

Spilyay Tymoo

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A Look at 1978

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Fogscape

Jackson Trail Road, which winds along the Deschutes River, has been blanketed in fog on recent mornings. If the sun appears at all, it only lights up the high rimrock. Spilyay Tymoo Photo by CDS

Environmental Impact a Concern Hydroelectric Study in Final Stages

A progress report on the feasibility of constructing generating facilities at the Pelton Re-regulating Dam will be presented to the Tribal Council January 29. The final report should be ready sometime during February, according to engineering consultant Jerry Dibble.

The report will include a general design and financial analysis, Dibble noted. Of particular concern at this stage is the environmental impact of a hydroelectric plant on the Deschutes River.

Federal Energy Regulating Commission procedures require that a checklist of governmental agencies be advised of any project plans and their expected impact on the environment before a permit is issued.

Dibble said that a high priority will be the scheduling of a meeting to inform interested agencies of the proposed project.

According to Dibble, the installation of generators would not affect the flow of water or fish in the Deschutes. Turbines will be deep in the stream and water will be channeled in such a way that an even flow is maintained across the dam, providing passage for fish.

It is important that agencies be informed of the project's impact at an early stage so that construction will not be held up as it has been on other projects, said Dibble.

The consultant also said that tribal members will be involved as early as possible in the progress of the multi-million dollar project by means of public hearings. Before money can be expended, the project must be approved by popular referendum.

Application for an FERC permit can be filed before membership's approval to save time, noted Dibble, since the application can be withdrawn if it is not supported locally. It takes at least ten months for an FERC application to be processed and a license issued, he said.

Because of the "red tape" involved, which might even include an FERC requested public hearing, construction cannot begin until 1980. Dibble expects that the project would take two years to complete. The lengthy construction time is due in part to the anticipated delay in receiving the turbine and generator, which must be specially manufactured for the site.

When complete, the facility would generate enough electricity to serve the reservation as well as a marketable surplus.

Correction

The last paragraph of the article about Ken Smith's job offer in the January 8, 1979 edition of Spilyay was a bit confusing. Smith has not said that he doesn't want to live here, but only that he doesn't plan to be but only that he doesn't plan to. Having built a home, Smith intends to make Warm Springs his permanent residence, although he may elect to take up temporary residence elsewhere from time to time.

HUD and Housing Authority Sued By Contractor

by Cynthia Stowell

Three local housing officials were not surprised January 15 when they received summons from the U.S. District Court of Oregon. This was their formal notification that the Warm Springs Housing Authority and the U.S. Department of Housing and Urban Development were being sued to the tune of \$269,000 by Marshall N. Dana Construction, Inc., terminated contractor for the 50-unit HUS housing project.

It was just the anticipated climax to a long history of problems between the contractor and the housing authority that began shortly after the \$1.7 million project was awarded to Dana in April of 1977.

Contracting officer Les Yaw, housing manager Elton Greeley, and W.S. Housing Authority Chairperson Liz Rhoan all feel they are "in a good position." "We've been expecting this and the records we have kept will work in our favor," said Yaw.

The suit seeks damages in the amount of 255,000 for breaches in the contract. Among Dana's allegations are that the housing authority failed to make proper and timely inspections, failed to approve time extensions or approve claims for additional payments, caused unnecessary delays, failed to make timely payments for work performed, and unfairly terminated the contract.

Another \$14,000 is being sought for work performed on the senior citizens community building and allegedly not paid for.

According to Yaw, the housing authority terminated its contract with Dana on September 26, three months after the project was scheduled to be completed.

The Tribes, with HUD's consent, then took over the project for which completion is expected by mid-March.

Payment for the month of September is still outstanding, said Yaw. It is uncertain whether the cash surplus at project end will be enough to pay Dana, since architect and attorney fees along with other costs have accrued with the numerous delays.

The project has been plagued with setbacks, but the parties don't agree on the reasons. Yaw pointed to Dana's refusal to work according to contract specifications. Dana has blamed weather, vandalism and lack of cooperation from the Tribes for their slow work.

Dana requested a 109-day extension of the contract but Yaw would agree to only ten, saying that the other 99 days of delay could not be substantiated. When it became clear last summer that the housing authority and the contractor, who by that time were communicating through their attorneys, could not agree on terms, the contract was terminated — a "drastic step" that Yaw indicated was long anticipated but also long avoided as a solution.

Spilyay has reported in past stories the nature of the difficulties between the housing authority and the contractor. "From the foundation up, the contractor failed to meet specifications," said Yaw. Even before construction began there was some disagreement over whether the community building could be reinstated in the contract. Then the housing authority's inspector discovered poorly constructed foundations which had to be rebuilt. Vandalism caused some delays, but not as much as Dana has claimed, said Yaw.

(Continued on Page 16)

Weather

January	HI	LO	Prec.
4	21	8	3" snow
5	20	-10	1" snow
6	15	-13	
7	10	-12	
8	17	4	1" snow
9	26	14	2" snow
10	28	18	6" snow
11	30	25	1" snow
12	32	12	
13	24	7	
14	30	14	6" snow
15	30	12	
16	31	14	

It has snowed a total of 26" since December 29. The temperature has not risen above 32 degrees since December 28.

NOTICE

PUBLIC MEETING ON LAND USE PLANNING AND ZONING

AGENCY LONGHOUSE

Jan. 23rd Tues. Evening

Dinner at 5:30 P.M. Meeting Will Follow

SPONSORED BY LAND USE COMMITTEE

Purpose of meeting is to discuss Reservation land useage and zoning proposals, and especially Warm Springs Community Comprehensive Plan