

ATNI Spring Conference Close-ups

Water, Other Resources Vital To Indians' Future

by Cynthia Stowell

"If I have no reservation or no land then I have no life." These words spoken by Bearhead Swaney of the Flathead Tribe set the tone for discussion of natural resource development at the Affiliated Tribes spring conference April 10-12.

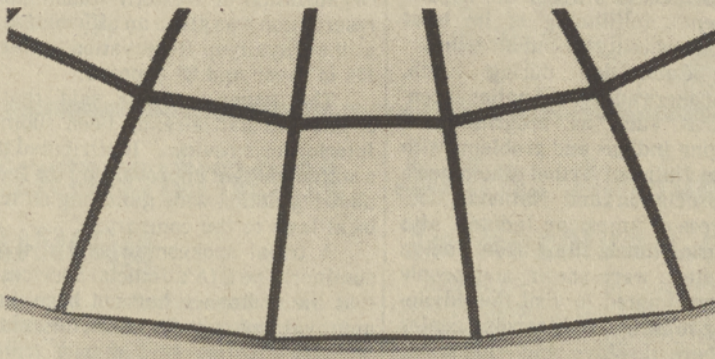
Water seemed to be the most critical concern since most reservations cannot exist without it. Department of Agriculture representative Stewart Jamison echoed Swaney. "If you don't have water, you don't have development. If you don't have development, you won't have a reservation for very long," said Jamison. Indian tribes have been carefully guarding their water rights while proposed legislation has sought to reduce them and Carter's national water policy failed to acknowledge them.

The big news in water was offered at the banquet by Interior Solicitor Leo Krulitz. He announced that four major lawsuits had just been filed by the Department of Interior on behalf of Montana tribes whose water rights had been threatened by State Legislation. SB 76 established an adjudication system for review of water claims and may be amended to include Montana's Indian reservations. Although no action would be taken on Indian water rights until 1982 to allow time for negotiation between the state and the tribes, the legislation is perceived to be a violation of rights guaranteed in treaties.

The water rights suits precede the actual effective date of

the Montana legislation, said Krulitz.

In Utah the Utes are on the brink of a compact with the state



The Dome Room at the Ft. Hall Business Center, site of the spring conference of The Affiliated Tribes of Northwest Indians April 10-12.

regarding water, fishing, and hunting rights. According to council chairwoman Ruby Black the tribe has agreed to quantify its water resources in return for the state's recognition of their water rights as well as their hunting and fishing rights within the old boundaries of the Ute reservation. Although negotiations broke down for a time over the hunting portion of the compact, Black is "optimistic" about settlement.

Mel Tonasket of the Colville Tribes refused to acknowledge that the recent Walton Case on his reservation was a blow to Indian water rights. In clarifying his ruling, the judge apparently stated that the Tribes own the water in question and can do what they want with it. The original ruling gave the Tribes jurisdiction over reserved waters and the state jurisdiction over non-reserved, alienated water.

Tonasket accused the government of fostering a "defeatist attitude" among Indians by making it appear that they are losing ground in their assertion of treaty rights. The government has gone as far as to drive water rights advocate William Veeder out of his Interior job and into private practice, said Tonasket.

Bearhead Swaney indicated that Indians and non-Indians both have cause to worry when it comes to water in the Northwest. "The water of the Northwest is

being planned and programmed to be sent to the Sunshine Belt," he observed. It is in the interest of Indian and non-Indian to establish rights to that water.

Opinion was divided when it came to the development of other resources, particularly energy-related. Indian Tribes have come to realize that they are living on top of "treasurehouses", in the words of Ute Tribal Councilman Jason Cuch. "The non-Indians are watching like vultures for the Indians to make mistakes... It's essential to know what you have and implement the best management you can," said Cuch.

Gilbert Teton chairman of the Sho-Ban Tribal Council, was less eager to jump in. He paraphrased Navajo Chairman Peter McDonald, who has advised that Indians tribes keep their resources in the ground and let their descendants develop the expertise to use them wisely.

There was consensus, however, that tribes should develop their own resources and not let the money go off the reservation. Richard Monteau of the mineral-rich Northern Cheyenne warned, "If you don't exercise your resource rights, the state will do it for you — and that's an erosion of self-government." But he echoed Teton by saying, "I would like to put the Tribe in a position where they know as much as any oil company coming in. Then drill the wells."

Resolutions Address Health, Education

Nearly half of the eighteen resolutions passed by delegates to the Affiliated Tribes spring conference were directly related to health concerns. Others dealt with education, support to the efforts of other tribes, employment, and senior citizens.

Resolution No. 1 - Endorses resolutions passed by the Muckleshoot and Suquamish Tribes proposing solutions to the location of the Northern Tier Pipeline on the Puget Sound.

Resolution No. 2 - Endorses the Northwest Washington Service Unit Health Board resolution calling for increased training funds.

Resolution No. 3 - Requests the extension of warranty periods for wells and pumps installed by Indian Health Service contractors from one to two years and a higher quality of workmanship on standardized replaceable equipment, fixtures and materials.

Resolution No. 4 - Endorses a Northwest Portland Area Indian Health Board resolution regarding the recruitment of Indian students into health careers recommended as a joint action with The Seattle Indian Health Board.

Resolution No. 5 - Supports the efforts of the Lummi Tribe to obtain the soon-to-be phased out Blaine Air Force Station, to be utilized for the benefit of all Indians.

Resolution No. 6 - Joins Western Indian Program Administrators Council in its request to the Department of Interior that it include California in its series of meetings dealing with land concerns and acquisition.

Resolution No. 7 - Endorses a Northwest Washington Service Unit Health Board resolution recommending a scientific study of the health and environmental effects of a proposed nuclear power plant.

Resolution No. 8 - Supports the Spokane and Kalispel Indian Tribes' request to the Secretary of Health, Education and Welfare that the Wellpinit Service Unit's contract health service delivery area be redesignated to include the entire county of Spokane, including the city of Spokane.

Resolution No. 9 - Urges the President and Congress to reaffirm the Indians' right to self-determination in the care of their elderly citizens by appropriating no less than \$25 million for fiscal year 1980 under Title VI of the Comprehensive Older American Act of 1978.

Resolution No. 10 - Requests that the Indian Health Service provide additional funds for orthodontic care under contract health services.

Resolution No. 11 - Endorses a resolution by the Uintah and Ouray Tribal Business Committee supporting water rights negotiations currently underway between the Ute Tribe and the State of Utah.

Resolution No. 12 - Endorses a Colville Confederated Tribes resolution recommending co-sponsorship of an Indian education conference by the United Indians of All Tribes and the Spokane Tribe.

Resolution No. 13 - Supports the Congressional intent of Title XI of P.L. 95-561 that the Director of the Office of Indian

Education Programs be in direct line of authority to the Assistant Secretary of the Interior for Indian Affairs, and not the Commissioner of Indian Affairs as the B.I.A. seems to be misinterpreting.

Resolution No. 14 - Designates Indian Employment and Manpower as a regular Affiliated Tribes conference agenda item.

Resolution No. 15 - Supports testimony by the Northwest Portland Area Indian Health Board regarding funding and staffing deficiencies in the Portland Area of the Indian Health Service.

Resolution No. 16 - Expresses appreciation to former Commissioner of Indian Affairs Robert L. Bennett for his continued services to Indian people. Bennett suffered a heart attack recently and is in serious condition. The assembled group paused in prayer and recognition immediately upon passing the resolution.

Resolution No. 17 - Requests the amendment of P.L. 93-641, the National Health Planning Law, to provide Indian Tribes with direct federal funding and the Submission of all Tribal Specific Health Plans to the Secretary of Health, Education and Welfare without state Health Systems Agency review.

Resolution No. 18 - Supports the resumption of the Bureau of Indian Affairs' role as complete and sole source of funding for Indian students attending college and recommends the implementation of the self-determination act so that tribes may contract for management responsibilities over scholarship programs.

Education Concerns Continue After Successes

Recent successes in the area of education legislation did not prevent the expression of concerns and complaints about the availability of funds for Indian programs. Education was as usual an emotional topic, stirring challenges and resolutions at the Affiliated Tribes spring conference.

A Johnson-O'Malley public hearing in Ft. Hall drew some participants from the last day of the ATNI conference and gave education specialists two fronts on which to fight.

One of six hearings being held nationwide to revise regulations, the Ft. Hall JOM meeting received a formal statement from the Advocates for Indian Education, an arm of the Affiliated Tribes. The Advocates were critical of the JOM funding formula that they say results in hardships to the small Indian populations in remote areas. They recommended a different formula based on population and adjusted by such factors as distance, training needs and the nature of learning problems.

Regulations are being formulated for implementation of the 1978 Tribally Controlled Community Colleges Act, according to Leroy Falling of the B.I.A.'s Office of Indian Education. By August, rules should be final and in the fall over \$57 million in direct and technical assistance grants should be available to Indian junior colleges.

The act requires that no fewer than eight and no more than 15 colleges be granted funds this fall. By next year 23 colleges can be included in the funding, five more than currently exist.

However, Falling said that the bill was passed too late for a fiscal 1980 appropriation and the Bureau is hoping for a congressional add-on to get the legislation implemented.

The Community Colleges Act provides for general operating funds for Indian colleges at the rate of \$4,000 per full time student. Monies are available only if a feasibility study for a proposed college is completed, an existing institution is accredited, or a college has existed for a year or more. The act also guarantees technical assistance to tribes in their efforts to meet accreditation criteria.

Lorraine Misiaszek of the Advocates for Indian Education described her organization as "exhausted" from fighting the transfer of Indian Education programs from the Bureau of Indian Affairs to a new Office of Education. They were successful, but Misiaszek stressed the importance of beefing up B.I.A. programs as a way of preventing future threats to the Bureau's education component.

The security of high education funds was a matter of concern to many who felt that the administration of funds should be centralized in the B.I.A. A resolution was passed to this effect (see No. 18 in resolution review). Sho-Ban Education Committeewoman Maxine Edmo echoed the resolution's language regarding the exercise of tribal self-determination in the use of higher education funds.

"We're being formulized out of money even though education has always been a high priority of our tribe," said Alta Guzman of the Nez Perce.