

# Spilyay Tymoo

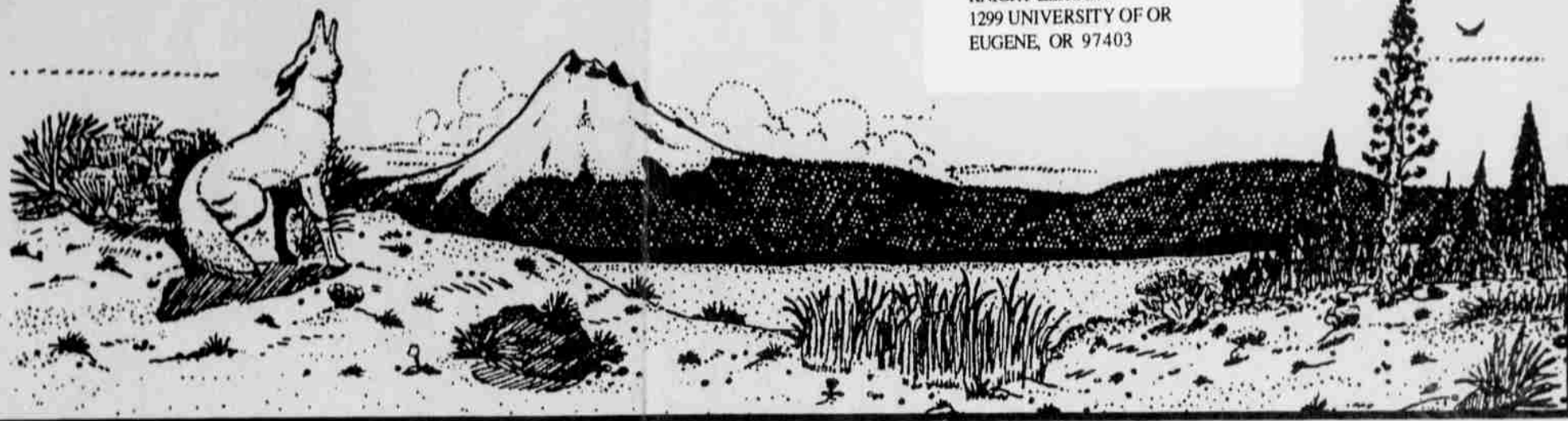
(Coyote News)

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December 23, 1994

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35¢



## Coyote News In Brief

### Gaming Issues

Referendum scheduled for December 27 will impact many.

2

### Anger Management workshop

Sponsored by the J.C. Commission for children and families to take place January 6.

2

### Sisters of the Earth

Displayed in the changing exhibits gallery at the Museum at Warm Springs. Local artist, Lillian Pitt was one of the organizers.

3

### Education classes

Numerous classes scheduled for January. Registration begins January 3.

5

### Miss Warm Springs receives award

Starla Green placed second runner up at NCAI pageant.

5

### Fitness Challenge results

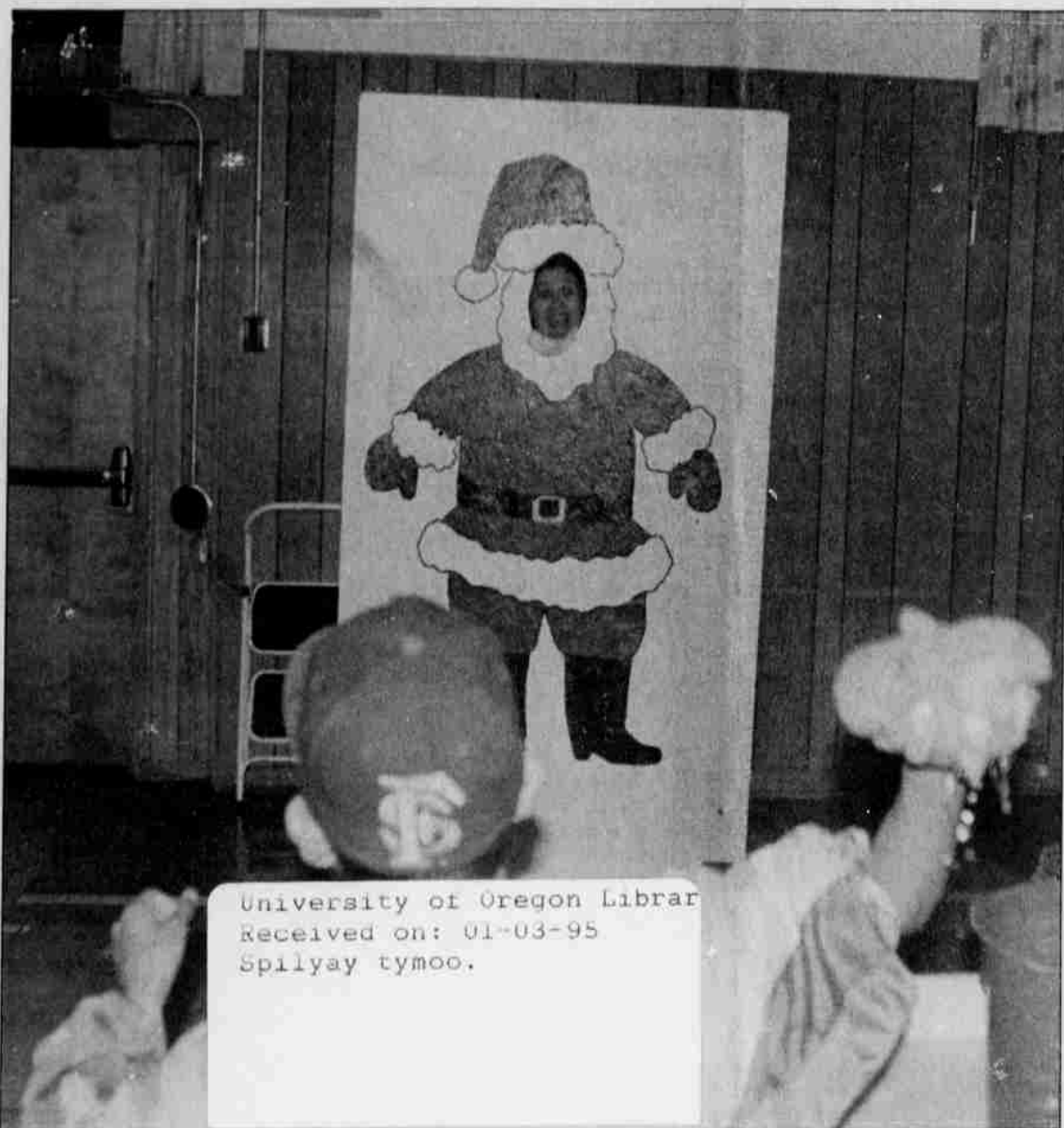
W. S. Reservation Runners win annual November Fitness Challenge.

6

### Hints for great christmas gifts

Books make an excellent gift for the holiday season.

7



Principal Dawn Smith awaits the wet sponge toss as Warm Springs Elementary had a Christmas Carnival to raise funds for computer equipment, Thursday, December 15.

## Meetings set to discuss IRMP document

Recently, the Integrated Resource Management Plan II Scoping Document was distributed to tribal member households for review and comments. If you have not received one and would like a copy, please call 553-3362 or stop by the Range and Ag office in the Old Administration Building.

Please note that this document is not the final plan. It is a description of the resource, summary of present conditions, listing of goals and objectives and a description of desired future conditions. It was developed from tribal member input during meetings held with Tribal Council, districts, committees and a questionnaire. We are now ready for Phase II, which will incorporate

suggestions from the review process. Phase II is the development of a draft

*"We are now ready for Phase II which will incorporate suggestions from the review process."*

plan. During December and early January, the IRMP II team will be meeting with Tribal Council and committees to review the document and seek comments. Public meetings are planned as follows: Seekseequa Tuesday, January 10, 6:30 p.m. Agency Longhouse

Simnasho Wednesday, January 11, 6:30 p.m. Simnasho Longhouse Agency Thursday, January 12, 6:30 p.m. Agency Longhouse General Tuesday, January 17, 6:30 p.m. Agency Longhouse

Also notice, in the Scoping Document it states that the last day for public comments is January 2, 1995. Due to unforeseen circumstances, that time period has been extended to February 3. Likewise, the time line for completing the draft and final plans, as seen on page 4 of the Scoping Document, has been revised and extended by a few months.

For further information, contact Robert Brunoe, IRMP II team leader and Range and Ag Coordinator, at 553-3362.

## Water negotiations suspended; statement clarifies proposed agreement

The Confederated Tribes of Warm Springs, the federal government and the state of Oregon have been negotiating since the mid-1980s to quantify the Treaty-reserved water rights for the reservation. Negotiations came to a close December 6 when Tribal Council left the negotiations without signing an agreement.

"The state of Oregon lost focus of the ultimate goal," said Tribal Council Chairman Ray Calica. That goal, said Calica, gives "us total control of the water on the reservation and the water running by the reservation."

Calica said also that after many years of working and reworking an agreement and discussing specific issues important to all parties, new faces appeared at the negotiating table. "We were in the final stages of an agreement, when issues that had already been worked out, were brought to the table again. Those people could have been there all along," Calica added. It appeared to Council members that progress had ceased and that the negotiations were going backwards. The Tribes won't enter negotiations again until the state can hammer out an agreeable document. Until that time, negotiations have been suspended.

Calica said he suggested to the state negotiators that "if you're sincere, let's talk the whole ceded area and the usual and accustomed placed, because we've lost focus" of the purpose of the negotiations. Outside interest groups were not allowed to participate in the negotiations and Calica felt their vocal objections to an agreement caused the negotiations

to come to a halt.

Calica was doubtful that negotiations would resume in the near future. "Asking for everything will take decades to do...Protecting and securing rights for future generations down the road is imperative," said Calica. He asked state representatives if they were willing to do that. "I got some agreement from them."

The agreement would guarantee minimum in-stream flows that would provide sufficient and quality water for aquatic life. However, the Deschutes County area, sixty miles south of Warm Springs, is growing rapidly and with that growth comes demand for water. "Therefore, until the state gets refocused on the ultimate goal of the agreement, then we will not go back to the table. If they want to take in the entire ceded area, fine."

The following statement was prepared in response to an article that appeared in The Bulletin shortly after the negotiations were suspended. The release appeared in the Sunday, December 18 Bulletin.

It was recently reported in The Bulletin that the Warm Springs Tribes essentially "handed over" their water rights to the State of Oregon. This statement is incorrect.

The Tribal Council, State and Federal negotiators believe that it is important to set the record straight for the benefit of both tribal members and non-Indian residents of the Deschutes River Basin, and have therefore developed this joint public statement.

The Tribes have inhabited the

Central Oregon area since time immemorial. In 1855 the Tribes and Bands of Middle Oregon signed a treaty with the United States that ceded to the US over 10,000,000 acres in Central Oregon while retaining title to the lands that now comprise the Reservation as well as important off-reservation rights to fish in streams and rivers and to hunt, gather roots and berries and pasture livestock on federal lands.

For over ten years, efforts involving the Tribes, the United States and the State of Oregon have been underway to quantify the Treaty water right associated with the Warm Springs Reservation. For most of this century Indian water rights claims have been settled in the courts. This process typically cost millions of dollars and involved decades of litigation. The final results have generally been unsatisfactory to all concerned.

In the mid-1970s, then-President Carter recognized that something had to be done and initiated a policy by which tribes, the United States and individual states could resolve these complex issues outside the courtroom in a negotiated proceeding. This policy has since been continued by every president, Republican and Democrat alike. In the early 1980s the Warm Springs Tribes were identified by the Secretary of the Interior as a Tribe which had a high probability of achieving a successful negotiated settlement of its Reservation water right because of the relative abundance of water in the basin, the unique hydrology and geology of

## Tribes ask that HUD monies be released

LEGAL NOTICE  
CONCURRENT NOTICE  
NOTICE TO PUBLIC OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT AND NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FEDERAL FUNDS  
December 23, 1994

Confederated Tribes of Warm Springs (CTWS)  
Tribal Administration Building  
Post Office Box C  
Warm Springs, OR 97761  
(503) 553-3270

To all interested Agencies, Groups and Persons:

On or about January 10, 1995, the Warm Springs Confederated Tribes will request the U.S. Department of

Housing and Urban Development to release Federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) for the following project:

Title: Elliott Heights/Miller Heights Housing Rehabilitation Project; Purpose: To provide safe and healthy homes to Tribal members and extend the useful life of reservation housing stock;

Location: Jefferson County, Warm Springs Indian Reservation.

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the environment and accordingly the above named Tribe has decided not to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (PL91-190).

The reasons for such decision not to prepare an EIS are as follows: that the project will neither socially nor environmentally negatively impact the areas designated for housing rehabilitation construction within the Confederated Tribes of Warm Springs service area. The information contained in the Environmental Assessment Checklist prepared by the CTWS indicate that an Environmental Impact Statement is not required.

An Environmental Review Record for the project has been made by the above named Tribe which documents the environmental review of the project and more fully sets forth the

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**Tribal offices will be closed**  
Monday, December 26  
and  
Monday, January 2

## Museum to purchase artifacts

The Museum at Warm Springs will be purchasing artifacts to enhance the Tribal collection.

We are asking that you submit only the finest artifacts in order to represent the Confederated Tribes of Warm Springs Reservation.

The articles most interested in are the following: Cornhusk hairties; bear claw necklaces; cornhusk bags (must be cornhusk and hemp, no yarns please); beaded bags; men's floral vests (on wool or broadcloth); women's floral dresses (on wool); buckskin dresses; cornhusk purses (made like side purse); Paiute baby boards; twisted tule mats; men's tobacco pouches (must be in the old

style, x-long); and bow and arrow (preferably with sinew).

The Museum at Warm Springs requests the following: artifacts submitted must be 50 years old or older; one item per person and/or household; complete histories, date item was made and name of maker must accompany artifact.

Please pick up your application at The Museum at Warm Springs Administrative office. Deadline for submitting artifacts is Thursday, January 19, 1995.

If you have any questions please contact The Museum staff or registrar at 553-3331 from 8-5, Monday through Friday.



Merry Christmas and Happy New Year from all of us at Spilyay Tymoo  
Sid Miller  
Donna Behrend  
Saphronia Katchia  
Selena Boise  
Bob Medina  
Tina Aguilar

Deadline for the next Spilyay Tymoo is Friday, December 30

"...parties have tried to negotiate an agreement that would provide significant benefits to all Deschutes Basin residents, Indian and non-Indian alike."

States. Formal negotiation teams were appointed by each party and the parties began developing the necessary technical information with which to proceed. Thirteen formal negotiations sessions have been held. All sessions have been open to the public and an advisory group of basin stakeholders was organized to give the Water Resources Director input from a wide variety of interest

groups. From the beginning, the parties have tried to negotiate an agreement that would provide significant benefits to all Deschutes Basin residents, Indian and non-Indian. Over the last four years a great deal of progress has been made toward that goal. We are now hopefully nearing the completion of a proposed agreement that will do just that. The current draft includes the following key provisions.

First, we are all concerned about provided protection for instream flows for the rivers and streams within the basin to preserve fish, recreation, aesthetic and other values of the rivers. Over 20 years ago, the Tribes established formal instream flow levels for the Reservation rivers and have managed their water to protect them. The Tribes have pledged in the proposed agreement to continue protection of instream flows on the Reservation. Likewise, the State of Oregon has recognized the value of maintaining a healthy aquatic ecosystem and has been engaged for several years in a state-wide process to establish instream flow rights in the rivers. This will provide vital protection to both Tribal and non-Tribal interests in the rivers of the State. A number of applications for instream water rights in the Deschutes Basin are pending and the State has pledged to continue its administrative process in the Deschutes Basin.

Second, the Tribes, the United States and the State of Oregon would

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