

# Spilyay Tymoo

News from the Warm Springs Indian Reservation



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## Coyote News in brief

### NAPA conference held

The Fourth Annual Native American Press Association Conference was held in Denver, Colorado March 17-19. Correspondent Hattie Kauffman gave the keynote address, presenting a message to youth to set goals in life.

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### Lack of rain may cause problems

Below-normal snow pack could result in fish losses in the Columbia River basin. Because of low water migrating salmon and steelhead may have a tough time negotiating dams and reservoirs.

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### Prevent osteoporosis

Proper diet and exercise can build strong bones and reduce the risk of developing osteoporosis in late life. Adult women should consume 800-1500 mg. of calcium per day.

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### Mini-marathon April 2

The 1988 Kah-Nee-Ta Mini-marathon is scheduled for April 2. A 14.5 mile, 3.0 mile and a 1.0 mile run will be held.

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### COCC classes scheduled

Warm Springs residents are providing instruction for community education classes through Central Oregon Community College. Registration begins March 28.

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## Alcohol and Drug Public Meeting March 28

Community Center  
1 to 8 p.m.

## Weather

March	Hi	Low
9	48	30
10	47	27
11	52	21
12	56	20
13	60	22
14	60	33
15	51	25
16	52	20
17	57	19
18	66	24
19	69	27
20	61	40
21	53	38
22	61	31

## Accident drastically changes life

by Donna Behrend

One year ago Saturday, Evette Frank's life drastically changed. In the early morning hours of March 26, Evette and four others were traveling on Highway 3 when their car went off the road. Evette was thrown from the car, landing on the front side of her body. Most seriously injured among the five, Evette was transported to St. Charles Medical Center by Air Life. The others were taken to Mt. View Hospital by ambulance where

they were treated and released. Speeding was suspected as the cause of the accident. All were intoxicated and none remembered who was driving.

Francilia Patt, Evette's mother, explained that the impact jarred the back of Evette's brain which damaged cells on the right side of her brain. Evette has lost part of her memory and physical motor skills. Her left arm and leg were affected, as were her speech and vision.

Following the accident, Evette

remained in a coma for over three months at St. Charles. Though she doesn't remember, Evette was told that her family visited regularly and that they were "crying about me. I guess they really do love me."

After awakening from her coma, Evette was taken to REO, a rehabilitation center in Portland. While there, she received extensive speech and physical therapy and underwent neurological testing. In August, Evette was admitted to Mt. View Nursing Home in Madras, where she remains. Evette is the youngest resident at the nursing home.

When she was younger, Evette said she anxiously anticipated turning 21 so that she could go into a bar. But, she says, "I'm in this position because of alcohol." Her message to people, especially young people, is "stay away from drugs and alcohol...don't drink and drive."

Evette is unable to walk at this point and is confined to a wheelchair. But daily therapy sessions are slowly helping her to regain mobility. She also uses her "tukush," a three-toed cane that aids her walking attempts. Evette says she'll be "in the nursing home until I walk again."

Daily activities include her physical therapy, watching T.V., playing bingo and participating in the scheduled Indian activities including listening to Indian music and preparing Indian meals on Fridays.

More often than not, Evette talks on her bright pink telephone near her bedside. Her contact with friends and family through telephone conversations supplies needed stimulation. "She needs contact all the time," says her mother. "Her therapist recommended it."

Evette also prides herself as being the "unofficial" Indian language teacher at the nursing home. She patiently shares her language knowledge with the staff and others willing to learn. Also on an unofficial basis, Evette alerts non-residents as to what is happening at the nursing home and invites many to the different activities.

Evette says that when she first got to the nursing home, "I had suicide on my mind. But I have a lot to live for—my two kids." Her sons, Floyd Frank, Jr., 6, and Avery Frank, 2, are currently living with Matilda Silas.

"My mind got real messed up" in the accident, says Evette. "Off and on I think about drinking." Those thoughts aren't necessarily about taking a drink, but about drinking and driving accidents. Her genuine concern for others' safety and her tragic experience is cause for people to seriously reconsider getting behind the wheel of a car after having a few drinks.



Spilyay Tymoo photo by Behrend

Evette Frank, a resident at Mt. View Nursing Home, spends her days participating in various activities, including listening to Indian music.

## Woman cleared in death of father

A young Warm Springs woman, Stephanie Frank, 19, was acquitted of any charges in the September 2, 1987 stabbing death of her father Eugene Bishop Frank, 50, by a federal jury March 14 in Portland.

The jury returned the not-guilty verdict after listening to testimony presented during the week-long trial. The jury deliberated nearly six hours before they returned their verdict. Frank had been charged with second degree murder but the jury was instructed by presiding Judge James A. Redden that they had an option of charging her with the lesser crimes of either voluntary manslaughter or involuntary manslaughter.

The prosecutor, Assistant U.S. Attorney Bill Youngman, presented evidence that the stabbing took place following a day-long drinking bout which led to the stabbing. The stabbing occurred near a residence in the Tenino apartment

area. The elder Frank was stabbed twice in the heart following an altercation between he and his daughter.

Defense attorney Priscilla Seaborg presented evidence that the younger Frank had been a victim of her father's physical and verbal abuse. Seaborg's star witness, Lenore Walker, a Denver psychotherapist and author of the book, "The Battered Woman," testified that Stephanie had many of the classic symptoms of post traumatic stress disorder, a result of abuse. Seaborg's defense was that the younger Frank had acted in self-defense.

Judge Redden read the verdict and offered advice to Frank. He recommended that she consider going back to school; that she stay away from the reservation for a long period of time and that she seek treatment for her alcohol problem. He added that she was fortunate receiving the jury's verdict.

## Gopher treatment planned

An environmental assessment has been issued regarding plans to eradicate pocket gophers in certain areas on the Warm Springs Reservation. According to the report by the Bureau of Indian Affairs Branch of Forestry, "Unless controlled, gopher activity within these plantations will reduce tree stocking below minimum acceptable levels."

Proposed action for gopher treatment is to deposit strychnine treated grain, by hand baiting, in gopher burrows. At this time highly populated areas will be treated. If left untreated it is estimated that loss to Tribe would be \$600-\$700.00 per acre if the area is to be kept under intensive management.

The recommended alternative have no long range adverse or cumulative impacts according to the report. Also, it is the most cost effective of the alternatives will reduce the pocket gopher population to a level where plantations will not be adversely impacted and existing trees will be free to grow.

Other alternatives include using a mechanical burrow gilder to insert poison in burrows; using heavy equipment to disrupt the pocket gopher site and temporarily hinder movement and feeding habits; trapping the gopher; or, no treatment.

The environmental impacts in the recommended alternative are not significant according to the report. There is no impact on air; No impacts on water that would not be mitigated and no baiting done in riparian or streamside buffer

zones; no impact on soils or the site; no impact on the vegetation; wildlife has not been adversely affected in previous treatment programs. This alternative may eliminate 95-98 percent of the gopher populations from the treated plantations. Gophers will die underground and therefore are not accessible to other wildlife or domestic animals. Ground squirrels have gotten into the burrows and eaten the bait and in one documented case have died on the surface; Cost per acre is \$25.00 with a total cost of \$60,000; a licensed applicator will be present on the project to prevent risk of exposure to chemicals by people working on the project.

Safety precautions will be used upon application of poison including; the use of federally registered poisoned grain; a qualified, licensed employee will monitor pesticide application; trained and licensed personnel will handle pesticides; persons handling poison will be familiar with emergency procedures; protective clothing will be worn; lunches will not be eaten in vicinity of poisoned grain; spilled-grain will be buried or picked up; poisoned grain will be kept in waterproof, rodent, locked container; unused bait will be returned daily to storage container; poisoned grain will not be carried in passenger carrying vehicles.

Comments on planned pocket gopher treatment may be submitted to environmental coordinator Bill Apgar on or before April 5, 1988.

## Agreement reached on Columbia River fish management plan

An historic plan to restore fish runs and allocate harvest of fish in the Columbia River Basin has been agreed to by the state of Oregon and Washington and four treaty Indian tribes—the Yakima, Warm Springs, Umatilla and Nez Perce.

Work on the fish management plan has been underway since a federal judge ordered development of a joint management agreement in 1983. On Friday, March 11, the plan was submitted to the U.S. District Court in Oregon for review and approval.

The agreement is the culmination of 20 years of legal tests and negotiations stemming from U.S. v. Oregon, a lawsuit filed in U.S. District Court in 1968.

The 1968 action, brought by the United States and the tribes against Oregon, challenged state manage-

ment of Columbia River salmon and steelhead.

In 1969, Judge Robert Belloni ruled that state management practices failed to meet the tribes' treaty-secured fishing rights. The court ruled that the tribes are entitled to take "a fair and equitable share" of the harvestable portion of the runs. The court also held that the state can regulate the Indian fishery only for purposes of conservation, and that those regulations can not "discriminate against the Indians."

Then in May 1974, after more litigation in the case, Judge Belloni defined "a fair and equitable share" as an even split of the harvestable fish between treaty and non-treaty fisheries.

This followed on the heels of the landmark decision of Judge George Boldt in U.S. v. Washington, pro-

ceedings involving fish rights brought by Puget Sound and coastal Washington tribes against the State of Washington. Judge Boldt's 50/50 sharing rule was subsequently upheld by the U.S. Supreme Court (with minor changes).

The rulings in U.S. v. Oregon and U.S. v. Washington are judicial interpretations of the language and intent of treaties signed in 1855 by the federal government and Northwest Indian tribes.

At the core of this new U.S. v. Oregon agreement is the goal "to rebuild weak runs to full productivity and fairly share the harvest of upper river runs."

The plan sets specific goals, timetables, and methods for cooperative management of salmon and steelhead stocks, including both natural and hatchery fish produc-

tion and allocation of harvests.

After many years of litigation and nearly five years of negotiation, framers of the plan sought to avoid an arbitrary point in time that might cause the plan to self-destruct. Instead, they noted the "dynamic" nature of the document by establishing review dates of five-year intervals for all species except steelhead, which will be reviewed in 1989.

These checkpoints will allow modification of the plan to respond to changes in status of fish runs, social needs of various constituent fishing groups and "other changed circumstances of fact or law."

The plan outlines an ambitious set of proposals to augment current natural and hatchery production of salmon and steelhead. Some current hatchery program priori-

ties would be changed, and long-term plans call for new hatcheries to be established on some major Columbia River tributaries, such as the Yakima River. The aim is to boost production of upriver salmon and steelhead stocks for harvest in the mainstem Columbia River and the tributaries by both Indian and non-Indian fishers.

All of these production and management decisions are tied to a program for development of what are called subbasin management plans. These plans would be the product of a Production Advisory Committee, a panel of biologists from the tribes, the states and the federal government.

There is also a procedure in the plan to resolve disagreements among the parties over fishing reg-

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