR THE IDAHO DELEGATION
for Fiscal Year 2005 (Oct. 1, 2004 - Sept. 30, 2005)**

Please attach separate sheets as needed. The appropriations process is intensely competitive on a national level; completion of an application does **not** guarantee funding. Individual subcommittees' deadlines for applications may be subject to change; please check with the House and Senate offices in the Idaho Delegation if you have any questions.

Note: Additional, specific information may be required for applications related to Defense, Transportation, or water project appropriations. Please ask an Idaho Delegation office for further details.

DEADLINE FOR APPLICATION FORM SUBMISSIONS IS FEBRUARY 27, 2004

Organization Completing Application:

(Including department, office, division, etc. Please include address)

Nez Perce Tribe
P.O. Box 305
Lapwai, Idaho 83540

Contact person(s) in organization:

[Include any Washington, DC representatives. Please include phone number(s) and e-mail address(es)]

Rick Eichstaedt, Staff Attorney, Office of Legal Counsel, 208-843-7355, ricke@nezperce.org

Appropriations Bill/Subcommittee:

(Note, please submit a separate application for each subcommittee.)

Interior Appropriations Subcommittee

Department (if applicable): Department of the Interior

(Note, please submit a separate application for each department.)

Agency: Bureau of Indian Affairs

(Note, please submit a separate application for each agency.)

Agency subdivision, program, account, activity, etc., through which this project would be funded: (Please be specific; e.g.: "Department: USDA; Agency: Forest Service; Program: Road and Trail Construction")

Department: Department of the Interior

Agency: Bureau of Indian Affairs

Project Name: Nez Perce Wallowa Cultural Lands Protection Project

Amount desired for Project:

(Include future years, if applicable; e.g.: "\$100,000 for FY 2005"; "\$50,000 for FY 2005 and \$150,00 for FY 2006"; "\$100,000 for FY 2005-- ongoing program after FY 2005". If more than one agency or account is involved, please list the \$ amount related to each.)

\$2.0 million for FY 2005. This is a one-time funding effort.

Bill / Report language required (if any):

(Please keep in mind that the Appropriations Committees will include the least possible amount of language necessary to achieve their objective.)

This will fund the acquisition of 61.93 acres of land adjacent to the Old Chief Joseph Nez Perce cemetery site in Wallowa County, Oregon by the Nez Perce Tribe.

Amount/policy included specifically for this item in the President's budget request for FY 2005: \$0

Federal funding history:

(e.g.: "\$0 in FY 2004; \$100,000 in FY 2003, which was the last year the program was authorized")

No funding has previously been requested for this project.

Did you complete a similar application last year (for FY 2004)? No

What other sources of funding have you pursued before applying for an appropriation, and with what success? (E.g.: Foundation grants, competitive grants or contracts, state appropriation, bond issue, etc. Attach separate sheets as necessary.)

The Nez Perce Tribe is actively working with many local residents, local government officials, local organizations, land conservation organizations, and others to develop wide support for the acquisition of this property for the benefit of the public. However, no other viable funding sources have been identified for the acquisition.

Sources and amounts of matching funds:

(Many federal programs require varying amounts of non-federal matches.)

Not applicable.

Relevant authorization law/bill/status:

(e.g.: "Public Law 107-111"; "FY 2004 DOD Authorization"; "Currently pursuing authorization through Agriculture Committee"; "Safe Drinking Water Act" ; "Transportation Equity Act for the 21st Century (TEA-21)")

Section 5 of the Indian Reorganization Act, 5 U.S.C. § 465, authorizes the Secretary of the Interior to "acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians."

Current status of project described in this application:

The Nez Perce Tribe is actively working with many local residents, local government officials, local organizations, land conservation organizations, and others to develop wide support for the acquisition of this property for the benefit of the public. In addition, the Tribe is working with a third-party organization to negotiate an acceptable fair market price for acquisition and permanent protection of the property.

Background/Justification for completing this application:

[You probably will need to attach separate sheets; feel free to attach any supporting materials you feel may be helpful (budget projections, reports, brochures, letters of support, etc.)]

For thousands of years, Nez Perce people have used and occupied the lands and waters of northeastern Oregon, including the area surrounding Wallowa Lake in Wallowa County, Oregon. In 1926, for protection from grave desecration, the remains of Old Chief Joseph were moved from Wallowa, Oregon to a site overlooking Wallowa Lake, near Joseph, Oregon. Old Chief Joseph was a leader of the Wallowa Band of the Nez Perce at the time of the 1855 and 1863 treaties. This cemetery site is held in trust by the Bureau of Indian Affairs for the Nez Perce Tribe and the Confederated Tribes of the Umatilla Indian Reservation, and is managed by the Nez Perce National Historic Park. Each year, thousands of visitors come to the cemetery to pay respects to a renowned Nez Perce leader, learn about the area's rich history, and enjoy the natural beauty of the Wallowa Lake area.

Currently, there is a proposal to subdivide the 62-acres of lands adjacent to the cemetery known as the Marr Property, into 5 acre lots. The Marr Property is located on the banks of the Wallowa River downstream of the Wallowa Lake Dam. This property is currently vacant. The subdivision proposal recently received preliminary plat approval from the Wallowa County Board of Commissioners.

The Nez Perce Tribe, along with the City of Joseph, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Colville, and a group of local citizens, appealed the approval of the subdivision to the Wallowa County Commission on the basis of cultural resource protection and inconsistency with City of Joseph land use planning requirements. Despite denying the appeals, local county officials have expressed publicly a hope that purchase and permanent protection will prevent subdivision and development of the property.

This site is of significant cultural and historic value to the Nez Perce Tribe and the general public. Two prior surveys have revealed the presence of two archaeological sites, the only two known sites near Wallowa Lake. Additional survey work is needed to fully understand the nature and extent of these sites. Subdivision and development of this site will also detract from the natural viewshed, as well as increase noise and inappropriate traffic at the cemetery site.

This \$2.0 million appropriation request will fund the acquisition of the property, as well as necessary funds for assessment of the site and costs associated with operation and maintenance (O&M) of the property. \$1.6 million is the appraised value as obtained by the current owner.

How many jobs in Idaho would be created, preserved, or supported if this project is funded? (And, if applicable, how many jobs outside of Idaho?)

While no new jobs will directly be created by this proposal, the project will increase interest in and positive attention to Nez Perce historic sites across the Northwest, including numerous sites in Idaho, resulting in increased tourism at these sites and benefitting tourism-related business in communities located in these historic areas.

What other organizations, in the state, Washington DC, or nationally, publicly support this application?

The Nez Perce Tribe is currently working to develop a broad base of local, regional, and national support for this proposal. The Nez Perce Tribe has received local support from the City of Joseph, the Wallowa Valley Community Group and the Wallowa Land Trust, both of Enterprise, Oregon, and from Back Country Hunters & Anglers, of Joseph, Oregon; and anticipates future public support from the Wallowa Band Nez Perce Trail Interpretive Center, Inc. of Wallowa, Oregon. The Tribe has received national support from The Conservation Fund, of Arlington, Virginia, and from Republicans for Environmental Protection, of Albuquerque, New Mexico.

What other organizations, in the state, Washington DC, or nationally, might oppose this application? (Consider all possible factors, such as ideological differences, competitor organizations, federal agencies protecting their turf or budgets from “carve-outs,” etc.)

No organizations are expected to oppose this effort. There is broad local, regional, and national support for acquiring the property and permanently protecting this site.

Other Comments/Misc. information? (Please attach separate sheets as needed or helpful.)

September 21, 2004 is the centennial of the death of the renowned Nez Perce leader, Young Chief Joseph, son of Old Chief Joseph, who died in exile in Nespelem, Washington. Memorializing Young Chief Joseph’s death with the preservation of this property would gather broad support from local government, the local community, and local businesses dependent on a tourist economy significantly based on the Nez Perce history of the Wallowa Valley and surrounding regional area.

It is common knowledge that the landowner is willing to sell, and if a sale were concluded based on an appraised fair market price, there would be broad community support, almost certainly including the landowner, for memorialized preservation of the property on this important Nez Perce centennial. There has been enormous public attention and support for the Tribe on this issue (see attached articles). It is our hope that action by the Tribe, by local residents and organizations, and by Congress will help protect this historic property and ensure that its resources are protected for future generations.