

Investigation of Lower Elwha Klallam Tribe,  
Port Gamble S'Klallam Tribe, and Jamestown S'Klallam Tribe  
Claim of Traditional Hunting in Portions of the  
WDFW Dickey (602) and Sol Duc (607) Game Management Units

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# 1. Introduction

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The Washington Department of Fish and Wildlife (WDFW) recently asked me to review evidence for S’Klallam (including the Lower Elwha Klallam Tribe, the Port Gamble S’Klallam Tribe, and the Jamestown S’Klallam Tribe) traditional hunting in portions of two WDFW Game Management Units (GMUs). They include GMU 602 Dickey—the southwestern part that lies south of Hoko River drainage and encompasses the Dickey River watershed; and GMU 607 Sol Duc—the northern part approximately above the community of Shuwah along the Soleduck River north and east to about Tom Creek).<sup>1</sup> The northern portion of the Dickey GMU (i.e., the Hoko River drainage) lies within the ceded lands of the Treaty of Point No Point (1856), which the S’Klallam Tribe and others signed. In contrast, the two GMU portions that form the subject of the present report are located in the ceded lands of Treaty of Olympia (1856), which the Quileute Tribe and others signed.

WDFW provided some documents that came from the Lower Elwha Klallam Tribe (2014) and a report from the Port Gamble and Jamestown S’Klallam Tribes (Wisniewski 2014) used to support assertions of S’Klallam hunting in various GMUs, including the 602 and 607 portions. Two other reports came from the Quileute Tribe (Powell 2014a, 2014b) and were prepared to refute S’Klallam hunting in various GMUs, including the subject portions. I reviewed these sources and readily available materials, listed in Section 3.0 below. I also read letters from the Hoh Tribe (Easton 2014a, 2014b), Makah Tribe (Greene 2014), and Quileute Tribe (King 2014a, 2014b) but found no additional material in them relevant to my review.

While Wisniewski’s report also discusses the Hoko, Quinault Ridge, and Wynoochee GMUs, and Powell’s reports discuss them plus the Pysht GMU (Powell 2014a, 2014b), these additional GMUs are beyond the scope of the review that WDFW requested of me. Therefore, I focus the present report on the southwestern portion of the Dickey GMU (the part that lies southwest of the Hoko River divide and includes the Dickey River drainage) and the northern portion of the Sol Duc GMU (the part that runs along the Sol Duc River valley between about Maxfield Prairie on the south and Tom Creek on the east).

This review examines evidence presented for S’Klallam traditional hunting use of the two GMU portions about treaty time. My review is guided by the *Buchanan* decision (*State v. Buchanan*, 138 Wn.2d 186, 978 P.2d 1070 (1999)) standard for a tribe successfully to claim that it hunted in an area

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<sup>1</sup> The contemporary spelling for the river is “Soleduck,” while the GMU is “Sol Duc.” Others have used various spellings, which appear in quotations and material cited in the present report.

outside the lands ceded by the treaty the tribe signed (see Section 2 below). This review and report do not address other topics that the Lower Elwha Klallam Tribe (2014) and the Port Gamble S’Klallam Tribe and Jamestown S’Klallam Tribe (Wisniewski 2014) say support their assertion of traditional hunting in the GMU portions. Topics not analyzed here include S’Klallam and Quileute concepts of territoriality; the seasonal distribution of elk populations; hunting in other GMUs (Hoko, Pysht, Quinault Ridge, and Wynoochee) and in lands ceded in the Treaty of Point No Point; hunting in the Olympic Mountains; hunting with blue cards; the use of trails and roads well after treaty time; and the use of deer and elk.

Earlier this year, WDFW asked me to review a report by Dr. Charles Menzies discussing Quileute and S’Klallam hunting (Menzies 2014). In my preliminary report (Thompson 2014), I disagreed with Menzies’ opinion that “the Quileute maintained an exclusive hunting area within a traditional territory that ran along the northern ridgelines of the watersheds of the Dickey and Solduc rivers” (Menzies 2014:5). My preliminary opinion suggested that the Indian Claims Commission (ICC) determination of an exclusive use area for the Quileute Tribe, which excluded the Sol Duc River watershed north of Maxfield Prairie, “might provide a better representation of exclusive use areas than the treaty ceded areas” (Thompson 2014:4). The ICC based its decision partly on its finding that the S’Klallam and others seasonally used Lake Pleasant, which is located in the Soleduck River drainage above Maxfield Prairie (Finding of Fact 13b, 7 Ind. Cl. Com. 31, December 1, 1958).

For the current review, I conducted more detailed research than for my preliminary report. I found evidence in support of S’Klallam hunting in the Elwha River drainage stretching into the Olympic Mountains and in S’Klallam ceded territory lying to the west of the Elwha River and draining into the Strait of Juan de Fuca. This area includes the northern part of the Dickey GMU. However, my more detailed review found very little evidence that the S’Klallam hunted in the Dickey River drainage (southwestern part of the Dickey GMU) and the Soleduck River drainage (northern part of Sol Duc GMU).<sup>2</sup> I have come to question the ICC’s rationale for locating the northern boundary of the Quileute Tribe’s exclusive use area below Shuwah on the Soleduck River, and I update my opinion to conclude that the materials I reviewed show almost no evidence of S’Klallam traditional hunting in the two GMU portions.

Section 2 of this report discusses the *Buchanan* decision standard for tribes asserting a treaty-reserved right to hunt in areas outside the ceded lands of the treaty they signed, as well as the types of evidence that might be used to evaluate whether tribes’ assertions meet the standard. Section 3 lists the sources I reviewed, while Section 4 discusses the arguments and evidence that the Lower Elwha Klallam and the Port Gamble/Jamestown S’Klallam Tribes have provided to demonstrate S’Klallam

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<sup>2</sup> The only potential evidence appears to be a statement in Lower Elwha Tribal member Martin Hopie’s ICC testimony, which states that Pleasant (formerly called Tyee) Lake would be in their territory; Section 4.1 below discusses the problems with this statement.

traditional hunting in the two GMU portions. Section 5 briefly summarizes ethnographic, historical, and oral history evidence for Quileute traditional knowledge and use of the Dickey and middle Soleduck River watersheds. Section 6 summarizes the evidence and provides my conclusion and Section 7 lists the references cited in the report.

## 2. *Buchanan* Standard

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The Indian treaties the first territorial governor of Washington Isaac Stevens negotiated reserved Indians' right to hunt and gather roots and berries on open and unclaimed lands. This right appears in Article 4 in the Treaty of Point No Point (1855), signed by representatives of the S'Klallam and other tribes, and Article 3 in the Treaty of Olympia (1856), signed by representatives of the Quileute and other tribes. While the treaties do not state the geographic scope of the hunting right, the *Buchanan* decision (*State v. Buchanan* 138 Wn.2d 186, 978 P.2d 1070 (1999)) outlined the Washington Supreme Court's determination of where Indian tribes may exercise their off-reservation, treaty-reserved hunting right in the state. In addition to lands ceded under a tribe's treaty, the *Buchanan* decision specifies that the hunting right may extend to other areas that can be shown to have been "actually used for hunting and occupied by the . . . Tribe over an extended period of time," often referred to as the *Buchanan* standard.

The *Buchanan* decision does not set out criteria for establishing actual use and occupancy or "an extended period of time," although it does state that the use needs to have encompassed treaty time (1855-1856), because the tribes could not have reserved a right unless it existed at that time. Based on my decades of studying the subsistence-settlement systems of Washington State tribes, I suggest that the types of information that could document hunting use around treaty time may include some combination of the following:

- Did a group identified with the tribe hunt in the area claimed for an "extended period of time" that encompasses the time of their treaty with the United States? This would establish aboriginal occupation and retention of a hunting right that the tribe held at treaty time. If this criterion cannot be met, additional ones may not be relevant.
- Were the Indian people who undertook the hunting a group that did not have nuclear or extended family kinship or partnership ties to the tribe in whose ceded territory the hunting took place? The reason for this criterion is that marriages or trading partnerships between individuals of different tribes often established personal relationships in which individuals from outside a tribe's territory could hunt inside it, with the tribe's explicit or implicit permission. Hunting as part of individual or family relationships is unlikely to be consistent with a tribe having traditional hunting areas outside their treaty-ceded area.
- Did the hunting group travel to the claimed area with the intention of hunting as part of their subsistence base or was the hunting activity incidental to their travel to or through an

area, which may have been undertaken to visit other groups for social, ceremonial, or trade reasons?

- Is there evidence of regular use, which may be approximately annual, including the season(s) that hunting took place and duration of the activity?
- Is there evidence about the animals sought, and how they were harvested, processed, and moved to the user group's settlement sites?
- Does the tribe have place names for the claimed area, associated with various uses, which may mention hunting and occupation such as settlements or camps?
- Does the tribe have legends or traditional stories about landmarks or tribal activities for the claimed area?
- Is there evidence about the routes and methods of travel that the group took to access the claimed area, including how they transported processed resources back to their settlements?

It is possible that more than one tribe could provide such information for an area. The *Buchanan* decision states that “a requirement of exclusive use and occupancy has been satisfied by a showing that two or more tribes jointly or amicably hunted in the same area to the exclusion of others.”

Evidence addressing the above criteria may be found in a variety of sources, including oral histories, early historical documents, ethnographies, legends and stories, linguistic texts, and so on. Tribes may not possess substantial amounts of evidence on all of the above criteria, although the more types, larger amounts, and older evidence would present a more persuasive case for traditional hunting use of a non-treaty ceded area.

### 3. Materials Reviewed

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I examined materials provided or referenced by the Lower Elwha Klallam Tribe, Port Gamble S’Klallam/Jamestown S’Klallam Tribes, and other readily available published and unpublished materials that I have assembled over decades of research that have included the ethnographic settlement-subsistence systems of the Olympic Peninsula Indian Tribes.

The Lower Elwha Klallam Tribe (2014) provided copies of some materials, which their attorney’s emails asserted demonstrated use of the two GMU portions, including:

- Indian Claims Commission (*S’Klallam Tribe of Indians v. The United States*, Docket No. 134) testimony of tribal member and chairman of the Lower Elwha Martin Hopie (June 17, 1952, and July 22, 1960).
- Indian Claims Commission (*S’Klallam Tribe of Indians v. The United States*, Docket No. 134) testimony of anthropologist Wayne Suttles (August 12, 1953).
- George Gibbs (1 page of journal marked “1857”).
- Barbara Lane’s report on *Identity, Treaty Status and Fisheries of the Lower Elwha Tribal Community* (1975) (title page, table of contents, and first eight pages of text).
- James Swan’s (1971:35–39) article “A Cruise in the *Sarah Newton* on the Pacific Coast, July 18–August 14, 1861, No. 1.”

The Lower Elwha Tribe also recommended Erna Gunther’s *Klallam Ethnography* (1927) as well as the ICC decisions for *S’Klallam Tribe of Indians v. United States*, 5 Ind. Cl. Com 680, 689 (Docket No. 134, Dec. 2, 1957) (Finding of Fact 19) and *Quileute Tribe of Indians v. United States*, 7 Ind. Cl. Com 31 (Docket No. 155, Dec. 1, 1958) and Amended Findings of July 2, 1959.

The Port Gamble and Jamestown S’Klallam Tribes provided a report by Dr. Josh Wisniewski titled *Interim Ethnohistorical Analysis of S’Klallam Hunting and Territoriality in Parts of the Olympic Peninsula in Western Washington Including the Dickey, Sol Duc, Hoko, Quinault Ridge, and Wynoochee Game Management Units* (Wisniewski 2014). Unfortunately, no copies of source materials accompanied this report.

The Quileute Tribe provided a report by Dr. James (Jay) V. Powell titled *Evaluation of the Lower Elwha Klallam Tribe’s Claim to Treaty Hunting Rights in the Northern Portions of the Dickey and Sol Duc Game Management Units and the Southern Portion of the Pysht Game Management Unit* (Powell 2014a) and *Interim Review of Interim Ethnohistorical Analysis of S’Klallam Hunting and Territoriality in Parts of the Olympic*

*Peninsula in Western Washington Including the Dickey, Sol Duc, Hoko, Quinault Ridge and Wynoochee Game Management Units* (Powell 2014b). Helpful copies of source materials accompanied both reports.

I reviewed portions of other readily available materials, including sources listed in the References Cited (Section 7 below):

- James G. Swan’s (1859) diary of his experience in the Strait of Juan de Fuca area.
- Albert B. Reagan’s (ca. 1907) manuscript, “Ethnological Studies of the Hoh and Quileute Indians,” filed at the Smithsonian Institution, Washington, D.C.
- Edward S Curtis’s (1913) “Klallam Indians,” in the series *The North American Indian*.
- Leo J. Frachtenberg’s (1916) map and list of Quileute settlements and fishing places.
- T. T. Waterman’s (1920) map and list of place names for the Klallam, cited in Lane’s report (1975) on the Lower Elwha Tribal Community.
- Erna Gunther’s Makah field notes in Erna Gunther Papers, 1887–1980, Accession No. 0614–00, Box 3, Folder 3–1 & Accession No. 0614–002, Box 3, Folder 3–23, University of Washington Libraries, Special Collections.
- Edward Swindell’s, (an attorney for the U.S. Department of the Interior) (1942) affidavits from S’Klallam Indians regarding settlements and activities along the Strait of Juan de Fuca and Quileute Indians about settlements and activities along the Soleduck and Dickey Rivers.
- Indian Claims Commission Docket 155/242, Petitioner’s Exhibit 73–73a, Map and List of Quileute and Quinault Settlements (1954) and Petitioner’s Exhibit 74, Map of Quileute and Quinault Resource Harvesting Areas (1954).
- Verne Ray’s (1956) *Evidence Bearing upon the Makah-Quileute Tribal Boundary*.
- Barbara Lane’s (1973) *Anthropological Report on the Identity, Treaty Status, and Fisheries of the Quileute and Hoh Indians*.
- Wayne Suttles’ (1990) Article on “Central Coast Salish” in Handbook of North American Indians, Vol. 7 *Northwest Coast*.
- J. V. Powell’s (1995) “Cultural Resources, Part I (Tribal)” section in the Washington Department of Natural Resources *Sol Duc Pilot Watershed Analysis*.
- Jacilee Wray’s (1997) *Olympic National Park Ethnographic Overview and Assessment*.
- Jamie Valadez’s “Elwha Klallam,” and Chris Morganroth III’s “Quileute” (both 2002) in *Native Peoples of the Olympia Peninsula, Who We Are*.

- J. V. Powell's (2012–2013) columns on Dickey River places in the Quileute newsletter *The Talking Raven*
- U.S. Census Bureau records (Ancestry.com) and Bureau of Land Management Land Patents Database ([www.glorerecords.blm.gov](http://www.glorerecords.blm.gov)).

I sought information on S'Klallam and Quileute hunting places and other uses in and near the GMU portions, comparing information among the sources reviewed. This review included looking for the locations of S'Klallam Elwha ICC territorial claims as well as S'Klallam and Quileute place names and use areas on the online Washington Department of Fish and Wildlife maps of the GMU portions (<http://wdfw.wa.gov/hunting/gmu>) and the *Washington Atlas & Gazetteer* (DeLorme 1998). I also compared Indian places mentioned to the locations of drainage divides in the two GMU portions.

## 4. Lower Elwha Klallam Tribe and Port Gamble/Jamestown S’Klallam Tribes’ Arguments

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The Lower Elwha Klallam (2014) and Wisniewski (2014) make several arguments in support of S’Klallam traditional use of the Dickey and Sol Duc GMU portions, discussed in the sections below. These arguments include the testimony of Lower Elwha Tribal member Martin Hopie and anthropologist Dr. Wayne Suttles in ICC Docket No. 134 (*S’Klallam Tribe v. United States*), as well as ICC Docket No. 155 (*Quileute Tribe of Indians v. United States*) Finding of Fact about the northern boundary of the Quileute exclusive use area. The arguments also address S’Klallam place names in the western portion of their ceded lands, trails running between the Strait of Juan de Fuca and Quileute territory, and oral history information from a few post-treaty S’Klallam hunters and about two family homesteads in Quileute territory.

### 4.1 Martin Hopie, ICC Docket No. 134 Testimony

The Lower Elwha Klallam Tribe (2014:1) and Wisniewski (2014:19–20, 26–27, 45–46) argue that Lower Elwha Tribal member Martin Hopie’s testimony for ICC Docket No. 134 provides evidence of S’Klallam use of the GMU portions. Hopie testified in 1952 that tribal elders told him that the Tribe occupied land that went from “Sekiu Bay” on the Strait of Juan de Fuca “directly south, approximately 30 miles,” then “due east to Mount Olympus,” then southeast to the “eastern part of the Quinault Lake,” then “due east to Hamma Hamma” on Hood Canal, then “toward the Indian Island,” and “back through Port Townsend” (Hopie 1952:38–40). This description takes in a very large area, extending well beyond the ceded area of the Treaty of Point No Point, and is inconsistent with other descriptions of the S’Klallam aboriginal territory (Gunther 1927:177; Suttles 1990:454, 456).

When the U.S. Government’s attorney questioned Mr. Hopie on cross examination about whether “30 miles directly south from Sekiu was included in the Quillayutes area,” he appeared to say that the Sekiu River was the boundary line. This statement is confusing because the river runs north into the Strait of Juan de Fuca and Quileute territory lies to the south (Hopie 1952:46–48). Hopie did go on to testify that Ozette Lake “would probably be Makaha [*sic, perhaps a court reporter error*]” rather than in S’Klallam territory and that he had not heard of Dickey Lake or of it being in S’Klallam

territory nor did he know where Wentworth Lake was (Hopie 1952:48–49). Both of these lakes lie within the territory that Hopie delineated.

When asked about Lake Tyee (a former name of Lake Pleasant), Hopie stated that it “would be in our territory,” although he “could not say for sure” whether it had been used by the Quillayutes or the Ozette Indians. By contrast, Hopie stated that “the Klallam Indians had their boundaries and any other tribe came in there, they told them they were trespassing and they shouldn’t be there” (Hopie 1952:48). He also said that he believed that the “Calawah River” was in Queets territory, even though it is actually located in Quileute territory and within the area that Hopie’s claim encompassed (Hopie 1952:48–49). The statements in his testimony do not inspire confidence in Hopie’s understanding of the aboriginal territory of the S’Klallam or other tribes on the Olympic Peninsula.

Hopie also stated in his 1952 testimony that S’Klallam subsistence in the western part of their territory included “a lot of hunting” (Hopie 1952:52-53). In 1960, Hopie testified about the characteristics of the timber in the western part of S’Klallam territory and added some information about hunting, apparently referring to the village at Indian Creek, a tributary to the Elwha River:

I would say that 50 percent of the Clallam Indians never hardly ever seen clams. There was a village right above Port Angeles, not at Elwha. . . . At one time it was a very large village that lived entirely off the country, off elks, deer, bears, berries, and roots. They didn’t know what clams was, some of those Indians, as they say. They just entire lived off the country. (Hopie 1960:130)

I’m speaking of the time before the white people came, that Indians on the western part at Elwha . . . that is where I originally come from is the Elwha Indians. That’s between Pysht and Port Angeles. And they had a village up from the Elwha River, about twelve miles up. It was a permanent village, they stayed summer and winter, and it’s quite a large village. And then they had that village right down at the mouth of the Elwha.

There is hardly no clams; very little along from Port Angeles west. It was very hard to get them. (Hopie 1960:134–135)

Martin Hopie’s testimony in 1952 and 1960 did not provide any information about S’Klallam hunting in the area south of the land that drained into the Strait of Juan de Fuca. The broad claim of territory and the absence of any information on use make it difficult to credit the Hopie testimony for a S’Klallam claim of traditional hunting in the southwestern part of the Dickey GMU or the northern part of the Sol Duc GMU.

## 4.2 Wayne Suttles, ICC Docket No. 134 Testimony

The Lower Elwha Klallam Tribe (2014:2) pointed out that the testimony of anthropologist Dr. Wayne Suttles in ICC Docket No. 134 indicated non-Indians’ knowledge of the area at treaty time was lacking, resulting in imprecise boundaries and maps. In addition, the treaties’ main purpose was

to gain cession of all territory, not to precisely define areas within which retained tribal rights might be exercised. Wisniewski points out that Suttles testified that anthropologist Ronald Olson’s monograph “The Quinault Indians” contains a map showing the Soleduck River above Sappho as being in S’Klallam territory. Suttles also agreed that the treaty map would show this area in S’Klallam territory but remarked that maps of the area dating to treaty time were inaccurate owing to a lack of familiarity with the area (Wisniewski 2014:26).

In his testimony, Suttles opined that the boundaries of the S’Klallam Tribe’s territory ran along “the northern shore of the Olympic Peninsula on the Straits of Juan de Fuca from the Hoko River to Port Discovery Bay. And that the territory of the S’Klallam included the drainages of the streams that entered the Straits of Juan de Fuca between these two points” (Suttles 1953:11–12). In drawing a line on a map to depict his definition of the drainage areas in S’Klallam territory, Suttles said: “This line runs southwesterly to the head of the Elwha River, then northwesterly to Mount Olympus, and then in somewhat of an arc to the north, and then west running between the Sol Duc River and Lake Crescent, and then west to the head of the Hoko River, and then out to the shore of the Straits of Juan de Fuca at or near the mouth of the Hoko River” (Suttles 1953:13).

In his discussion of Olson’s map of tribal territories in “The Quinault Indians” (Olson 1936:10), Suttles said: “on Olson’s map he gives the Quileute the Sol Duck River drainage up to a point somewhere above Sappho. It’s on the Sappho, but gives the upper Sol Duck to the Sklallam<sup>3</sup>. . . . I have not done so on my map simply because I am being conservative” (Suttles 1953:23–24).

Suttles discussed the extent of S’Klallam territory inland:

In making inquiries of informants as to the extent of Sklallam territory inland, I tried to find out something about hunting practices. I found that they hunted elk inland. And I tried to find out the extent of knowledge of the area. It was difficult to find. This may be just a matter of my not having had enough time to spend on this subject. It was difficult to get much indication of knowledge of the area beyond the drainage of the drainage [*siz*] into the Straits of Juan de Fuca.

One informant in the Sklallam territory, now on the Washington side, I talked to very briefly. I shouldn’t call him an informant. He was just a man that I spoke to, a Sklallam man. Immediately when I said, “What was the country that Sklallam had?” he indicated a great extent of territory. I think that he was really thinking in terms of the claim made or something of that sort.

However, when I pressed the point to him, “Well, now, what do you call this place? What do you call that place? Where did the people go in the old days?” I think that he was quite honest. He said, “NO,” he didn’t believe that they knew of the existence of the hot springs. He didn’t know the name for Forks Prairie down there, up one of the rivers down there, the Quileute River, I believe, because that was Quileute territory, and so forth and so on. So I concluded that the area actually used and known was simply the drainage to the north. (Suttles 1953:25–26)

Suttles later related more about his conversation with what appears to have been the same man:

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<sup>3</sup> As can be seen in the quotations of Suttles’ testimony, various spellings of S’Klallam were used.

well, one of them that I spoke with recently at Lower Elwha, as I said this morning, I believe, when I was first asked this question, that the answer that I got when I mentioned the S'klallam country was, I am very sure, in terms of the Treaty and the Indian Claim cases and so forth, "Well, so much in S'klallam county and so much in Jefferson county." But, as I said this morning, when I began to ask him the actual extent in miles and the use and so forth, he quite honestly said, "Well, we went this far, and I don't know about that. The Quinault ought to know about that because that probably was where they came in." (Suttles 1953:52–53)

This exchange sounds very similar to Hopie's testimony about the large area encompassed in the boundaries of S'Klallam territory and the lack of specific information about traditional knowledge and use of that area. Continuing his testimony about S'Klallam territory, Suttles said:

A Now they may have gone farther, . . . into the upper Sol Duck basin."

Q Now, right on that point of Sol Duck basin, your informants indicated occupancy no further than that?

A They did not indicate any familiarity with the area, and Hebbits [probably George Pettitt, who wrote a monograph on the Quileute, dated 1950], in his work on the Quileute, published by the University of California, discusses the fact that the Quileute had numerous villages upstream, up as far as Forks, and possibly further upstream. The S'klallam, as I pointed out, had, so far as I know, and so far as Dr. Gunther was able to find out, had only a single village that was up,—that was an upriver village, and that was on the Elwha River.

The presence of these upriver villages among the Quileute led me to suspect that the Sol Duck drainage was part of the Quileute drainage and was more likely Quileute territory than Sklallam [sic]. But this is conjecture, I suppose, inference apart from negative evidence, but it is the lack of any knowledge displayed on the part of the few Skallam [sic] that I talked to about the Sol Duck drainage. (Suttles 1953:38)

The attorney for the S'Klallam Tribe asked Suttles a number of questions about how the Tribe's territory was depicted on early maps drawn in association with the treaties and showing the cessions of land on the Olympic Peninsula (Suttles 1953:39–42). Suttles stated his belief that the treaty makers "were mainly motivated by the desire to extinguish native title to all of the land, and their main concern was that none would be left over" and that "in the case of the high Olympic Mountains they were not terribly concerned as to the actual boundaries as seen by the natives" (Suttles 1953:40).

Regarding one of the maps, Suttles agreed that

[t]he Treaty map has a line drawn roughly southwest from the mouth of the Hoko River, including—now, if it was just laid over this map [apparently referring to the map Suttles had brought with him and on which he drew his view of the S'Klallam territory boundary] it would include the upper Sol Duc drainage. On the other hand, the treaties,—or the maps that you have just shown me that are dated back to that time, are geographically so inaccurate that I don't think that they really knew what was there (Suttles 1953:41).

And similarly: "[i]f a Treaty map on the same scale [apparently again referring to Suttles' map], it would give the Sklallam the upper part of the Sol Duck [sic] there" (Suttles 1953:42). Suttles went on

to answer some questions about how far south S’Klallam territory stretches from the Strait of Juan de Fuca:

Q And this area which I indicate to be a strip of perhaps 10 miles deep along the Straits of Juan de Fuca, you are certain of this area here?

A Well, I am certain of the area. I don’t know how many miles that is. From the Elwha drainage it goes considerably [south] because the Elwha is a rather long river, but some of the other streams are much shorter. (Suttles 1953:44–55)

He said that he believed that S’Klallam occupancy was exclusive in the drainage into the Strait that he had indicated on his map (Suttles 1953:48). His reasons for believing that were that “elk in earlier days could be caught fairly close to the salt water, could be taken fairly close to the salt water, by the Sklallam in winters when the snowfall was heavy. But on the other hand, in winters when the snowfall was light, they probably had to go up pretty far into the mountains, but that the elk were always plentiful in the mountains, possibly more plentiful than down on the salt water” (Suttles 1953:46–47). He also said that “[i]t is possible, although I can’t support this by evidence, that they were,—that they [the S’Klallam] had to rely more on game than, say, the Lummi or the Samish who were right,—whose territories were lying astride these two main [sockeye] salmon runs” (Suttles 1953:58).

When asked about the clarity of S’Klallam territorial boundaries, Suttles answered, “Oh, yes, I believe that this is not sharply defined in the mountains, but on the beach I think it was sharply defined; as to the mountains, I would say not” (Suttles 1953:67).

While Suttles was conservative in his testimony about S’Klallam territory, there is no reason to believe that his testimony indicated agreement with the great extent of territory Hopie claimed or that the upper Soleduck River valley was part of S’Klallam territory despite Olson’s map and the treaty map. Suttles’ own map of S’Klallam territory did not show the boundary extending south of the drainage divide into the Strait of Juan de Fuca in the western part of the territory (Horr 1974: map between pp. 354 and 355).

### **4.3 ICC Docket No.155 Decision about Northern Boundary of Quileute Tribe Exclusive Use Area**

The Lower Elwha Klallam Tribe (2014:2) argues that the ICC-determined exclusive use areas for Dockets 134 and 155 “result in the identification of joint use areas that overlap the boundaries of ceded areas.” Wisniewski (2014:27) argues that “Quileute and Hoh ICC Docket 155 provides evidence in support of S’Klallam use of the Sol Duc and Dickey GMIUs [*sic*].”

ICC Docket No. 155 Finding of Fact 13.b stated that the exclusive use area for the Quileute Tribe ran “northeastward to the peak on Gunderson Hill [Mountain]; thence to the confluence of

Maxfield Creek and Shuwah Creek,” thus crossing the Soleduck River within a mile south of the Shuwah community, leaving outside the boundary land in the Lake Pleasant area and the Soleduck River valley above Lake Pleasant. The evidentiary fact cited by the Commission stated:

[13.] b. This north boundary encompassed Little Prairie, Quillayute Prairie, the lower portion of Dickey River, northeastward along the valley drainage of the Soleduck River to include Maxfield Prairie. North of the Maxfield Prairie was used by S’Klallams and other seasonal users of Lake Pleasant. (S’Klallam Indians, Docket No. 134) [7 Ind. Cl. Com. 31, December 1, 1958]

In citing Docket No. 134, the Commission did not identify particular testimony, exhibits, or other evidence that formed the basis for its finding of Lake Pleasant use by the S’Klallams and “other seasonal users.” Hopie’s assertion that S’Klallam territory went 30 miles south from the Sekiu River encompassed an area that greatly exceeded the southern boundary of the Tribe’s aboriginal territory. His statement that Lake Tyee/Pleasant “would be in our territory,” without basis in details of S’Klallam knowledge or use of the lake or its surrounding area, is hard to credit as evidence for the Commission to have based its decision to limit the Quileute Tribe’s exclusive use area in this location.

Other evidence the Commission may have used is reflected in a statement by Dr. Herbert C. Taylor, who prepared an anthropological report on the tribal identity of the Makah Indians and their aboriginal possession of lands for Docket No. 60-A (*Makah Indian Tribe v. The United States*) (Taylor 1974).<sup>4</sup> Taylor wrote, “[i]n hunting expeditions for the deer and elk, Makah ethnological informants state that they sometimes got as far into the interior as Lake Pleasant” (Taylor 1974:41). Without detail on Makah use of the Lake Pleasant area, it is hard to understand the Commission’s use of this statement along with Hopie’s testimony to limit the Quileute Tribe’s exclusive use area south of Lake Pleasant and leaving out the Soleduck River valley above Shuwah. The decision neither recognizes the lack of specific S’Klallam information about knowledge and use of the area nor the abundance of Quileute information (see Section 5.2 below) about the Tribe’s knowledge and use of it.

#### 4.4 S’Klallam Place Names

Wisniewski provides some S’Klallam place names for the western part of their territory and continuing around Cape Flattery and a bit south (Wisniewski 2014:14–16; Appendix 1 Map 1). Such names indicate familiarity with an area and can reflect occupancy and use, perhaps for a long period of time. In the vicinity of the two GMU portions but not within either of them, place names include

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<sup>4</sup> In the introduction to his report, Taylor states that he was originally requested to conduct an anthropological investigation for the Makah Indians in February 1955 and that he was asked in November 1968, “to undertake the same task again” (Taylor 1974:29). An early draft copy of his report is dated June 1955 and bears the notation “Makah Indians Docket No. 60 Claimant’s Exhibit 41.”

Hoko River, Ozette Lake, and a village on Ozette Lake. The list also includes a S’Klallam name for the Quileute Tribe, which Wisniewski asserts, “should not be viewed as limited to the present day location of the Quileute village at La Push but as referring to Quileute territory and settlements” (Wisniewski 2014:16, footnote 9).

Wisniewski claims that “a geographic name for river drainage refers to not just the mouth of the river but the entire drainage. Thus for example the Hoko River implies knowledge of the river from the mouth to the headwaters and the surrounding landscape and watershed” (Wisniewski 2014:16). He also asserts that “lack of a name for a geographic feature does not mean one did not previously exist. Rather it simply means it was not asked about and or his informants did not know the name” (Wisniewski 2014:16). He argues that the place names “from the Hoko River to Ozette to La-Push provide further support for the geographic range of S’Klallam activities across the western Olympic Peninsula including the Hoko and Dickey GMUs” (Wisniewski 2014:45).

Wisniewski does not include information from Swindell’s joint affidavit from S’Klallam tribal members Mrs. Sam Ulmer (age 66), John Mike (age 80), and Charley Hopie (age 78), dated May 12, 1942 (Swindell 1942:138–145). This affidavit primarily discussed the location of villages and fishing places, among other activities, along the Strait of Juan de Fuca at the Hoko River, Sekiu River, Clallam Bay, Pysht, Deep Creek, Twin Rivers, Lyre River, Salt Creek, Elwha River, Lower Elwha, and Morse Creek. Information about the Hoko River stated that the fish trap “was located approximately seven miles upstream from the mouth of the river because the conditions of the water where the village was located did not permit the construction of the trap there” (Swindell 1942:139). That would place the trap in the vicinity of Hoko Falls, well within the Hoko River drainage of the Dickey GMU. Neither this information nor any of Wisniewski’s places names identify S’Klallam traditional use in the southwestern portion of the Dickey GMU.

## **4.5 Trails Between Strait of Juan de Fuca and Quileute Territory**

Wisniewski discusses information on historical trails between the Strait of Juan de Fuca and Quileute territory found in George Gibbs’ (1855/1857) journal, James Swan’s (1971) 1861 newspaper article, and Erna Gunther’s (n.d.) Makah field notes (Wisniewski 2014:20–25). Although Wisniewski included no copies of his reference materials, Lower Elwha Klallam (2014) provided a copy of the Gibbs journal page, Barbara Lane’s (1975) discussion of the journal page, and the Swan newspaper article.

Wisniewski argues that “these references, viewed in conjunction with information S’Klallam informants provided Suttles (field notes) and Wray (1997) regarding over-land travel from the Elwha River into the Quinault watershed indicate regular if not extensive over-land travel by S’Kallam’s

across watershed boundaries into neighboring districts for purposes of gathering, hunting, inter-village social relations and trade” (Wisniewski 2014:22).

Wisniewski quotes the Gibbs journal page’s description of two trails running from the Strait of Juan de Fuca into Quileute territory, based on information from John Adams, a S’Klallam man from Port Discovery. One trail followed the Pysht River and the other was described as following the “Sngoh” River. Swan’s October 5, 1861, *Washington Standard* article confirms information on the Pysht trail (Swan 1971:37–38). While Lane opined that “Sngoh” represented the Sekiu River (Lane 1975:7), Wisniewski perceptively notes that it could be the Hoko River, based on a trail along the river that GLO maps depict (Wisniewski 2014:21, footnote 19).

“Sngoh” could have been the name for the Sekiu River, because it appears to be west of the Oke-ho (Hoko) River in the list that Adams gave Gibbs. If so, there likely was a miscommunication between Gibbs and Adams about which river the trail followed, because the Hoko River matches Adams’ description that it “is a very large stream & both that & Pishtst navigable for canoes a long way up” (Gibbs 1855/1857), while the Sekiu River does not match that description.

Additional evidence for a trail along the Hoko River comes from James G. Swan’s diary entry dated November 27, 1859. This entry remarks on a travel route along the Hoko River that the Quileutes used: “[t]he Indians say that there is a route through from Quillayute to Hoko, that the Quillayutes go up this river then cross a portage and strike a branch of the Hoko Two [*sic*] days going by canoe and portage.”

Wisniewski provides two quotations about trail use from a typescript of Gunther’s (n.d.) Makah field notes and a reference to Makah hunters’ inland travel mentioned by Taylor (1974:13), asserting that this information describes the use of trails in the Hoko and Dickey GMUs (Wisniewski 2014:22–23). Reference to the Gunther typescript and Taylor’s report shows that the routes of these trails are not clear. With respect to Wisniewski’s first quotation, Gunther states that Ada Markistum’s grandmother and her husband carried the mail weekly from Neah Bay to La Push, walking “a trail they had made and had little houses to stop overnight” (Gunther n.d.:1).<sup>5</sup>

Wisniewski’s second quotation from the Gunther typescript concerns Ada Markistum’s uncle taking a horse from Elwha to Ozette; it states that “[the uncle] had men in a canoe who stopped and blazed a trail” (Gunther n.d.:2). From the information presented in Gunther’s notes, it is not possible to conclude that the man used an existing trail. In fact, both of the Gunther quotations appear to support the argument the trails may have been made by the relatives of Ada Markistum rather than following existing routes.

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<sup>5</sup> The appearance of the two Gunther statements in the typescript suggests that they are not her original field notes, which occur in handwritten notebooks. Examination of the original notebooks would likely give a useful context for the statements.

Wisniewski states that “the Pysht trail, branching off to the west and up toward Dickey Lake at or around Lake Pleasant . . . was also very likely the same travel route that Taylor (1974:13) describes Makah hunters taking from Neah Bay to Lake Pleasant” (Wisniewski 2014:22). This inference is flawed in several respects: first, Taylor says that “[i]n hunting expeditions for the deer and elk, Makah ethnological informants state that they sometimes got as far into the interior as Lake Pleasant” but neither provides support for his statement nor identifies the place from which they came (Taylor 1974:41). Second, Taylor quotes Gunther (1936:116–117) as stating: “[h]unting is usually done within packing distance from home. . . . If the hunting was done far from home, the meat was sometimes dried before packing it home.” Finally, Taylor (1974:42) says that “the shores of Lake Ozette held seasonal villages of the Makah for hunting parties.” Thus, the hunters who sometimes reached Lake Pleasant may have come from Lake Ozette, which is closer to Lake Pleasant than Neah Bay is.

Treaty-time trails ran between the Strait of Juan de Fuca and Quileute territory along the Hoko and Pysht Rivers, and it is likely that the S’Klallam used these routes to travel to the Quileute area. They could have traveled the trails for social or ceremonial visits and trade, but the existence of such trails provides no information about S’Klallam hunting or other resource harvest activities in the Dickey and Sol Duc GMU portions. In fact, the absence of any information on S’Klallam use of the GMU portions is striking, given the existence of these trails.

## 4.6 Oral History Information

Wisniewski provides some oral history information and argues that:

[f]our oral histories from both Port Gamble S’Klallam and Jamestown S’Klallam Tribal elders . . . provide direct historic accounts of use of lands located within the . . . Sol Duc, Dickey . . . GMU’s. Oral history data discusses S’Klallam Homesteads dating back to the late 19<sup>th</sup> century on the Forks Prairie and shore of Lake Dickey. These accounts also demonstrate that 20<sup>th</sup> and 21<sup>st</sup> century S’Klallam hunting on the western Olympic Peninsula is consistent with historic S’Klallam cultural hunting patterns dating back to the 19<sup>th</sup> century. (Wisniewski 2014:46)

The oral history accounts from Ron Charles (Port Gamble S’Klallam Tribe, b. 1943), Russell Fulton (Port Gamble S’Klallam Tribe, b. 1932), and Ron Allen (Jamestown S’Klallam Tribe, b. 1947) discuss hunting in the Sol Duc and Dickey GMUs. Charles’ father hunted and fished with Lower Elwha tribal members on the west end of S’Klallam territory; he himself hunted deer and elk in the Sol Duc area; and he had a cousin who hunted with Quileute (his mother was married to a tribal member) tribal members in the Dickey and Sol Duc areas (Wisniewski 2014:29).

Fulton hunted elk along roads in the Dickey and Lake Pleasant (Sol Duc) areas during the 1960s (Wisniewski 2014:30–31). Allen hunted elk and deer with his father, other relatives, and friends, as well as alone, along roads in the Sol Duc and Dickey areas. His father hunted with Lower Elwha

tribal members and non-Indian friends. Both Allen and his father stopped hunting in the 1970s (Wisniewski 2014:33). The three oral histories recount hunting after treaty time, with use of the subsequently developed road system, motor vehicles, and modern guns. The accounts do not support traditional S’Klallam hunting in the Dickey and Sol Duc GMU portions around treaty time.

Wisniewski contends that a couple of individual family homesteads in Quileute tribal territory during the late nineteenth century reflect traditional S’Klallam use of the area (Wisniewski 2014:32).

Jamestown S’Klallam tribal member Lincoln T. Sands’ father (also named Lincoln T. Sands, b. ca. 1867) was a non-Indian who homesteaded in the late nineteenth through early twentieth century in the Dickey Lake area (U.S. BLM 1899, 1904; U.S. Census 1880, 1920). Sands’ maternal grandfather (Ivory Merchant, b. ca. 1830) also was a non-Indian who homesteaded in the late nineteenth century in the Forks Prairie area (U.S. BLM 1891; U.S. Census 1880, 1900). The homesteading of individual families decades after treaty time does not document traditional S’Klallam hunting activity.

## 5. Evidence for Quileute Use of Dickey and Soleduck River Watersheds

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Ethnographic and Quileute Tribal oral history sources provide abundant evidence of Quileute traditional knowledge and use of the Dickey and Soleduck River drainages, as discussed briefly in the following sections. This is the kind of evidence I would expect to see if the S’Klallam were hunting in the two GMU portions, but which is lacking in the materials I reviewed.

### 5.1 Ethnographic Information

Ethnographic information about Quileute occupation of the Dickey and Soleduck drainages comes from Reagan (ca.1907), Frachtenberg (1916), and Swindell (1942). In 1907, the Smithsonian Institution Bureau of American Ethnology received a manuscript from Albert B. Reagan, who was a school teacher at La Push in the early 1900s with a great interest in Quileute and Hoh ethnology, including aspects of their language, legends, religion, social customs, and archaeological sites. In his manuscript, Reagan listed 20 village communities with the names of their “last chief,” in addition to the village at Quileute (La Push) and a fortress at James Island (“A-kah-lot”). On the Soleduck River, Reagan listed village No. 13 as “the spring place” at Shuwah, and No. 14, located above Shuwah, was “the place where they dig fern roots to make flour: at Beaver [*sic*; probably “Beaver”] Prairie. On the Dickey River was No. 15, a village without a translated name (Reagan ca.1907:1.5–2).

Anthropologist Leo J. Frachtenberg (1916) worked with several Quileute Tribal members to make extensive, detailed ethnographic notes resulting in a manuscript, later typewritten, with some portions archived in the Smithsonian Institution and most in the American Philosophical Society. He recorded and sketch-mapped Quileute names, locations, and owners that his informant Arthur Howeattle gave for 16 fishing places along the rivers. These included:

- No. 8, at Shuwah on the Soleduck River, “water boils, turbulent”; belongs to wife of Morgenroth.”
- No. 9, on the Dickey River, somewhat more than halfway from the mouth to the forks, “belonged to Webb Jones . . . ‘small fish-trap.’”
- No. 16, located between the mouth of the Dickey and No. 9, “he had feathers on top’ . . . to Ward family (the rock had grass on top; hence this name).” (Frachtenberg 1916:2:6–2:9)

The text went on to say that “[h]unting grounds were communal property. These grounds were on the upper part of each river and reached clear to the Olympic Mountains” (Frachtenberg 1916:2:9). The sketch map shows hunting grounds running east of the Soleduck and other rivers in Quileute territory.

Edward G. Swindell gathered affidavits from two Quileute Indians about fishing practices for a 1942 investigation of treaty rights. In his affidavit, Sextas [Sixtis] Ward, who was about 90 years old, described the Quileute village at Shuwah and said that “Shu-a-wah was a permanent village of about 20 people or more, with three smoke houses; that it was located just a little bit below the junction of a creek that comes from Lake Pleasant and the Sol Duc River” (Swindell 1942:220). Ward also said there had been a permanent village at the mouth of the Dickey River and that “the Indians who used to live at this village, as well as others from La Push and other Quileute villages, used to go up to the area around Dickey Lake for the purpose of hunting elk” (Swindell 1942:220–221).

## 5.2 Quileute Tribe’s Place Names for the GMU Portions

Information on Quileute traditional knowledge and use of the Dickey and Soleduck watersheds contrasts sharply with that available for the S’Klallam and reflects extensive Quileute use, including hunting, of the two GMU portions.

Dr. Jay Powell, who has learned linguistic and anthropological information with Quileute tribal members for many years, prepared portions of the Cultural Resources module for the Washington State Department of Natural Resources Sol Duc Pilot Watershed Analysis (Powell 1995), including a list of 71 Quileute cultural places. Similarly, writing in four monthly issues of the Quileute newsletter, *The Talking Raven*, in 2012–2013, Powell provided information on Quileute knowledge and use of the Dickey River watershed (Powell 2012a, 2012b, 2012c, 2012–2013). These works extensively describe the tribal names, characteristics, uses, and histories of places in the two watersheds.

The following paragraphs discuss selected Dickey and Sol Duc watershed places. This discussion focuses on settlements, trails, hunting activities, and stories; less attention is given to places and activities associated only with fishing, root digging, and gathering activities. Table 1 lists places for the Dickey watershed, all of which is located in GMU 602. Table 2 provides the same information for the portion of the Sol Duc watershed located in GMU 607. Information in the tables includes locations, places names in English (if available), Quileute knowledge about the places, and citation to Powell’s works. While Powell gave no location numbers for the Dickey watershed, he did for the Soleduck and those are included in Table 2.

Table 1. Selected Quileute Tribe's Dickey River Places (based on Powell 2012a, 2012b, 2012c, 2012–2013).

Name/Location*	Information	Reference
Dickey River watershed	Fishing and hunting grounds of Sixtis Ward's father; the son kept hunting and fishing lodges there and passed rights to his children; he permitted two hunting partners to use the watershed.	Powell 2012a:6
Low wetlands west of the river, "mosquito's home"	Considered a home site of the "kelp-haired cannibal woman," associated with a story of how she was killed and her ashes turned into mosquitos, and how they respond to the East Wind and the West Wind.	Powell 2012a:7
1.6 mi south of Coal Creek confluence, village called "the little bunch or little group"; also "the little fish trap"	Settlement with one house; good place for beaver.	Powell 2012a:7
Area between Dickey River and ocean	Accessed via trail, shown in following Table 1 entry; closer and easier place to hunt elk than going upriver.	Powell 2012b:6
Upper reaches of Coal Creek ("going-towards-the-sea creek") to ocean	Trail to the ocean.	Powell 2012b:6
Mouth of Coal Creek	Permanent village; abandoned by 1885.	Powell 2012b:6
Mouth of Colby Creek, running in between the (the two [Quillayute and Little] prairies)"	Historical hunting settlement belonging to Ward family.	Powell 2012b:7
Along Dickey River from mouth of Colby Creek to junction of East and West Dickey Forks and beyond	Hunting camps	Powell 2012b:7
Confluence of East and West Dickey River Forks "the back and forth junction" (because of zigzags)	Quileutes apparently hunted above the confluence, based on knowledge of the area, place names, and the existence of mythic stories.	Powell 2012b:7
<b>East Fork Dickey River, "coiled up river"</b>		
First turn of East Fork Dickey River	Fred Woodruff and Sara Ward Woodruff's historical hunting cabin.	Powell 2012b:7

Table 1. Selected Quileute Tribe's Dickey River Places (based on Powell 2012a, 2012b, 2012c, 2012–2013).

<b>Name/Location*</b>	<b>Information</b>	<b>Reference</b>
About ¾ mi above confluence of East and West Forks	Trail from East Fork to Wentworth Lake, where Quileutes picked wild crabapples and cranberries.	Powell 2012c:6
Thunder Creek, “dammed up or held back water.” Thunder Lake	Name may have referred to beaver dams; one Quileute thought Thunder Lake may have been the original home of the mythic Beaver.	Powell 2012c:6
Area of East Dickey River around the mouths of Thunder and Gunderson Creeks	Called “two rivers”	Powell 2012c:7
Gunderson Mountain	Called “the watchman” or “babysitter”	Powell 2012c:7
Trail from Dickey River up West Gunderson Creek across a wet area to Shuwah, 1.5 mi east	People from Shuwah and Dickey used the trail for visiting and hunting. Loggers later built a railroad that followed the trail.	Powell 2012c:7
Upper East Fork Dickey River area, especially on Gunderson Creek	When wet weather caused ponding, hunters used dogs to chase elk into the water and then killed them from small river canoes.	Powell 2012c:7
Skunk Creek	An area the old people called “upstream spirits,” connected with spiritual bathing rituals men used to improve their hunting success.	Powell 2012c:7
Bear Creek, which starts on the Dickey-Hoko summit and flows into the Dickey	Said to be a favorite place to hunt bear. One man remembered several deep holes along East Dickey on both sides of the Skunk Creek confluence that were probably old bear pit-falls.	Powell 2012c:7
<b>West Fork Dickey River</b>		
50 yards up West Fork Dickey River	Daniel White & Sixtis Ward hunting cabins.	Powell 2012b:7
Trail along bank of West Fork from Dickey Lake to confluence	Used for family members to walk when canoes coming downriver were full of dried elk, fish, berry cakes, root foods, medicines, weaving materials, and gear for hunting, fishing, and camping.	Powell 2012–2013:6
Outlet from Wentworth Lake, “cat’s cradle”	A very winding stream.	Powell 2012–2013:6

Table 1. Selected Quileute Tribe's Dickey River Places (based on Powell 2012a, 2012b, 2012c, 2012–2013).

Name/Location*	Information	Reference
Unnamed tributary entering the Dickey from the west, just downriver from Squaw Creek	Trail led to Siwash Creek and along it downstream to the southwest corner of Lake Ozette.	Powell 2012–2013:7
Squaw Creek, “frog-pond creek”	Associated with a story about Big Joe’s Lake in which a man obtained the spirit power of the frog, which helped him fish very successfully for blueback salmon until he actually became a frog “as big as a bear,” living in the lake.	Powell 2012–2013:6–7
“The Big Mud,” “a set of wetland marshes and sloughs along the upper West Dickey”	A place to obtain grasses, reeds, and rushes used in traditional domestic crafts such as basketry; men made canoes from big cedars that grew in the area.	Powell 2012–2013:7
Dickey Lake, “the lake” or “the little lake”	“Rich in fish, . . . loaded with elk in late fall when they were nice and fat, . . . a good place to gather berries and other seasonal foodstuffs, medicines and weaving materials.”	Powell 2012–2013:7
North end of Dickey Lake, perhaps near mouth of Stampede Creek	Settlement used as a hunting camp; “sunny and open for drying meat.”	Powell 2012–2013:7

\*Only English translations of place names are provided here.

Table 2. Selected Quileute Tribe's Soleduck River Places (from Shuwah running upstream to about Tom Creek; based on Powell 1995).

No.	Name/Location*	Information	Pages
53	Shuwah, also called "turbulent water place"	Permanent village on west side of river; about 3 houses and 20 people; birthplace of Sixtis Ward; location inherited by Susie Morgenroth, who was owner in 1916.	2.1-7
52	Mouth of Lake Creek	Permanent village of about 20 people located on the river south of the mouth of Lake Creek	2.1-7
51	Lake Creek, "little trail creek"	Named for a branch of the main trail along the river that ran along the creek to Lake Pleasant.	2.1-7
50	Ridge and stones made by Thunderbird, "whale rock"	"Oval ridge of rocks is the transformed carcass of a great whale carried there by Thunderbird, and the large stones scattered around it (and along the river) are the transformed remains of early Quileutes who were cutting up the whale and were killed by fist-sized hailstones sent by the T-bird, who was angry that they were stealing his kill. . . ."	2.1-7
49	Soleduck Valley including Tyee Prairie and Beaver Prairie, "hot place"	"This prairie area (and possibly all of the prairies in Quileute country) was caused by Thunderbird pausing to rest in carrying whales back to his lair, and the thrashing of the whale in attempting to escape back to the sea knocked over the trees and caused the open areas. . . ."	2.1-7
48	Lake Pleasant	"Probably the location of the prized sockeyes, called 'bluebacks' by the Quileutes."	2.1-7
47	Curves in the Sol Duc at mile 27	Curves called animal names, "from downriver to upriver, the righthand curves are named for land animals and the lefthand curves for water animals."	2.1-7
46	Village site at the mouth of Bockman Creek, "the place where canoes get carried out of the woods"	"This was the furthest upstream of the Quileute villages on the Sol Duc. Approximately 15 people are estimated to have lived here in one "smokehouse", a term used for the shed-roofed Quileute longhouses. . . . This was a preferred place to make canoes, cutting big cedars in the hills to the south of the village site and floating the roughed out canoe down Bockman Creek (called. . . 'canoe-making feast creek') to the Sol Duc. . . ."	2.1-7

Table 2. Selected Quileute Tribe's Soleduck River Places (from Shuwah running upstream to about Tom Creek; based on Powell 1995).

No.	Name/Location*	Information	Pages
45 & 45a	Beaver Creek, "many cattails"	"Up Beaver Creek was a good place to get cattails. There were a lot of other, closer places for the women to get mat-materials, but they are remembered as particularly luxuriant up on the Beaver swamp. . . . The falls on Beaver Creek . . . were an impediment to fish runs. A trail ran from the falls to the lake and there was a canoe at the foot of the lake for anyone's use."	2.1-7
44	Mouth of Bear Creek, "high up prairie area"	"The Old People hunted in the Bear Creek area."	2.1-6
43	Bear Creek, "muddywater creek"	Later called "Bear Creek" in Quileute, perhaps referring to the tradition that at the "time of beginnings," the legendary figure Bear lived along the creek.	2.1-6; (also, see, Powell 2012c:7)
42	The S-curve at river mile 40, "looping spins"	May also have been called "loops place."	2.1-6
41	Below Snider Creek, "in between"	A 9-mile stretch of the river lacking particular features between Bear Creek and Snider Creek.	2.1-6
40	Snider Creek, "halfway creek"	This constituted the halfway point for people who canoed from Shuwah to Sol Duc hot springs in one day.	2.1-6
39	The big bend in the river, "turn-around-and-go-back place"	[No other information provided]	2.1-6
38	Camp Creek, "tumpline"	At the mouth had been a tree that was bent over like a tumpline.	2.1-6
37	"Trail along the river" from the hot spring down to the lower Sol Duc	Some or all was located on the north side of the river.	2.1-6
36	Zigzag turns, "sharp switchback turns in the river"	Named for characteristic of the river.	2.1-6
35	Goodman Creek, "somersault end over end"	"Section of the river with great looping turns."	2.1-6

Table 2. Selected Quileute Tribe's Soleduck River Places (from Shuwah running upstream to about Tom Creek; based on Powell 1995).

No.	Name/Location*	Information	Pages
34	South Fork of the Sol Duc	"Tom Creek was called . . . 'held back water' (the term that is also used for a beaver dam)."	2.1-6
33	North Fork of Sol Duc, possibly "rabbit's river"	"'Rabbit' killed Northeast Wind (who lived up the North Fork at the base of Mt. Appleton . . .), because the wind froze people for fun and also stole people's fish. Rabbit's home was somewhere on the lowlands at the junction of the North Fork with the Sol Duc."	2.1-6
32	Confluence of North Fork and South Fork, forming the Sol Duc main river, "three rivers"	Name "previously used by the old people for this confluence."	2.1-5-6
31A	Two identical islands in the river, "twins"	Said to have resulted "from transformed twins, according to Quileute narrative."	2.1-5
31	Rapids on the upper Sol Duc, "roaring riffle"	The summer coho run spawn above these rapids, around which canoes portaged.	2.1-5
30	Mt. Muller, "pitcher mountain"	"Still shows that big chunk out of the top where the rock in the story (#29) was ripped from."	2.1-5
29	Lake Crescent, "half-moon lake"	On the other side of the border ridge (#28); "site of mythic battleground between the Elwhas and the Quileutes in the valley where the lake now stands. This bloody battle went on for two days and finally Mount Muller (according to some, or Stormking Mt., according to others) exasperated with the confusion, took a great hunk of rock from his head and threw it down into the valley, killing all the combatants. This rock dammed the stream in the valley and caused the lake."	2.1-5
28	"Border Place," ridgeline along the north side of the Sol Duc North Fork, with Aurora Peak and Sourdough Mountain	"Regularly thought to be the northern limit of traditional Quileute country."	2.1-5
27	"Ayahus' Nest," up Alckee Creek	Location where "the bird who changed into a person, nested."	2.1-5
26	Alckee Creek, "almost being there"	Reaching this creek, travelers to Sol Duc hot springs saw that they would arrive soon.	2.1-5

\*Only English translations of place names are used.

The tables provide abundant information about Quileute use in the watersheds that address the criteria suggested in Section 2 above for the *Buchanan* standard. Quileute individuals and groups made traditional use of the watersheds that appears to date from pre-treaty times. Use included not only settlements and hunting but also fishing, gathering, story-telling, and spiritual practices. Hunting appears to have been seasonal and included pursuit of elk, deer, and bear as well as drying meat. People accessed places in the watersheds with canoes and via trails. In addition to Quileute place names for places throughout each watershed, there are many legendary Quileute stories set in those locations.

Information on Quileute traditional hunting use of the Soleduck watershed also stretches upriver from the eastern border of GMU 607. Families, groups of hunters, and individuals camped (place No. 18) around Sol Duc Hot Springs (place No. 17) from late summer through late fall to hunt elk and dry the meat on racks, pick and dry seasonal berries, and bathe in the hot springs (Powell 1995:2.1–4). Other places included No. 19, where hunters sometimes camped, and No. 21, an easily accessible location on the river from which “groups of hunters with dogs would go upstream, driving elk downriver by howling like wolves and shouting.” Another group of hunters “would be waiting for the elks here in the hunting place. . .” (Powell 1995:2.1–4). No. 22 was a chase trail, with “precipitous narrow places along [it] where hunters installed bark slip-sheets to cause the game to slide off the trail into the riverbed where they could be approached while stunned or injured. . .” (Powell 1995:2.1–4). No. 23 was a “no trails” area north of the river, “the Quileute equivalent of No Man’s Land” (Powell 1995:2.1–5).

Other places to the north and east of the GMU 607 represented the boundaries between Quileute and S’Klallam territory, where fights had taken place in legendary times. No. 13, Boulder Peak, “was thought of as the border between Elwha and Quileute country” (Powell 1995:2.1–3, 2.1–4). No. 28, the ridgeline north of the North Fork of the Soleduck River that includes Aurora Peak and Sourdough Mountain, “was regularly thought to be the northern limit of traditional Quileute country” (Powell 1995:2.1–5).

No. 29, Lake Crescent, “was the site of a mythic battleground between the Elwhas and the Quileutes in the valley where the lake now stands” (Powell 1995:2.1–5). No. 14, “fighting-ground of the monsters,” was at the boundary between Elwha and Quileute territory where two monsters occasionally battled, destroying a large area, and wounding each other seriously, after which each returned to his cave and cried. The hot tears created the Sol Duc and Olympic hot springs. No. 15, the location of which was uncertain, represented the “lair of the monster who cries in the woods” (Powell 1995:2.1–4).

Details on Quileute traditional knowledge and use of the Dickey and Soleduck watersheds contrasts sharply with the lack of such information for the S’Klallam and reflects extensive Quileute use of the two GMU portions as well as other locations upriver in the Soleduck watershed.

## 6. Summary and Conclusion

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The information discussed in the previous sections comes from a number of sources, including ICC testimony and decisions provided by the Lower Elwha Klallam (2014), other sources suggested by the Tribe, along with the report prepared for the Port Gamble S’Klallam and Jamestown S’Klallam Tribes (Wisniewski 2014), two reports prepared for the Quileute Tribe (Powell 2014a and 2014b), and other readily available sources. Materials from the Lower Elwha Tribe and the two S’Klallam Tribes argue for traditional S’Klallam hunting in the southwestern portion of the Dickey GMU (602) and the northern portion of the Sol Duc GMU (607). The two Quileute Tribe reports argue against such hunting in these areas.

My research shows:

- Lower Elwah Tribal member Martin Hopie’s ICC Docket No. 134 testimony made a sweeping claim of S’Klallam territory that encompassed portions of Quileute and other Tribes’ territories; he failed to recognize two lakes in the claimed area, mentioned specifically only Lake Tyee/Pleasant, and gave no details of S’Klallam use of the area. Hopie also said that S’Klallam subsistence included “a lot of hunting” in the western part of their territory. He discussed S’Klallam hunting in the Olympic Mountains, particularly from the Indian Creek village in the Elwha River drainage. Hopie’s broad territorial claim does not match Point No Point Treaty–ceded territory, ethnographic information on S’Klallam territory, or the ICC determination of S’Klallam exclusive territory; nor does it support S’Klallam traditional use of the GMU portions about treaty time.
- Anthropologist Wayne Suttles’ ICC Docket No. 134 testimony outlined the western part of S’Klallam territory as including land in the watersheds of streams that flowed into the Strait of Juan de Fuca. He indicated that territorial boundaries were imprecise in the mountains and inaccurate on the Treaty map. He admitted that treaty-time maps could be seen as including upper Soleduck River valley above Sappho in S’Klallam ceded territory, but pointed out the treaty-makers’ lack of familiarity with the area’s geography and their desire to see all of the land ceded. Suttles also said he interviewed an unidentified S’Klallam man, whose reported claims sound very similar to those of Martin Hopie for a broad S’Klallam territory located south of the drainage area into the Strait of Juan de Fuca; however, Suttles’ questioning found that the man was not familiar with the area claimed.
- The ICC Docket No. 155 determination of the Quileute Tribe Exclusive Area in Finding of Fact 13.b justified setting the northern boundary to the south of Shuwah on the Soleduck

River, based on the area to the northeast having been used by S’Klallam and “other seasonal users” of Lake Pleasant and citing Docket No. 134. The only evidence that has been provided to justify this decision appears to be Hopie’s assertion of the lake being part of S’Klallam territory and anthropologist Herbert Taylor’s ICC Docket No 60-A report, which said that Makah Tribal deer and elk hunting expeditions “sometimes got as far into the interior as Lake Pleasant.” In the absence of any other evidence on which the ICC decision was based, Hopie’s claim is not persuasive for regarding the S’Klallam as “mutual users” of the Lake Pleasant area.

- S’Klallam place names for the western portion of their ceded lands are almost all related to the shore of the Strait of Juan de Fuca and lack evidence for use of the GMU portions.
- S’Klallam oral history information about twentieth- through twenty-first century hunting in the Dickey and Sol Duc GMU portions and the existence of two late nineteenth- to early twentieth-century family homesteads in Quileute territory do not support traditional S’Klallam use of the GMU portions at treaty time.
- Two trails between the Strait of Juan de Fuca and Quileute territory about treaty time ran along the Hoko and Pysht Rivers; one of the trails was said to run along the Sekiu River but such a trail would likely have led into a mountainous area that drained west into Makah territory rather than south into Quileute territory. The trails show travel between the S’Klallam and Quileute territory, but no information was provided to show S’Klallam traditional hunting or other activities in the GMU portions at treaty time.
- Early Quileute ethnographic information from Reagan (ca. 1907) and Frachtenberg (1916) listed Quileute villages on the Soleduck and the Dickey Rivers, with hunting in their watersheds. Swindell’s (1942) Quileute affidavit from Sextas [Sixtis] Ward reported Quileute traditional hunting up the Dickey River.
- Quileute Tribal information about the Soleduck and Dickey River watersheds provides extensive and detailed documentation of Quileute traditional knowledge and use of the areas, including for hunting. This is the type of information I would expect to see to support S’Klallam traditional hunting in the two GMU portions, but found lacking in the materials reviewed.

The Lower Elwha and the Port Gamble and Jamestown S’Klallam Tribes have provided almost no evidence for traditional hunting use in the Dickey and Sol Duc GMU portions about treaty time. The same is true for ICC Finding of Fact 13.b in Docket No. 155 that the Commission cited to justify setting the northeastern boundary of the Quileute exclusive use area near Shuwah on the Soleduck River. Additional review and research after my report “Preliminary Review of ‘Quileute Hunting’ by Charles R. Menzies” lead me to revise my opinion that the northeastern boundary for

the ICC Quileute Tribe exclusive area “might provide a better representation of exclusive use areas than the treaty ceded areas” (Thompson 2014:4). This work has provided no persuasive evidence for S’Klallam traditional hunting use of the GMU portions south of the nearby Point No Point Treaty–ceded area.

The materials provided by the S’Klallam and researched for the present report do not support any of the types of information suggested in Section 2 above for meeting the *Buchanan* decision standard and showing that an area was “actually used for hunting and occupied by the. . .Tribe over an extended period of time.” Evidence for traditional hunting use about treaty time could include S’Klallam place names, uses, users, species hunted, hunting and processing methods, use of travel routes to the claimed area, transportation of processed game back to the tribe’s settlements, and legends and stories about places in the area. The Quileute Tribe possesses these types of information showing their traditional knowledge and use of the GMU portions. Although multiple tribes could hunt in the same area, I have seen no persuasive evidence for S’Klallam traditional hunting in the GMU portions.

Based on the information provided in the report sections above, evidence for S’Klallam traditional hunting south of the Hoko River drainage divide in the Dickey GMU (602) about treaty time is lacking in the materials reviewed. The same is true for S’Klallam hunting in the northern part of the Sol Duc GMU (607).

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