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Spilyay Tymoo

Coyote News



25°

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FLAMING PHALANX—Flames marched down the steep hillside behind the River Room at Kah-Nee-Ta Village scaring campers out of their teepees. The August 2 grass fire cut a path between Kah-Nee-Ta and several residences but caused no structural damages.

Spilyay Tymoo Photo by Stowell

Land claim distribution plan ruled invalid by federal judge

Federal judge Gus Solomon this Monday declared invalid a 1975 plan for the distribution of a \$1,225,000 land claim judgement awarded the Confederated Tribes of Warm Springs by the Indian Claims Commission.

The Tribes, in a September 1973 election, voted to end the proceedings before the claims commission and to accept the government payment of \$1,225,000 for land ceded by the Treaty of 1855. Since the 1973 election, the money has been on deposit in the federal treasury and has been accruing interest.

But in November 1975, a number of enrolled tribal members filed suit claiming that the distribution method discriminated against 321 members because they were denied the right to inherit without due process of law. The suit is commonly referred to as "the Pat Gold Case."

The judge did not rule on the

fairness of the distribution plan Monday. But he did declare the plan invalid because the plaintiffs were not given a reasonable opportunity to present their arguments to the Tribal Council before the proposal was sent off to the secretary of interior and to Congress.

According to tribal attorney Owen Panner, this means that the Tribes and Assistant Secretary of Interior Forrest Gerard will have to go back and start over on the distribution plan. He said that the hearings must be redone and that some of them will probably be held here on the reservation.

Panner said that Solomon's ruling doesn't necessarily mean that the 321 members represented in the suit will receive a share of the judgement money. It simply means that they must have the opportunity to be heard when the new proposal is being drawn up.

"Inadequate notice, absence of expert assistance, and misleading advice from the designated representative of

the (Bureau of Indian Affairs), combined to deprive plaintiffs of the opportunity to make available arguments, not only to the tribe, but also to the secretary and to Congress," Solomon wrote in his opinion.

"These procedural errors therefore prejudiced the presentation of the plaintiffs' position and misled the secretary and Congress."

Land Claim Background

In 1946 the Congress of the United States passed an act which set up the Indian Claims Commission to hear and decide claims filed against the United States on behalf of Indian tribes. One type of case which could be filed with the Commission was a claim by a tribe for additional payment of money because a tribe had not received fair payment from the United States for its lands ceded by Treaty with the government.

So in 1951 the Confederated Tribes, through their claims attorneys, filed a claim for additional payment for the

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Applications being accepted for adoption referendum

An adoption referendum has been set for November 15. Enrollment applications are being accepted by Vital Statistics until September 15.

Qualifications to be adopted are:

1. Have to be a Descendant of a member (or a former member) of the tribes.
2. One-eighth Indian blood.
3. Have had to live on the

reservation for three years prior to date of referendum.

4. Can't be enrolled in any other tribes.

In order for this referendum to pass, 50 percent of the eligible voters must turn out. There are about 1,100 eligible voters.

Tribal members 21 years and older or married are eligible to vote.

Kah-Nee-Ta, homes spared Fire races through 1,630 acres of grass

Careless humans may have been the cause of the grass fire that swept across the reservation August 2, threatening several homes and coming within feet of Kah-Nee-Ta Village.

But once the fire started, the real culprits were an unusually strong wind, dry grass and inaccessible terrain, according to fire boss Bob Bolton.

B.I.A. investigator Mark Werner had nearly concluded that the 1,630-acre blaze was started by a cigarette, but an experiment failed to substantiate his theory and the investigation was reopened Wednesday. A number of people, including a power line crew, were known to be in the area when the fire started at 4:45 p.m. on the north side of the road into the Warm Springs National Fish Hatchery.

Five families were asked to evacuate their homes and Kah-Nee-Ta guests emptied the teepees as the flames leapt across the Warm Springs River, skipped over the paved road and raced southward and eastward, cutting a path 4½ miles long. Fanned by strong but changeable winds, the fire burned hot and somewhat unpredictably, but was contained by 2:00 a.m.

Maxine McKinley was comfortably in her home by 11:00 p.m. and Kah-Nee-Ta Villagers began to relax at around midnight, but the fire was not officially under control until 4:00 p.m. the following day.

Hatchery Fire No. 5850, as it was dubbed, was the largest grass fire on the reservation since the Peters Fire in 1975 which burned 1,800 acres just across Indian Head Canyon from the most recent blaze. While the hatchery fire created a "mar on the landscape," no commercial timber was lost as some reports indicated, and "it will be difficult to tell this time next year that wild fire had been through," according to Bolton. There are no plans as of yet to reseed the area which is likely to come back next year as poor quality cheat grass and medusahead, according to range conservationist Ray Welch.

Over the river and through the grass.

The fire was reported at 4:45 p.m. by Chunky Robinson at the Eagle Butte Lookout. Within moments, the flames were being whipped in two directions--north toward Byron Patt's house and south toward the river. Two cats, 4 pumpers and 24 men seemed to be holding the fire to a

triangular area bounded by the river, Indian Head Canyon and rimrock, when just before dusk the wind blew embers across the river into dry, thick grass. "Then it was a whole new ball game," said Bolton.

Predominantly west and northwest winds pushed the fire up the steep hill south of the river and toward the Kah-Nee-Ta Warm Springs road. A cat cut a line northward on the western edge, but it was kind of "nip and tuck" as the fire outraced the Roads Department equipment, said Bolton.

The main strategy was to "burn out" strips along the road to remove fuel from the path of the fire and prevent it from crossing the road. But as night closed in, the flames hopped the road just north of Maxine McKinley's home in a "red, rapidly advancing fireball," according to Bolton. Maxine was urged to leave her house as were other families nearby, and they collected on a knoll next to the police roadblock, helplessly watching the progress of the flames and billowing smoke. Warm Springs and North Unit volunteer fire departments were called to the scene to protect dwellings.

The fire next crossed the switchbacks on the paved grade down to the river, blackening a wide swath but apparently clinging to the rimrock above Kah-Nee-Ta manager Bill Pauli's house and the Village. The wind seemed to quiet down for a time, and pumpers cooled the area, but suddenly flames began marching down the slopes. Shovels, gunny sacks and pumpers stopped the fire within about fifty feet of Pauli's house and the teepees.

Burn-outs on the west side of the old Kah-Nee-Ta grade stopped the eastward sweep of the fire and at about 2:00 a.m. firefighters went home for a few hours of sleep. A total of over 80 men, 4 cats, 7 pumpers, two 1,000-gallon tankers, and one helicopter had been deployed to fight the fire on the first day. Bolton said he didn't get the amount of men and equipment he needed because of the forest fire near Pine Grove that had started less than two hours before the hatchery fire and involved Warm Springs crews.

Hot spots and mop-up

On the following morning, 44 yellow-shirted U.S. Forest Service men from Gifford Pinchot National Forest in Washington arrived on the scene with two helicopters to

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(Additional details and photos on pages 8-9)

Weather

JULY	HIGH	LOW
26	99	58
27	94	58
28	87	56
29	91	52
30	94	54
31	101	60
AUG		
1	92	64
2	97	52
3	87	54
4	93	51
5	88	53
6	92	50
7	94	45
8	91	54
9	96	52