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Spilyay Tymoo

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Just too late

Spilyay Tymoo photo by Shewczyk

The Lincoln's Birthday Powwow held at Simnasho Longhouse went on into the wee hours of the morning. Some didn't make it to see the end of the day's activities.

Opposition voiced on burn plant

by Marsha Shewczyk

The Chemawa Indian School in Salem is destined to become a victim of technology if plans for a garbage burning plant near the 100-year-old boarding school are approved.

The dangers imminent in such a plant have created opposition from Salem citizens and patrons of the Chemawa Indian School.

The dangers of concern are several including increased traffic in the rural area, fear of water pollution and the presence of toxic fumes that might be emitted from the plant.

The garbage burning plant is proposed for a site only one-fourth mile from Chemawa school. Zoning would be changed to accommodate the site from developing residential district to community service district.

Addressing the Affiliated Tribes of Northwest Indians, Chemawa school board member Olney Patt, Sr. theorized the "possibility that several factories could locate close by, turning the garbage plant site into an industrial park. This, in turn, would mean more traffic on the Chemawa Road and additional pollution.

"It would not be a place we would want to send our

children. But the newest boarding school in the BIA is not able to get up and move away, so we must act now to stop this plant."

His concern was also for the possibility that the emission from the 265 foot smoke stack would pollute the surrounding air. "There is a good possibility that our children for generations to come will be going to a boarding school that is located next to an industrial park and will be breathing polluted air and drinking polluted water."

Patt continued, "Additionally, weather conditions in the Willamette Valley are such that so called 'inversions' could trap this pollution close to the ground. This plant is right next to Chemawa."

Families for a Responsible Government, a Salem citizen group, appealed the site decision to the Land Use Board of Appeals. After losing the appeal they have sent an appeal to the State Court of Appeals hoping for a different verdict.

Statements made by various Tribal organizations have reflected the desire to keep the plant away from Chemawa and offer support to oppose the
Continued on page 2

Rent case in court

by Donna Behrend

The Confederated Tribes of Warm Springs, Portland General Electric (PGE) and the United States, on behalf of the Tribes under trust responsibility, were in court the week of February 15 hashing out the payment for Round Butte Dam rent. The cases stem from a suit filed by PGE in May. The tribal controller has computed that PGE owes the Tribes just about \$20 million.

Under the amended agreement of 1961, the Round Butte Dam rent would be renegotiable every five years after the first ten years of operation. The dam began operating in 1964. Arbitration hearings for the first adjustment period

were in 1977 and the first arbitration order was effective August 6, 1974. It was decided by three arbitrators, the Tribes and PGE each designating an arbitrator and third neutral arbitrator being selected by the federal court, that PGE would pay Warm Springs about \$1 million per year rent for Round Butte. This payment was retroactive plus interest back to the beginning of the adjustment period.

Arbitration hearings began for the second adjustment period December 2, 1981 in Portland. Abe Weissbrodt, who served as the Tribes' arbitrator in the first negotiation, was again appointed by the Tribes as arbitrator, Charles Davis was appointed by PGE and Kendall Davis was selected by the Tribes and PGE to serve as neutral, or chairman of the "tripartite" arbitration board.

The board of arbitration issued an order on February 27, 1982. However, the order contained a clerical error involving a misplaced decimal point. The board then issued a corrected order on March 10, 1982. Under the terms of the corrected order the Tribes were entitled to receive annual payments retroactive plus interest to 1979, of about \$4.7

million. The clerical error in the first order appeared to reduce this payment by about \$2 million per year.

On May 27, 1982, PGE filed suit in both state and federal courts stating: 1) that the arbitrators lacked authority to correct the clerical error; 2) that the arbitrators lacked the authority to make the payment retroactive back to 1979; and 3) that the Tribes, their arbitrator and their representatives failed to abide by accepted conduct in a tripartite arbitration.

Both the Tribes and the United States filed counter suits. The Tribes' suit claims punitive damages, which was eventually stricken, treble damages and attorney fees. Subsequently, the Tribes and the United States filed a summary judgement in Federal District Court with Judge Helen Frye that the entire case be thrown out. On October 18, 1982, Judge Frye ruled to deny the summary judgement.

Because tribal attorneys Dennis Karnopp and Jim Noteboom were subpoenaed as witnesses and could not serve as witnesses and legal counsel, the Tribes hired another law firm, Stoel, Rives, Boley, Fraser and Wyse of Portland to

Continued on page 12

Weather

FEB.	HI	LOW
14	38	34
15	40	30
16	52	31
17	48	40
18	46	34
19	50	32
20	53	44

Council nominations March 4

Nominations for Tribal Council representatives for all three districts have been scheduled for Friday, March 4 at 7 p.m.

Agency District nominations will take place at the Agency Longhouse, Seekseequa District's will be at the Community Center and Simnasho nominations will be held at the Simnasho Longhouse.

If a person is nominated, that person must be present to accept or decline. This rule applies to all three districts. If a person cannot attend the March 4 meeting for their district, then written confirmation must be presented at time of the nomination. If this is not done, that nomination will not be

recognized.

Qualifications for office as stated in the Constitution and by-Laws are: No person shall represent the Confederated Tribes on the Council unless he or she is a duly enrolled member of the community who has attained the age of 21 years, and who has never been convicted of a major crime.

Of those nominated, three will be elected to represent the Agency District, one to represent the Sidwalter area; three will serve the Simnasho District and two will be elected for the Seekseequa District. The eight elected representatives will then serve for the next three years, together with each recognized district chief who holds lifetime seat on the Council.