

# Reservation forest plan considers value of all resources

Resource managers have formulated an Integrated Resource Management Plan which takes into consideration the value of all natural resources. It is scientifically based plan, provides standards for future uses and preservation of all forest resources.

Following an integrated approach to resource management of Beaver Creek Watershed in 1986, Warm Springs Tribal Council directed reservation resource managers to apply the same method of integrated management to all resources. Managers that had been competing for top billing in the resource hierarchy were now being directed to work together with all resources in mind.

Even six months after managers began meeting to develop an integrated resource management plan, confrontations slowed progress of the task. It took a retreat of all resource managers and a team building seminar to convince managers that they could work together and that they must for the benefit of the tribe and the reservation land base.

Team members worked together to formulate standards, goals and objectives. Compromises were necessary, but according to Warm Springs watermaster Deepak Sehgal, the best biological plan for the reservation for resource use was developed. Resource management became scientifically based. "Even with the compromises," says Sehgal, "I'm happy with it."

Both Tribal Council and the Bureau of Indian Affairs Portland Area office also showed satisfaction with the Integrated Resource Management Plan, approving it formally June 26 at Kah-Nee-Ta with their representa-

tative signatures.

The plan follows an intensive environmental assessment of the impacts on resources resulting from various forest practices. Although only an EA was made, the extent of the assessment equals that of a more thorough Environmental Impact Statement.

The selected plan was one of several considered alternatives. The selected "Balanced Alternative" was adopted with the recommended allowable cut of timber phased in as indicated in the ordinance. The alternative allows both tribal administrators and Warm Springs Forest Products Industries to make gradual adjustments to reduced harvest levels and will not have a significant long-term impact upon harvest levels after the year 1996.

Standards and Best Management Practices are listed in the plan to provide protection necessary for all resources within the forested areas. Monitoring and evaluation programs ensure that the plan will be carried out. An amendment process allows for technical changes to be made when necessary.

Attention is given to impact of practices on soils, water, wildlife, fisheries, forage, biological diversity and cultural and visual areas. In general, the IRMP furnishes a way to protect resources for current and future generations. It also provides a mechanism to fulfill the tribal directive: "To establish and enforce such rules as may be necessary to safeguard Indian property and resources for the use of present and future generations."

## Ordinance No. 74

WHEREAS, Early in 1986, the Warm Springs Tribal COUNCIL adopted Resolution 7410, calling for the use of an integrated planning approach in the development of all future resource management plans, and

WHEREAS, the United States Government is required under its' trust responsibilities, laws and regulations, to manage and protect the physical, biological, social, and cultural resources of native Americans. In the case of the Confederated Tribes of Warm Springs Reservation of Oregon, those obligations are based on the Treaty of JUNE 25, 1855, with the Tribes and Bands of Middle Oregon and other APPLICABLE statutes, regulations and case law. Those obligations are unimpaired by this plan. Therefore the confederated Tribes of Warm Springs and the bureau of Indian Affairs, Warm Springs Agency prepared an Integrated Resource management Plan for the forested area of the Warm springs Reservation, and

WHEREAS, purpose of the Integrated Resources Management Plan is to provide management direction for the use and or protection of the natural resources, as the case may be, within the forested area of the Reservation and is in the best interest of the confederated Tribes of the Warm Springs Reservation and is in conformance with the constitution and By-laws and Corporate charter of the Tribes, and

WHEREAS, the Tribal Council having adopted Resolution No. 8296, on July 31st 1991, whereby the allowable cut will be phased in over the next five years, and

WHEREAS, Tribal Comprehensive

plan, Tribal Water Code, Tribal Land Use Code and other existing ordinances are recognized to be law and have been accommodate into the plan, and

WHEREAS, the Implementation of an integrated approach to project planning and incorporation of the Management Zones, Standards and Best Management Practices listed in the IRMP will provide the protection necessary for the resources within the forested area, and

WHEREAS, the implementation of monitoring and evaluation programs will ensure that this plan is carried out, and

WHEREAS, the IRMP Standards, Best Management Practices and Monitoring Program shall be regarded as operative regulatory rules for forest land resource management by approval of this ordinance, and

WHEREAS, A review of the Integrated Resources Management Plan by appropriate Tribal and Bureau staff; by Oregon State University Professor, Dr. Norman Johnson and other Federal and State Agencies has confirmed the solid foundation of the IRMP; now therefore

BE IT ENACTED, By the Tribal Council pursuant to Article V, Section 1(1) of the Constitution and By-Laws that the Tribal Council approves the Integrated Resource management Plan, attached hereto as Exhibit A, Environmental Assessment of the Forested Area of the Warm Springs Reservation, Exhibit B, and all related documents including Summary Documents, Exhibit C, and Appendix, Exhibit D, for the management period January 1, 1992 to December 31, 2001, and

BE IT FURTHER ENACTED, by

the Tribal Council to adopt the Balanced Alternative except that the recommended allowable cut of Timber will be phased in as listed below, recognizing that the sustainable level of timber harvest will vary, (56.6-51.8), depending upon operational level forest management decisions to be made in the near future.

CALENDAR YEAR				
1992	1993	1994	1995	1997-2002
MMBF				
75	65	60	55	(56.6-51.8)

BE IT FURTHER ENACTED, that the Tribal Council Decision Document, Exhibit E, provides the direction necessary to implement this plan, and

BE IT FURTHER ENACTED, that

the Secretary Treasurer and BIA Agency Superintendent shall be designated and authorized to implement this management plan recognizing that it may need to be amended to meet changing Tribal Demands, and changing forest technology, therefore, the plan may be amended by Tribal Council resolution to meet changing Tribal Direction. The revised plans will be reviewed with Tribal council and updated annually during the process.

AND, BE IT FURTHER ENACTED, That the Secretary Treasurer and the BIA Agency Superintendent shall be designated and authorized to evaluate the recommendations made by Dr. Norman Johnson in his review of the IRMP and to implement those recommendations that are appropriate.



Portland Office Area director Stan Speaks (left) and Warm Springs Tribal Council member Raymond Calica approve Integrated Resource Management Plan with signatures.

## Chemawa Indian School relates news; announces classes, Channel 1 programming

Chemawa Indian School (CIS) School Supervisor, Gerald J. Gray, announced that classes for the 1992-

93 School Year will begin September 2, 1992. Students who are enrolled will travel August 31, 1992, or soon

as possible thereafter by bus, train, or air as arranged by CIS.

CIS is an off-reservation boarding

(residential) high school accredited by Northwest Association of Schools and Colleges and the State of Oregon, and offers a wide variety of programs for Indian youth. The school's beautiful campus includes 400 acres near Salem, and is 50 miles south of Portland. It is situated between the majestic Cascade Mountain range and the scenic Pacific coast.

Course offerings include general, vocational, computer, art, personal relationships, special education, Chapter 1, gifted and talented, career development, and a personalized education program where students are provided additional academic and remedial help evenings and weekends. According to Gray, the school is noted for and emphasizes alcohol and drug education/treatment, counseling and guidance, nutritional food service, modern dormitories with an enhanced home living environment, varied cultural and Native American activities, diverse athletic programs, and a broad range of interesting recreational opportunities.

Chemawa graduated 44 seniors last school year with many of those students eagerly waiting to attend college this fall, reported Larry Byers, Acting Academic Department Head. The honor roll for spring term had 34 students earning a 3.0 GPA or higher with Kerry Moon, Colleen Walking Eagle and Michelle Johnson receiving a 4.0 GPA.

Summer is one-third over and we are busy finalizing plans for the fall semester. "Hopefully, all are having a great summer and I am looking forward to seeing the returning stu-

dents as well as meeting all the new students, stated Byers.

Chemawa School's Drug and Alcohol Program was selected in 1990 as one of twelve (12) outstanding programs in the Bureau of Indian Affairs' school system. The program was determined to have made a positive difference in the academic, cultural, social and personal lives of the American Indian students attending Chemawa. As a Bureau of Indian Affairs' Sharing Excellence Network school, Chemawa was featured in the Bureau's Annual "Showcase of Excellence." "Many students have been helped to overcome their chemical dependency and abuse problems through Chemawa's Drug and Alcohol Program efforts," stated Gray.

A new instructional education television news network program (Channel One) became available for the students this past school year. A computerized instructional program, Writer's Workbench is also available for the students. Two fully equipped computer laboratories were built and established for students use.

Recreational and leisure activities include skiing, river rafting, swimming, mountain hiking, camping, attendance at NBA and many college basketball games, excursions to the Pacific coast, and participation in many clubs, social events, student banquets, school barbecues and picnics. City bus service is available to students and staff.

Students, parents, and/or guardians are urged to submit enrollment applications as soon as possible to

Chemawa Indian School, 3700 Chemawa Road NE, Salem, Oregon 97305-1199, or call Kathy Murray, Registrar, (503) 399-5721, extension 138, FAX (503) 399-5870.

Contact: Eugene Reddemann, Personnel Office (503) 399-5721, extension 134 or Sandy Line, School Supervisor's Office, extension 122.

## Donations to fire victims requested

Jefferson County Chapter of American Red Cross requests donations to local disaster account funds to replace those used for victims of the Woody Smith house fire that destroyed residence. In the past the local chapter has been able to gain disaster funding assistance from National Red Cross when their disaster budget was depleted. This amounted to National assistance of over \$4,000 last fiscal year. The number and size of National disasters, earthquakes, major fires, tornadoes, hurricanes and floods, over the last couple of years has put National Disaster funds 30 million dollars in the red. Therefore, National Red Cross is looking to chapters to fund their own recurring single family disasters. In order for the local chapter to continue to assist fire victims in time of need they need community assistance. Donations to replace the \$750 used to date on the Smith fire may be made to the Jefferson County Chapter's Red Cross disaster account at the Jefferson County Chapter's Red Cross disaster account at the

Continued on page 8

## Water negotiation agreement calls for insight

In 1908, Winters vs. United States, a United States court determined that with the creation of Indian reserva-

tions a water provision was implied. The decision reaffirmed the rights guaranteed by a treaty.

The Winters' case focused on the fact that non-Indian settlers were diverting water from a stream that was the water source for two tribes on the Fort Belknap Reservation in Montana. A drought resulted in privier users taking water from the stream before it reached the reservation. Judge Wm. H. Hunt decided that enough water to meet the tribes' "reasonable needs" was necessary to fulfill treaty obligations, even though treaties do not specifically state this.

The needs at the time of the Winters' doctrine referred to a pastoral, self-sufficient life on the reservation; the kind of life the government thought Indians should lead. But over time, the meaning of the vaguely worded phrase has taken on new facets.

Today, Indian tribes own and operate hydroelectric facilities, they have strong fish and wildlife programs, and they realize that water is necessary for economic development and in planning for the future.

The vision of the Warm Springs Tribe follows this vein as it sits with the State government and Federal representatives to determine "once and for all" how much water the tribes are entitled to take.

Through its attorneys, the tribes have drafted a proposed agreement for this settlement. In the proposed agreement, the tribes ask for two types of quantified water rights in the Deschutes River. The first, an in-stream right maintains water in the river for fisheries, hydroelectric power and for other uses. The second, a consumptive right allows the tribes the right to divert water for irrigation and industrial or domestic use on tribal lands. One looks to the future to ascertain the amount of water needed for future uses, the other seeks to protect water in the river.

In the agreement the tribes are willing to subordinate their water right priority date of June 25, 1855 to be able to have available for their use water flows exceeding that necessary to maintain a minimum instream flow between 3,000 and 3,500 cubic feet per second. This gives existing water users a higher priority.

The most recent water negotiations meeting, held June 26 at Kah-Nee-Ta showed that both the tribes and the State want to ensure that minimum stream levels are maintained in the river. The State is now looking closely at the Tribes proposed agreement, viewing it as an innovative method of determining water rights. Previous agreements have determined water rights based on Practicable Irrigable Acres. The Warm Springs Reservation has little agricultural land which makes this method impractical.

Tribal attorneys are now clarifying and defining more precisely some of the statements in the proposed agreement before the next meeting scheduled for October at which time tribal and state water negotiation team

Continued on page 8

### Key points

- The Tribes may use the water for any purpose whether or not the State thinks those uses are beneficial.
- Anyone using the Tribal Water Right outside the Reservation must obtain valid State permits to build off-Reservation facilities.
- Non-use of any part of the Tribal Water Right does not mean the Right is forfeited, relinquished, or abandoned.

### Water May Be Diverted From:

- Within the Reservation from:
  - the mainstream of the Deschutes River within or next to the Reservation.
  - any tributary of the Deschutes River that flows through or next to the Reservation.
  - any ground water source on the Reservation
- Outside the Reservation from the Columbia River System.

### Other Provisions

- Use of water outside the Reservation under this agreement is allowed but 90 days advanced written notice must be given to the State.
- The Tribes can lease the right to use water inside or outside of the Reservation, but they cannot sell all or any part of the right.
- The State cannot tax any proceeds gained from leasing the Tribal Water Right.
- Future appropriation of water by the State from the Deschutes River Basin will not affect the right of the Tribes to divert water and will be subject to the instream water rights
- The State guarantees that the quantity of water in Exhibit C and the quality of water in Exhibit D will be delivered to the indicated locations.

### Administration Of Water Rights

#### The Tribes

- The Tribes will administer and have final say in resolving disputes between users of the Tribal Water Right.
- Administration and enforcement will be according to the Tribal Water Code. The Tribes cannot deny any person a water right owned by a person under the Laws Of The United States.

#### The State

- The State will administer water rights outside the Reservation which are not a part of the Tribal Water Right.
- No agency of the State can administer any part of the Tribal Water Right or issue permits for the use of water within the Reservation.

#### Purpose:

- To determine finally and forever the reservation water rights of the Warm Springs Indian Reservation.
- Nothing in agreement relates to water rights off-reservation (as secured by the Treaty of June 25, 1855).

### Tribal Water Right Has Two Components

#### Consumptive Right

- Not defined in amount that can be diverted and used.
- Priority date of June 25, 1855.
- Tribes can store and divert water from on-Reservation streams and bordering streams.
- Amounts will not reduce flows beyond minimums

#### Instream Right

- Right to instream flow
- Ensures that flows in affected rivers and streams will not be reduced beyond given standards.
- Right to entire natural flows to all waters wholly on Reservation lands to preserve and enhance riparian areas and develop and operate hydropower generating projects.

### Benefits

#### State of Oregon

- Will know the impact of Tribal actions on stream flows.
- Will know streamflows will not be reduced beyond agreed standards.
- Existing water rights holders will have assurances that their rights will not be affected by Tribal water use.
- All parties will benefit because instream flows will be maintained.

#### Tribes

- Will have maximum flexibility in water use.

### Persons Who May Use Tribal Water Right

- Tribes within or outside the Reservation.
- Individual Indians within the Reservation (including those with uses established under the Tribal water code prior to this agreement).
- All non-Indian successors-in-interest to any allottee.
- All other persons authorized to use water by the Tribes, inside or outside of the Reservation.

## Cadets help recover drowning victim

The Warm Springs and Jefferson County 4-H Search and Rescue Cadet Program was called into action on June 29th to Windermere, British Columbia. A 29-year-old Kootenay Native drowned while crossing Toby River on horseback. Eddie Bougne worked as a hunting guide, and was in the process of clearing trails when the accident occurred.

The Canadian government searched for the body for six hours before calling off the search. The Nicholas and Bougne families, both related to the victim, then placed a call to Keith Baker in Warm Springs asking for assistance from the Warm Springs and Jefferson County 4-H Search and Rescue Cadets.

A hasty team of five was assembled by Baker, and the crew set out for British Columbia Monday evening at midnight. They arrived in Windermere at 2:30 Tuesday afternoon. Accompanying Baker on the trip were Rain Circle and Frank Brunoe of Warm Springs and Jeremy Williams and Sarah Badten of Madras. The body was recovered the following afternoon at 2:30.

The search, conducted 120 miles north of the Canadian border, was aided by four helicopters, two boats and two nets. "Helicopters were used extensively, and added in the speed of the recovery," according to Baker. David Nicholas, a first cousin to the victim, was in charge of the search, with the Warm Springs and Jefferson County Cadets operating under him. The body was discovered by helicopter, and Baker actually recovered the body. The victim was flown out by helicopter.

Baker said the Cadets had two goals: the primary goal being to locate and recover the body of the victim, with secondary goal to teach members of the Reserve how to run a search and rescue operation so they would not have to depend on the government in the future. After arriving Tuesday afternoon at 2:30, the following days were intensive for the Cadets. Even though the victim was located swiftly, the Cadets provided training until Friday morning when they started their journey back to Warm Springs.

The Cadets taught mini-classes in tracking, swift water rescue, scree rescue (climbing and repelling with ropes), general search and rescue, and proper methods of coordinating a search. Baker said the Cadets represented the Confederated Tribes of Warm Springs and Jefferson County "extremely well, with honor and dignity." The Kootenay Tribe or Band presented all five members of the Search and Rescue Team with beaded bracelets, and awarded each one an eagle feather.

Baker, very proud of his young team, said he had wanted to take another member, Joe Scott, Jr. with him, however he was in Montana at the time and unavailable. Baker said Scott is one of the climbers and repellers on the team, and his participation would have demonstrated the team's ability to run a safe operation with someone eleven-years-old. Baker said Scott is good in "checking small areas because of his size, and does a lot for the Cadet's public relations."

The five cadets were chosen for their areas of expertise. The Team

Leader was Rain Circle, specializing in tracking, general search and rescue, and overall safety. Frank Brunoe and Jeremy Williams were chosen for abilities in scree rescue and general search and rescue. Sarah Badten came along for her expertise in swift water rescue, and general search and rescue. Baker acted as liaison between the team leader and family in charge of the search. Baker said, "All these Cadets are instructors and are interchangeable, but excel in their specific areas. Everyone in the group also function as safety officers."

All members of the Warm Springs and Jefferson County Cadets had to take time off from work to make the trip to Canada. The Cadets are not paid for search operations, and only accept reimbursement for travel expenses on long distance searches. This is their third trip to Canada.

With their mission successfully completed, the Warm Springs and Jefferson County 4-H Cadets arrived in Central Oregon Saturday morning in time for the 4th of July celebration. Baker said it was important to them to be here on the 4th since they were involved in a search on the John Day River last year on the 4th and missed the fireworks. The Cadets will be returning to Windermere in the future to conduct more training on the Kootenay Reserve.

There was little rest for the Cadets after returning home. The following weekend, July 11th and 12th, the team spent the weekend on the John Day River in Wheeler County, teaching swift water rescue techniques to the Wheeler County Search and Rescue Team.