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Spilyay Tymoo

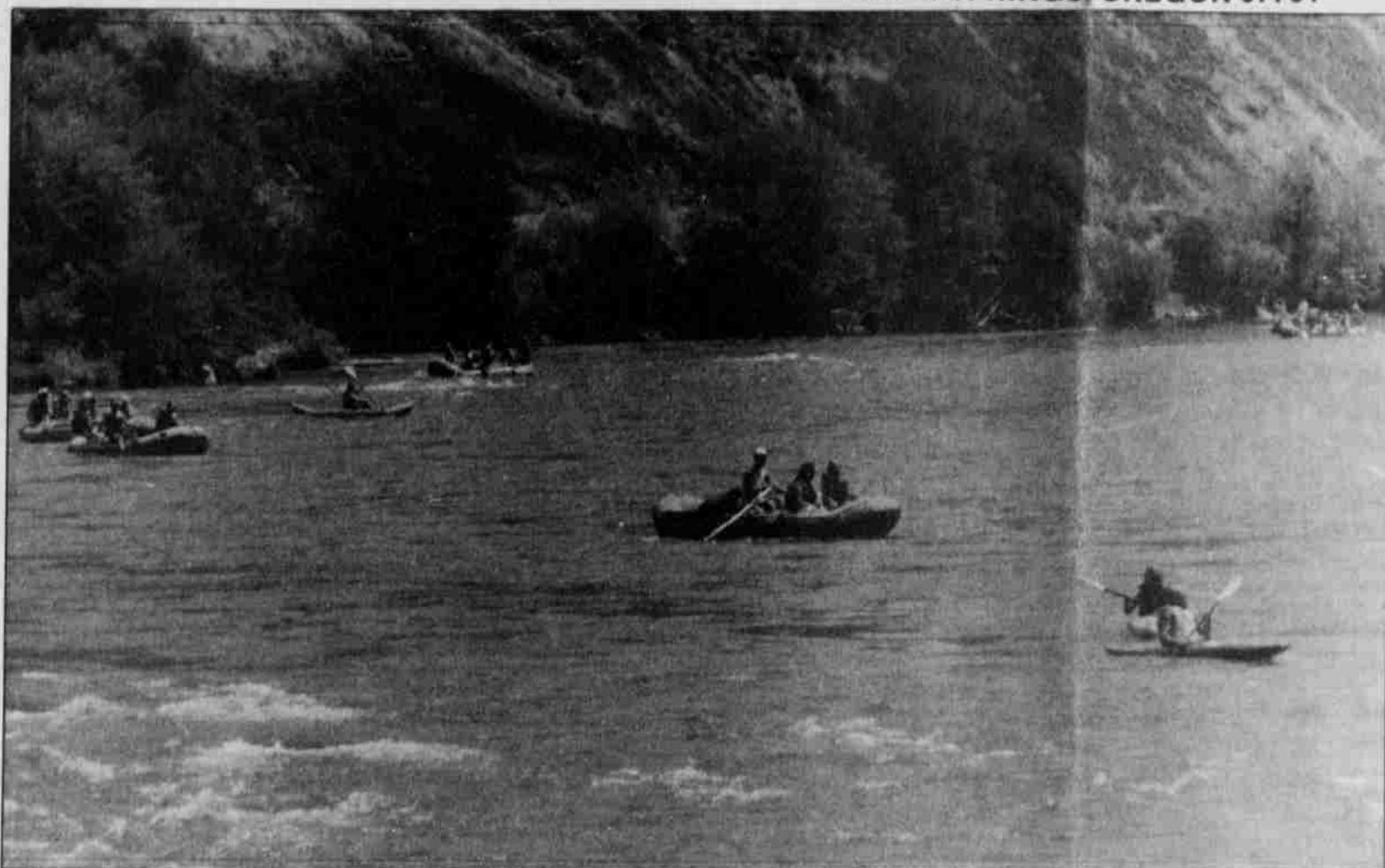
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Spilyay Tymoo photo by Shewczyk

Concern for the quality of the Deschutes River has prompted the Tribe to sponsor a bill limiting access to the resource.

Warm Springs to file lawsuit over bank issue

On March 10, the Tribal Council of The Confederated Tribes of the Warm Springs Reservation of Oregon passed a resolution authorizing a lawsuit to be filed against the Secretary of the Interior, the Secretary of the Treasury and the Mellon Bank of Pittsburgh, Pennsylvania. The lawsuit will seek to enjoin the Bureau of Indian Affairs from implementing a contract to transfer management of \$1.7 billion in Indian trust funds from the Bureau of Indian Affairs to the Mellon Bank.

The Warm Springs Tribes believe that the proposed contract is both illegal and imprudent. The Assistant Secretary for Indian Affairs, Ross O. Swimmer, reneged on a commitment he had earlier made with the Tribes to provide them with an opportunity to review the proposed contract and other relevant documents prior to implementation of the new program. Assistant Secretary Swimmer appears to be proceeding to consummate the contract as quickly as possible despite objections from tribes throughout the country.

The trust funds involved are particularly important to Indian Tribes because they provide a large share of the funding for essential governmental services, such as fire and police protection, that are provided by tribal governments. These funds have generally been generated through land claim cases compensated tribes for the past loss of

lands, earnings from tribal enterprises operated by the tribes, and payments to individual Indians for losses of their lands and mineral rights.

The Bureau of Indian Affairs is proceeding with implementation of the contract proposal even after strong reservations about the procedures being used were expressed to Assistant Secretary Swimmer by the Senate Select Committee on Indian Affairs during recent hearings in Washington, D.C. The Warm Springs Tribes have sought improvements in the BIA trust fund management program in the past and have been willing to work with the Department of Interior in making improvements. However, the current proposal appears to contain a number of defects that will possibly jeopardize the Tribes' governmental operations. The Tribes have been hindered in their efforts to analyze the current proposal by the refusal of the Department of Interior to furnish the documents necessary to evaluate it.

The lawsuit will be filed in the near future in the Federal District Court in Portland, Oregon and will seek to enjoin the Federal Government and Mellon Bank from going through with the proposed changes. The suit will also seek to have the Bureau of Indian Affairs account to the tribes and its members for the monies that are now being held in trust for them.

Tribe sponsors Deschutes River limited entry bill

by Marsha Shewczyk

In 1970 the Deschutes River was designated a scenic waterway. The number of river users since that time has increased enough to warrant a study of environmental and social impacts on the river area. The study, authorized by the Oregon State Legislature, found the river to be impacted environmentally in numerous areas and to be overcrowded.

The Confederated Tribes of Warm Springs agree with the study and decided it was time to make some decisions regarding the Deschutes River. A bill has been submitted to the legislature to limit access to the River. "It is our belief," said tribal representative Rudy Clements speaking to the annual conference of the Deschutes River Public Outfitters, "that the river has come into deterioration.... We feel practices of everyone on that river is causing this problem.... We believe there has to be a standard established for limited entry."

The Warm Springs-sponsored bill is counter to one recently introduced by a group known as Northwest Rafters Association. House Bill 3019, written by Association member Pansy Nofziger, calls for open accessibility to the river to be maintained. Nofziger states, "The river is basically a recreational resource that should be open to all users and is in good ecological condition compared to times in the past."

The bill establishes the Deschutes River Scenic Waterway recreation area and calls for cooperative management by user groups, local

land owners, city, county, state and federal agencies. The bill also designates the establishment of a commission and a managerial plan to preserve the Deschutes River ecological system and maintain high quality recreation experience for users.

The bill stipulates that "priority shall be given to improving the Deschutes River system's resistance to abuse by people, animals or nature and to preserving the river's ecological system while keeping the river open to the highest recreational use allowed under ORS 390.825.... Adequate facilities and services shall be developed to meet resource needs for protection and preservation and user needs for service shall be a priority item.... The river shall be open to all users at all times, a goal which shall be equal in priority to keeping the river ecologically healthy."

The Tribe feels the bill is not in the best interests of the Deschutes River. The Warm Springs-sponsored Senate Bill 945, on the other hand, establishes the Deschutes River Management Area and requires Parks and Recreation Division to develop a management plan for the area. It establishes guidelines for managing the area and appropriates money for that purpose.

The measure, written by tribal attorney Jim Noteboom, opposes HB 3019 for several reasons as cited in testimony presented to the joint committee on water policy and again to the Deschutes River Outfitters.

First, the bill fails to address adverse social impacts identified in the Deschutes River study and focuses only on ecological or environmental impacts.

Second, HB 3019 fails in that it does not recognize the legitimate, strong interests of the Confederated Tribes in the management of the Deschutes River Scenic Waterway.

Third, the bill provides that the river shall be open to all users at all times. This fails to take into account that some user groups are already excluded from use of the river by law. Jet boats, for example, are excluded presently from the section of the Deschutes River adjacent to the Warm Springs reservation.

Fourth, the bill creates a new commission to manage the Scenic Waterway in a partnership with the Parks and Recreation Division. "The Tribes believe that a single State agency should have overall

responsibility for managing the state's interest in the Deschutes River Waterway." The bill places the commission in more than an advisory position and gives them direct management authority. The bill does not specify who would prevail in case of dispute.

Fifth, the bill appears to state that all users of the Deschutes River will have to purchase a pass whether they are boaters or not.

"The bill," as testimony states, "appears to represent primarily commercial guide interests that have historically opposed any use limits on the Deschutes River."

After the reading of this testimony, outfitters voiced their opinions. Attorney Sam Pace stated that the bill "asks one group of owners to give up a piece of their property interest without restriction to other groups. It amounts to a privatization without compensation." He felt the Tribe has nothing to lose since they are not restricted from use of the river.

Other outfitters felt the Deschutes River study was biased, aimed at justifying a limitation on the river. Others expressed concern for the local economics and the state tourism industry that might be affected. Some felt there was not sufficient need, yet, to close the river to public access. One outfitter pointed out other changes in the system could be changed before the permit system was changed. He stated, "We think we have a good system but it hasn't had a chance to work."

Clements replied to some questions but reiterated that the resource was valuable to everyone. "We realize we have to share the river's use.... We want to protect it and we want to keep it in a good state." He emphasized that there was room for discussion as to the means to do this.

The river has already exceeded the use level recommended by a federal task force study in 1980; it's time to make a decision. And, like

everyone else, Clements related, "We would like a place to go where there is solitude and a good experience."

Council expresses concern over BIA proposals

An open letter from the Tribal Council to the people of the reservation:

The Warm Springs Tribal Council believes that this Tribe and all Indian tribes are now faced with the greatest threat to tribal existence since the Termination Acts of the 1950s which resulted in the termination of the Klamath Tribe and many other tribes throughout the country. The attack against tribes is not as direct this time but the intended result is just as apparent.

This program is being developed and led by the Assistant Secretary of the Interior for Indian Affairs, Ross Swimmer. Mr. Swimmer has initiated a number of proposals that, if implemented, will result in the dismantling of the Bureau of Indian Affairs. Mr. Swimmer has cleverly described these initiatives in terms of economic development for the tribes, turning over management functions to private agencies that he says are better equipped to do the job than the Bureau of Indian Affairs, and attempting to "get the government off the backs of Indians." What it really amounts to, though, is the destruction of the basic relationship between the fed-

eral government and Indian tribes. Once that relationship is destroyed and tribes no longer have the support and protection of the federal government it is but a short step to termination.

Because Mr. Swimmer has been secretive about these proposals and because the intended results of these have been cleverly disguised, Indian country and Congress have been slow to recognize the problem. However, that situation is changing. At the January meeting of the Affiliated Tribes of Northwest Indians the Warm Springs Tribal Council agreed to lead the way for Northwest tribes to battle these proposals. Other Northwest tribes have agreed to share the cost of this Warm Springs effort.

As a result, the tribes have held two work sessions with other tribes to develop and analyze Mr. Swimmer's initiatives and develop position papers. These position papers have been distributed to tribes throughout the country for their use in dealing with their Congressional representatives. Many of these tribes are without resources to develop this information on their own.

To give you an idea of what we have done, the first meeting held by

the Tribes dealt with the proposed changes in the BIA forestry program. Tribal representatives and representatives from other timber producing tribes met in the Portland Area Office for two days and drafted a letter to Mr. Swimmer detailing their concerns and objections to this program. Printed in this issue of the Spilyay Tymoo is the complete draft of that response. We urge you to read it thoroughly. These proposals on Forestry will impact the Warm Springs reservation particularly hard. That draft will also give you an idea of the type of detailed position papers that we have developed along with other Indian tribes on a wide range of subjects.

We view this matter to be so serious that we have ordered it as an item of the highest priority on our agenda. Mr. Swimmer is a clever and a smooth talker. However, we now have enough information to know what his true aims are. We have asked Spilyay Tymoo to keep you informed of our progress in this area.

Please turn to page two for the letter to Swimmer from the Tribes.

Art show set for Root Feast

A Root Feast Tribal Art Show will be held April 4 and 5, 1987 at Kah-Nee-Ta Lodge. The show will be sponsored by Middle Oregon Historical Society (MOHS) in conjunction with the Northwest Native American Art Council of the Portland Art Museum. Deadline for entries is Friday, March 27, 1987.

The show is open to all Warm Springs tribal members. Each artist may submit a maximum of three entries. The works will consist of two-dimensional and three-dimensional works in all media. All of the entries must be original and have been produced within the last two years.

Springtime offers the best condi-

tions for smoke dispersal and reducing possible smoke problems into populated areas. Although smoke management considerations will be prior to any burn, smoke may be visible up to three days following ignition. Questions may be directed to the Bureau of Indian Affairs, Fire Management, at 553-1146.

Entry forms may be picked up at the MOHS museum office, 2148 Kota Street (immediately west of the police department). Contact Liz Teevee or Beulah Calica at (502) 553-1161, ext. 331 or 338.

Credit to be closed Mar. 23-25

The Tribal Credit Office will be closed Monday, Tuesday and Wednesday, March 23, 24 and 25, 1987. The entire staff will be attending a Credit Conference in Yakima, Washington. The office will be open Thursday, the 26th.

WEATHER

FEB.	HI	LOW
25	41	20
26	42	18
27	51	23
28	58	27
MARCH		
1	55	45
2	63	41
3	68	59
4	74	55
5	55	33
6	53	33
7	54	27
8	48	38
9	54	34

Prescribed burns to begin this month

Forestry will begin prescribed burning on the Warm Springs Indian Reservation in March and continue through early June. Understory burning in ponderosa pine will occur in the Daniel Springs and Mistletoe Flat logging units, in the vicinity of the Temno Road. Understory burning is the reintroduction of fire into the ponderosa pine

forest to promote natural tree regeneration and reduce the fire hazard caused by mature shrubs.

Broadcast burning in clearcuts will occur in the Bits and Pieces and Swamp Creek Logging units. This burning will prepare the site for tree planting and fire hazard reduction.

Springtime offers the best condi-