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# Spilyay Tymoo

## News from the Warm Springs Indian Reserve

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P.O. BOX 870, WARM SPRINGS, OR 97761

SEPTEMBER 4, 1992

### Coyote News In Brief

#### Yakimas dedicate new longhouse

Yakima Indian Nation will dedicate the new Toppenish Longhouse September 26.

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#### Students complete Indian language class

Students and teachers celebrate the accomplishment of students who attended the first Indian Language classes.

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#### Members rank priorities

During four budget workshops held this summer, approximately 100 tribal members helped set priorities for the upcoming year.

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#### COCC lists fall classes

COCC will offer five community education classes.

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#### Consortium offers degree program

Degrees are attainable without moving away from home.

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#### Fall sports schedule presented

Football, soccer, volleyball and cross-country fall schedules are listed.

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#### Watch mate selection

People with low self-esteem tend to select partners which perpetuate that feeling.

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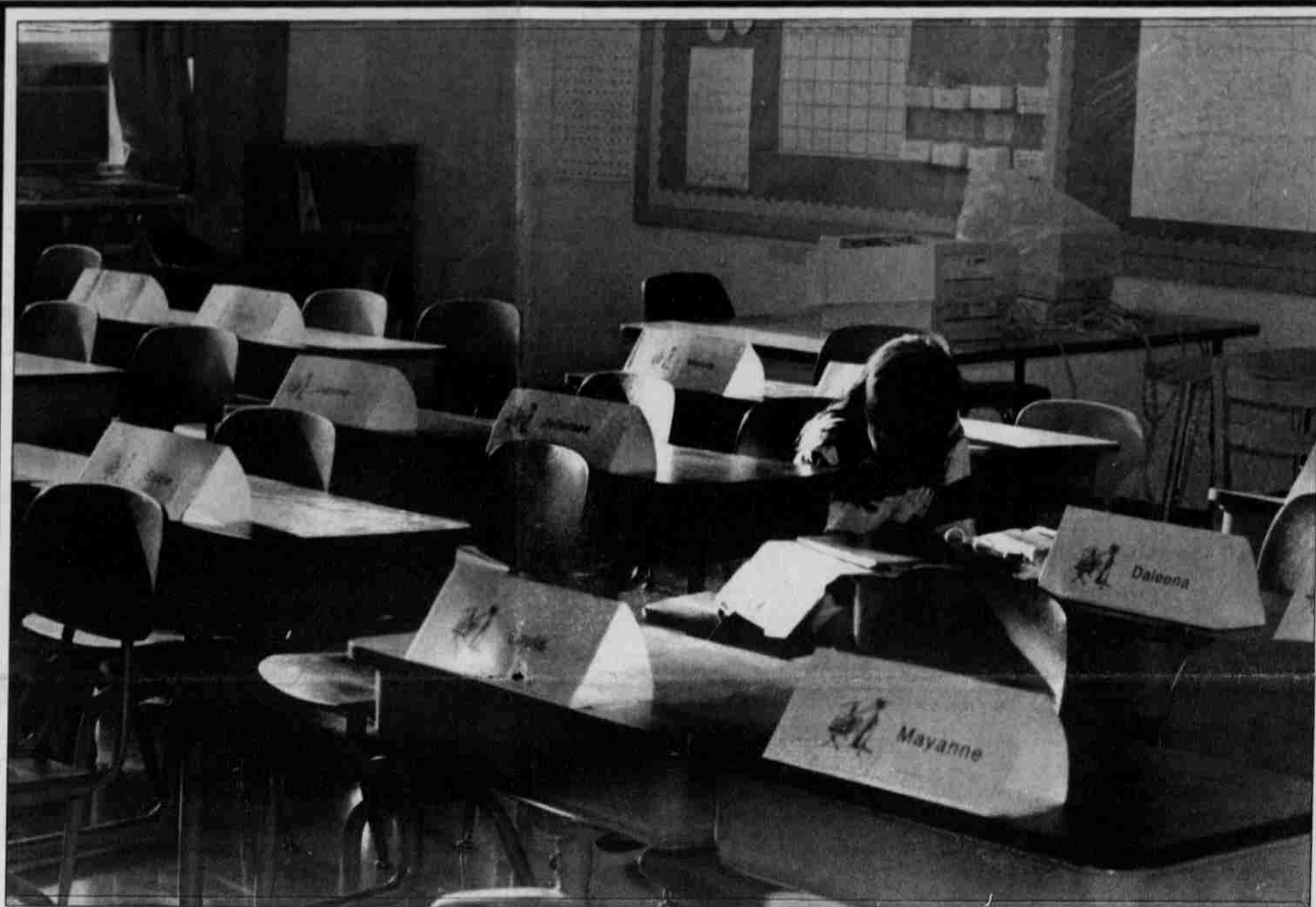
#### Deadline for the next issue of Spilyay Tymoo is September 11, 1992

#### Craft fair set

First call to Artist & Craft people of Warm Springs. The date for the Fifth Annual All Warm Springs Arts & Crafts Show is set for October 10/1992 from 10 a.m. to 4 p.m.

The show is free to the public. Table space and floor space are also free to tribal members or residents of the reservation on a first come first serve basis.

Registration forms are available by contacting Ms. Carol Allison at (503) 553-3243 or (503) 553-3244 or the Warm Springs Arts & Crafts Volunteer Committee members.



Jefferson Greene quietly looks over new notebook before the first day of classes begin.

#### Donations needed for care packages

Community help is needed to begin an Incentive Award Project for college students who earn 3.0 gpas or better. Care packages will be assembled for students who attain this goal and the Education Services Program is currently accepting donations in the form of money and/or items that students can use while in school. The donation box is located on the second floor of the old boys dorm.

### Calica appointed operations officer

Charles "Jody" Calica has been selected by tribal Chief Executive Officer Ken Smith to work in a newly-created management position. Calica will work about six months in the new job as Chief Operations Officer.

According to Smith, the expectation and "principal role of the position is resolving routine operational matters, training and orientation through direct participation in an array of CEO duties."

Calica is currently the Natural Resource General Manager for the Tribe. Of the appointment, Calica says, "It's an honor to be selected as the first person from senior management to fill the Chief Operations position. I give a lot of credit to the natural resources department, committees, supervisors and staff for what they've been able to achieve in the past several years...giving me the opportunity to take on this challenge. We need to recognize the amount of talent we have in the organization, particularly among tribal members, by beginning to make full commitments to groom them to assume higher levels of responsibilities."

Smith explained that others would follow in Calica's footsteps. "I intend to rotate more senior and seasoned tribal member staff through this position on a temporary reassignment," Smith stated. "The need

to implement a successor development program has been discussed for many years and was documented as a 1992 operational priority. I have instructed the general managers and directors to have a similar program developed and implemented in their branches. I expect them to activate their respective programs immediately and be operational as they are scheduled into the COO position."

Calica has appointed three tribal members to rotate as acting natural resources general managers in his absence. Serving in two month intervals will be Bobby Brunoe, Gene Greene, Sr., and Mark Jackson. "I've split these folks because of the nature of their past supervisory and management experience," Calica said. "They have backup staff to act on their behalf while they assume the acting position." Calica commented that there are at least 40 tribal members in the natural resources area that have a solid foundation through education or experience to move forward. "We need to find ways to develop them, and maintain their enthusiasm and desire as they achieve higher levels of management skills."

Smith, who has occupied top tribal posts for more than 25 years is expected to retire in the next few years. The COO position is expected to help groom a replacement for Smith.

#### PUBLIC NOTICE

Because of the extreme fire danger, the Confederated Tribes and the BIA are asking that all tribal members carry a shovel, an axe or Pulaski and a container of water in the vehicle whenever you are travelling throughout the reservation.

### Tribes file federal tort claim against the BIA

The Confederated Tribes of Warm Springs, on August 13, 1992, filed a "federal tort claim for damage..." against the Bureau of Indian Affairs in the amount of \$5 million. The case arises from the logging practices conducted between August and November on the McQuinn Strip Blowdown Logging Unit in 1990.

The suit says the "claimant lost the true value of its timber resources as a result of the BIA's negligent design and administration of the 1990 McQuinn Blowdown Sale on the Warm Springs Indian Reservation. The BIA's negligence caused the unnecessary harvesting of green timber which should have been reserved for future harvesting under more favorable market conditions and allowed timber to be harvested without being properly accounted for."

According to tribal attorney Chris Eck, a tort claim for damages is first sent to BIA Portland Area Director Stan Speaks and then is forwarded to the U.S. Solicitor, an attorney assigned to the Department of the Interior, who has six months to investigate the claim thoroughly and then decide if there is basis for the claim. "This is a factual and legal analysis of the case," Eck said. According to

statutes of the Federal Tort Claims Act, a claimant must first present their claim to the affected agency, in this case, the Bureau of Indian Affairs. An investigation then follows. Only after an investigation can a case proceed.

If the case is not settled within that six-month period, the Bureau can then deny the claim and the Tribe has another six months to file a law suit against the Bureau. "This is an informal system to avoid filing a full-blown law suit," Eck said.

The Tribe used forestry consultants Jim Spitz and Cal Mukumoto as experts in the case. Each stated that poor management stripped the Tribe of timber revenue that would be gained in the future.

Spitz commented in his statement that "a minimum of 50 percent of the volume harvested did not need to be salvaged and should have been held for more favorable market conditions." His appraisal showed "\$3 million in damages to the Tribes due to cutting of green timber alone. Logging costs have remained relatively stable since that time, but some log prices have increased substantially and are likely to continue increasing during the next few years due to increasing world-wide demand

for wood products and to large timber supply restrictions. Based upon these market trends and other damages that occurred in the 1990 McQuinn Salvage Timber Sale, it is my opinion that the Confederated Tribes suffered damages approaching \$5 million as a result of this sale."

Mukumoto stated he believes the "claim of \$5 million in property damages is reasonable given the current rising market for Warm Springs logs." He clarified the statement by adding, "The Pacific Northwest has been experiencing a rapidly rising log market due to restricted log supply caused by northern spotted owl protection measures, other environmental concerns and trade barriers. In addition to the overall log shortage in the Pacific Northwest, the Warm Springs reservation is one of the few remaining large suppliers of exportable, Cascade quality Douglas fir, white fir and Noble fir. These logs are especially prized by the Japanese and domestic mills that produce lumber for the Japanese market...Douglas fir has been most effected by this market." Statistics show that the price of Cascade quality Douglas fir rose over 30 percent between January and August 1992.

### Commercial fishing season set for Columbia River

The next zone 6 commercial fishing season for the Bonneville, The Dalles and John Day pool started 6:00 a.m. September 2 and will continue to September 5, 6:00 p.m. There is no mesh restrictions.

The allowed sale is salmon including steelhead, shad and walleye. Sturgeon may be kept for subsistence, but may not be sold during this fishery.

All scaffolds in zone 6 are remaining open. Fish caught from scaffolds may be sold during this season.

All dam and river mouth sanctuaries are in effect, except that the

Spring Creek Hatchery sanctuary area is open during this fishery. However, nets cannot be placed nearer than 50 feet from the hatchery ladder. The Spring Creek Hatchery sanctuary area extends to a mile and a half (1 1/2) below the hatchery ladder and a half (1/2) mile above the ladder on the Washington side of the Columbia River.

Additional fishing dates will be considered at the next Columbia River Compact scheduled for September 4.

If you have any fishing enforcement problems or need assistance or information, day or night, contact

the Columbia River Inter-Tribal Fisheries Enforcement Office, 4270 Westcliff Drive, Hood River, OR, (503) 386-6363 or 1-800-487-FISH.

Note: All fishing dates for Columbia River commercial fisheries are set by the Oregon/Washington Columbia River Compact which considers proposals from the tribes as well as from the federal government, Oregon, Washington, Idaho, and the public. Please consult your tribal Fish and Wildlife Committees for details on your tribe's regulations.

Please wear your lifejackets for safety.