



Herb Stwyer, 80-year-old senior citizen from Warm Springs was recently selected Elder of the Year by the National Indian Education Association at their annual conference last week in Tulsa, Oklahoma.

Floodplains important — Continued from page 3

Because riparian ecosystems provide the essentials of habitat—food, water, and cover—they are crucial for a variety of wildlife. In general, the area within two hundred yards of a stream is most heavily used by wildlife.

Riparian zones provide migration routes and corridors between habitats for many animals. The riparian zone provides cover, food, and water during these movements. The woody plant communities in the riparian zone provide cover, roosting, nesting, and feeding areas for birds, shelter and food for mammals, and increased humidity and shade (thermal cover) for all animals.

Birds are the most common and conspicuous forms of wildlife in the riparian ecosystem and it is an important breeding habitat for them. In some riparian research areas from 150 to 550 breeding pairs have been found per 100 acres. Bird density is just one indicator of the productivity of a riparian zone.

Mammals typical of the riparian

zone include all sizes from small to large. Mammals, especially rodents, are parts of various food chains. Others, such as the beaver, may modify riparian communities.

Another indicator of riparian environmental quality are the amphibians and reptiles. Nearly all amphibians depend on aquatic habitats for reproduction and overwintering sites. Certain turtles, snakes, and lizards also prefer riparian ecosystems.

Fish are also indicators of the health and integrity of the watershed and riparian ecosystem. Large woody materials, like fallen trees and limbs, create pools and protective cover—necessary components of fish habitat. The debris also increases the diversity of invertebrates. These are a basic part of the food chain on which salmon and trout depend.

For humans, since the land along the streambanks and floodplains is often fairly flat, riparian areas are attractive locations for roads. Streams and their banks are also

readily available sources of rock and gravel for building roads. Roadbuilding increases sedimentation which adversely affects aquatic life, especially fish. Runoff from roads may carry oil, antifreeze, and other contaminants into the stream. The construction of a roadway also destroys valuable wildlife habitat. Traffic, a hazard in itself, may disturb or displace many wildlife species. Road construction probably has a greater and more long-lasting impact on riparian zones than any other human activity.

Generally, areas near streams are highly productive forage sites. Cattle and other livestock use riparian areas heavily. As they concentrate near water, the soil is compacted and water percolation is reduced. As the vegetation is eaten or trampled, erosion increases, the streambanks slough away, and water quality is reduced.

Mining in and near streams has severe impacts on riparian ecosystems.

Mining often increases sedimentation and disrupts spawning areas by moving large amounts of gravel, rock and soil. In addition, mining may introduce poisonous heavy metals into streams.

Logging may disrupt the riparian zone. Until recently, clearcuts commonly went to the stream's edge. In addition to removing the trees which shade the stream, the understory and groundcover were heavily damaged. These trees would also have been a future source of structure in the stream. This created erosion, and all of the problems caused by heavy sedimentation. Direct destruction of spawning grounds can occur by dragging logs through streams, building roads along banks, and transporting logs down small rivers. Now strips of vegetation, called buffer zones, are left along streams. These provide shade, and logs which fall in the stream, reduce water velocity and prevent washouts. All of these practices affect waterflow, bank erosion, siltation, and temperature extremes.

Fishing co-management — Continued from page 3

of treaty fish were being caught in ocean waters managed by the U.S. Department of Commerce. The tribes continued to sue Secretaries of Commerce in 1980, 1981 and 1982 (*Confederated Tribes et al. v. Kreps, Yakima et al. v. Klutznik; Hoh v. Baldrige; and Yakima et al. v. Baldrige*).

In February 1977, the federal court, under its jurisdiction in *U.S. v. Oregon*, ordered a five-year plan that set up an in-river harvest sharing formula between non-Indian and Indian fisheries. (The five-year plan was a failure because it did not include specific controls on ocean harvest or specific measures to replace fish runs destroyed by the dams.)

In 1976, Congress passed the Fisheries Conservation and Management Act, whereby the federal government asserted fishery juris-

isdiction to 200 miles and delegated implementation to the Secretary of Commerce.

In 1977, Washington Congressman Jack Cunningham introduced legislation to abrogate all Indian treaties.

In 1977, President Jimmy Carter established a Presidential Task Force to examine the fishing rights controversy and make recommendations.

In considering amendments to the Lacey Act in 1979, to U.S. Solicitors Office recommended inclusion of Indian tribes in order to grant jurisdiction over non-Indians committing fish and wildlife offenses on Indian reservations. The action was a response to the Supreme Court's *Oliphant* decision, which limited such jurisdiction.

In 1979, in a 6-3 decision, the U.S. Supreme Court upheld *U.S. v.*

Washington (Boldt decision).

In 1980, the Federal District Court issued the *U.S. v. Washington (Phase II)* decision that affirmed a right to protection of habitat used by fish subject to treaty catch. Along with other similar cases, this case convinced industry leaders to negotiate with Indian tribes.

In 1980, Congress passed the Northwest Power Act, which—for the first time—mandated that Columbia River power production and fisheries be managed as co-equals. It called for a Fish and Wildlife Program to make up for fish losses caused by the hydroelectric system and gave special recognition to tribal governments' fishery recommendations.

Also in 1980, Congress passed the Salmon and Steelhead Conservation and Enhancement Act, which recognized the co-management responsibilities of Washington coastal, Puget Sound and Columbia River tribal governments. A House committee deleted sections included by Senator Magnuson that would have required Indian tribes to trade their right to take steelhead in return for additional salmon allocations.

In 1981, Senator Slade Gorton and Congressman Don Bonker (both of Washington) introduced legislation to prohibit the commercial taking of steelhead by Indians.

In 1982, the Northwest Power Planning Council—the body charged with implementing the Power Act—adopted a Fish and Wildlife Program that drew heavily on recommendations made by the tribes and their CRITFC.

In 1983, a Request for Determination under *U.S. v. Washington* regarding the extent of non-Indian allocation resulted in a settlement

order, brought Alaska to the negotiating table, and paved the way for agreement in U.S.-Canada salmon interception discussions.

In 1984, Washington voters narrowly approved Initiative 456, which would diminish treaty fishing rights. It has never been implemented, however, because of its unconstitutionality.

In 1984, in response to the Phase II decision, the Northwest Renewable Resources Center was formed by the state of Washington, Washington tribes and the timber industry. The result was the 1986 Timber/Fish/Wildlife process for Washington's forest lands.

In 1985 Congress ratified the Pacific Salmon Treaty.

In 1985, watershed planning began in Washington state as a cooperative effort between the state and tribal governments to establish production plans and management objectives.

In 1985, President Reagan and Canadian Prime Minister Mulroney signed the U.S.-Canada Pacific Salmon Interception Treaty, which—among other measures—reduced Canadian and Alaskan harvest of Columbia River salmon and reserved a seat at the table for Indian tribes along with other fishery managers.

In 1988, the states of Oregon and Washington, federal fishery agencies and the Yakima, Umatilla, Warm Springs and Nez Perce tribes agreed to a detailed harvest and fish production process under the authority of *U.S. v. Oregon*.

1989 budget reviewed — Continued from page 1

trainees as well as all other full and part time employees.

Though the two nights' discussions focused on the two segments of the budget, other topics, including the upcoming alcohol and drug workshops and community health, were discussed as well. Questions concerning grazing permits, the proposed BIA general assistance program, economic development, hiring practices among tribal members, Kah-Nee-Ta, early childhood education, the museum, senior citizens pensions, tribal garbage, information center, KWSI, the cutting contract and the managers' car allowances were all presented by attendees for discussion.

One member questioned the trust responsibility of the Indian Health Service, citing a reduction of services. Also proposed is a \$150,000 increase in the employee group medical insurance plan.

Calica explained that there are changes in the IHS program, "so there's a shift of responsibility." In addition, insurance costs have increased due to alcohol treatment. Approximately \$200,000 was spent in 1987 for treatment. This figure does not include the costs paid by IHS, which totaled \$125,000, nor any amount WSFPI may have con-

tributed.

Social problems, including alcohol and drug abuse, continue to plague the community. "We spend a lot of money on social programs," said Council chairman Zane Jackson. "We're not quite sure of the effectiveness of them. If we take those programs out, we don't know what damage there will be, if any. We encourage our people to help each other... We see people needlessly harmed or killed and this is discouraging. People working in the social program feel the same way... we just have to keep trying."

One member, William Wilson, pointed out that many people are pointing only to the negative things that are happening. He suggested that the community use this "negative energy" to work on the problems in a positive way.

All members are encouraged to attend the final two budget meetings during which court services, public safety, natural resources and economic development will be discussed.

Further information concerning tribal programs and the proposed budget will be presented by Spilyay in a special edition that will appear in December.

Enter November Fitness Challenge

The 1988 November Fitness Challenge, sponsored by the Warm Springs Recreation Department, began November 1 and will continue until November 30.

A traveling trophy is awarded to the department logging the highest total number of minutes spent in fitness during the month. T-shirts will be awarded to all participants who officially entered and they will have the department winner printed on them.

All that is required to enter is a \$5 fee.

Any exercise recognized as "aerobic" in nature such as walking, jogging, running, bicycling (indoor and outdoor), swimming, cross

country skiing, and aerobic dance are considered true fitness activities. Nordic track machine, handball, skating (ice and roller), weight lifting, racketball and conditioning and exercises are also acceptable.

Tennis, basketball, wrestling, disco-dancing, hunting, volleyball, karate, boxing, wood cutting and golf (walking and carrying clubs) will be accepted only if the participant spends at least 60 minutes at one time in the activity.

The "88" challenge luncheon will be held Thursday, December 15 at noon. If you have any questions call Austin or Natalie at the recreation department.

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The "88" challenge luncheon will be held Thursday, December 15 at noon. If you have any questions call Austin or Natalie at the recreation department.

This information was prepared for the Affiliated Tribes of Northwest Indians by the CRITFC and the Quinalt Management Center.

Native American Arts & Artifacts Show

Bend River Mall

November 25, 26 and 27

Artists and craftsmen from Warm Springs will show their works. Items will be for sale. MOIHS will also have a historical exhibit.

Court Notices

The Confederated Tribes of the Warm Springs Reservation of Oregon
vs.
Glenn Whiz, Sr.
Defendant
Notice of Trial/Hearing for Publication
Case No. CR556-88
To: Glenn Whiz, Sr.
You are hereby notified: That the above cited case(s), as filed in the Warm Springs Tribal Court, has been scheduled for trial/hearing at 9 a.m., on the 30th day of November, 1988.
You are hereby ordered: To be and appear at the Warm Springs Tribal Court at the time and date shown to defend against the charge(s). You may be represented by yourself, by an attorney, or by a spokesman, at your own expense. You may bring any documents you believe are relevant to this cause, and you may bring witnesses to testify on your behalf. You may request the Court to subpoena your witnesses, however, you must submit your list of witnesses no later than two weeks prior to trial; failure to do so will not be considered sufficient reason to postpone the trial. If you have any questions, you should seek legal advice immediately.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest.
Dated at Warm Springs, Oregon, on this 18th day of October, 1988.
Lola Sohappay
Judge, Warm Springs Tribal Court

has been scheduled for trial/hearing at 9 a.m., on the 30th day of November, 1988.
You are hereby ordered: To be and appear at the Warm Springs Tribal Court at the time and date shown to defend against the charge(s). You may be represented by yourself, by an attorney, or by a spokesman, at your own expense. You may bring any documents you believe are relevant to this cause, and you may bring witnesses to testify on your behalf. You may request the Court to subpoena your witnesses, however, you must submit your list of witnesses no later than two weeks prior to trial; failure to do so will not be considered sufficient reason to postpone the trial. If you have any questions, you should seek legal advice immediately.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest.
Dated at Warm Springs, Oregon, on this 18th day of October, 1988.
Lola Sohappay
Judge, Warm Springs Tribal Court

weeks prior to trial; failure to do so will not be considered sufficient reason to postpone the trial. If you have any questions, you should seek legal advice immediately.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest.
Dated at Warm Springs, Oregon, on this 18th day of October, 1988.
Lola Sohappay
Judge, Warm Springs Tribal Court

The Confederated Tribes of the Warm Springs Reservation of Oregon
vs.
Sylvester Sahme, Jr.
Defendant
Order to Show Cause for Public Notice
Case No. TR240 & 369-88
To: Sylvester Sahme, Jr.
You are hereby notified: That the above cited case(s), as filed in the Warm Springs Tribal Court, has been scheduled for show cause hearing at 11 a.m., on the 30th day of November, 1988.
You are hereby ordered: To be and appear at the Warm Springs Tribal Court at the time and date shown to show cause why the suspended sentence of 3/30/88, should not be imposed for your failure to comply with the sentence imposed against you. This hearing will not be a full hearing on the merits of case; you must appear and defend against a complaint that you failed to obey the Order of the Court.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest. If you have any questions, you should seek legal assistance immediately.
Dated at Warm Springs, Oregon, on this 18th day of October, 1988.
Barbara Haslinger
Judge, Warm Springs Tribal Court

Request has been filed with the Warm Springs Tribal Court.
By this notice you are summoned to appear in this matter at a hearing scheduled for 2 p.m. on the 5th day of December, 1988, at the Warm Springs Tribal Court. All of the facts of the case will be heard at this hearing, including evidence you wish to present.
You must appear to present your argument or other side will automatically win. The Petitioner, Winona M. Lewis, may then be given all that is asked for in the Petition for Custody Review.
The Petitioner will be present at the hearing. If you desire to personally argue your side of the case, you may have a legal aide, spokesperson or attorney appear on your behalf at your expense.
If you have any questions, you should seek legal advice immediately.
Dated at Warm Springs, Oregon, this 21st day of October, 1988.
Lola Sohappay
Judge, Warm Springs Tribal Court

The Petitioner will be present at the hearing. If you desire to personally argue your side of the case, you may have a legal aide, spokesperson or attorney appear on your behalf at your expense.
If you have any questions, you should seek legal advice immediately.
Dated at Warm Springs, Oregon, this 4th day of November, 1988.
Lola Sohappay
Judge, Warm Springs Tribal Court

The Confederated Tribes of the Warm Springs Reservation of Oregon
vs.
Anthony Wolfe
Defendant
Notice of Trial/Hearing for Publication
Case No. CR521-88
To: Anthony Wolfe
You are hereby notified: That the above cited case(s), as filed in the Warm Springs Tribal Court,

has been scheduled for trial/hearing at 9 a.m., on the 30th day of November, 1988.
You are hereby ordered: To be and appear at the Warm Springs Tribal Court at the time and date shown to defend against the charge(s). You may be represented by yourself, by an attorney, or by a spokesman, at your own expense. You may bring any documents you believe are relevant to this cause, and you may bring witnesses to testify on your behalf. You may request the Court to subpoena your witnesses, however, you must submit your list of witnesses no later than two weeks prior to trial; failure to do so will not be considered sufficient reason to postpone the trial. If you have any questions, you should seek legal advice immediately.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest.
Dated at Warm Springs, Oregon, on this 18th day of October, 1988.
Lola Sohappay
Judge, Warm Springs Tribal Court

has been scheduled for trial/hearing at 11 a.m., on the 28th day of November, 1988.
You are hereby ordered: To be and appear at the Warm Springs Tribal Court at the time and date shown to show cause why the suspended sentence of 6/27/88, should not be imposed for your failure to comply with the sentence imposed against you. This hearing will not be a full hearing on the merits of case; you must appear and defend against a complaint that you failed to obey the Order of the Court.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest. If you have any questions, you should seek legal assistance immediately.
Dated at Warm Springs, Oregon, on this 18th day of October, 1988.
Barbara Haslinger
Judge, Warm Springs Tribal Court

The Confederated Tribes of the Warm Springs Reservation of Oregon
vs.
Allen P. Mosqueda
Defendant
Order to Show Cause for Public Notice
Case No. CR406-88
To: Allen P. Mosqueda
You are hereby notified: That the above cited case(s), as filed in the Warm Springs Tribal Court, has been scheduled for show cause hearing at 2 p.m., on the 30th day of November, 1988.
You are hereby ordered: To be and appear at the Warm Springs Tribal Court at the time and date shown to show cause why the suspended sentence of 6/27/88, should not be imposed for your failure to comply with the sentence imposed against you. This hearing will not be a full hearing on the merits of case; you must appear and defend against a complaint that you failed to obey the Order of the Court.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest. If you have any questions, you should seek legal assistance immediately.
Dated at Warm Springs, Oregon, on this 18th day of October, 1988.
Barbara Haslinger
Judge, Warm Springs Tribal Court

The Confederated Tribes of the Warm Springs Reservation of Oregon
vs.
Julie Governor/Ernest Jackson
Respondent
Summons for Publication
Case no. DO121-87 & JV166-88
To: Julie Governor
You are hereby notified that a Petition for Custody Review has been filed with the Warm Springs Tribal Court.
By this notice you are summoned to appear in this matter at a hearing scheduled for 10:00 a.m., on the 5th day of December, 1988, at the Warm Springs Tribal Court. All of the facts of the case will be heard at this hearing, including evidence you wish to present.
You must appear to present your argument or other side will automatically win. The Petitioner, the Confederated Tribes, may then be given all that is asked for in the Petition for Custody Review.
The Petitioner will be present at the hearing. If you desire to personally argue your side of the case, you may have a legal aide, spokesperson or attorney appear on your behalf at your expense.
If you have any questions, you should seek legal advice immediately.
Dated at Warm Springs, Oregon, this 4th day of November, 1988.
Lola Sohappay
Judge, Warm Springs Tribal Court

The Confederated Tribes of the Warm Springs Reservation of Oregon
vs.
Ernest Jackson
Defendant
Order to Show Cause for Public Notice
Case No. TR1604-87
To: Ernest Jackson
You are hereby notified: That the above cited case(s), as filed in the Warm Springs Tribal Court, has been scheduled for show cause hearing at 10:30 a.m., on the 9th day of December, 1988.
You are hereby ordered: To be and appear at the Warm Springs Tribal Court at the time and date shown to show cause why the suspended sentence of 8/8/88, should not be imposed for your failure to comply with the sentence imposed against you. This hearing will not be a full hearing on the merits of case; you must appear and defend against a complaint that you failed to obey the Order of the Court.
If you fail to appear as so ordered, the Tribal Court shall enter a complaint for contempt of court and issue a warrant for your arrest. If you have any questions, you should seek legal assistance immediately.
Dated at Warm Springs, Oregon, on this 7th day of November, 1988.
Barbara Haslinger
Judge, Warm Springs Tribal Court

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All members of the Confederated Tribes of Warm Springs will receive the **Spilyay Tymoo** at no cost. **Spilyay Tymoo** is published bi-weekly by the Confederated Tribes of Warm Springs.

The Confederated Tribes of the Warm Springs Reservation of Oregon
vs.
Wayne A. Van Pelt
Respondent
Summons for Publication
Case no. DO6-87 & DO13-87
To: Wayne A. Van Pelt
You are hereby notified that a Modification