



Dan Kneale joins Warm Springs Police department as new Chief.

Kneale named new PD chief

Former Chief Of Police of Warrenton, Oregon Dan Kneale has accepted the Chief of Police position in Warm Springs as of September 23. Acting Chief Of Police Carmen Smith will return to his regular duties as BIA Criminal Investigator.

Kneale, who was born in Mason, Michigan in February 1949, left Warrenton looking for challenge in his line of work. "Another reason I took this position is because I wanted to learn another culture and be around a different society," says Kneale. "I enjoy hunting, fishing, backpacking, boating and most outdoor activities."

"I've been involved with law enforcement for the past 26 years," says Kneale. "I graduated from Lasalle High School in St. Ignace, Michigan and also hold a Bachelor of Science degree in Criminal Justice from Ferris State University located in Big Rapids, Michigan."

Kneale attained a few graduate credits from the FBI National Academy, during the 182nd session in 1995. He is an active member of the Oregon Association of Chiefs of Police, National Association of Chiefs of Police, and the Oregon Executive Development Institute. Kneale served in the US Army from 1968 to 1970, with his tour of duty was Vietnam. Kneale returned home with an Honorable, Staff Sergeant (E-6) Discharge, three Bronze Stars, three Purple Hearts and eight other medals.

In 1971 Kneale accepted a patrolman's position for the Big Rapids Police Department in Big Rapids, Michigan. He has been involved with law enforcement ever since.

Before accepting the position at Warm Springs, Kneale was the Chief of Police for the Warrenton, Oregon Police Department for over five years. Kneale and his wife and five-year-old son will be living in the Madras area.

Warm Springs Recreation Department presents
Halloween Carnival
 October 31st
 Warm Springs Community Center
 Carnival 6 p.m.
 Bingo 7 p.m.
 Dance 9 p.m.
 For more information
 call: Recreation Dept. 553-3243

Tribe, state at odds over 1865 Treaty—Continued from page 1

instances where the United States and the State have continually recognized the validity and existence of the rights reserved by the Treaty of 1855 will be documented in materials the Tribe is preparing to submit to Kitzhaber and Attorney General Ted Kulongoski.

The Tribe reaffirms their commitment to carry on their long-standing policy of cooperation and good neighbor relations with those non-Indian citizens who live in the Central Oregon area. In particular, the Tribe will continue to observe existing agreements with the State concerning the exercise of 1855 Treaty rights. Additionally, the Tribe is proceeding to finalize the pending Water Settlement Agreement with federal officials. The Tribe hopes the State will join in concluding what the tribal, US and state governments have all worked so long and hard to accomplish.

Tribal officials feel that the one and only action that the State can do to repair the damage to the tribal/state relationship would be to support passage by the next Congress of a bill accomplishing what S. 2102 intended, legislatively nullifying what the parties and the courts have recognized does not exist, the Treaty of 1865.

This is a unique situation. Although there were many unjust treaties with Indians in the 19th

century, this one is so clearly fraudulent and reprehensible that it was unrecognized and unenforced from the outset, and remains so today. Moreover, this treaty is so offensive and dishonorable that both treaty parties, the Tribe and the US, agree that legislation should confirm what has otherwise been recognized, nullification of the Treaty of 1865.

The 1865 Treaty is considered "supplemental" to the Treaty of 1855. Provisions include:

Purports to relinquish all off-reservation rights (fishing at usual and accustomed places, hunting, grazing and food gathering on unclaimed lands) reserved in Article 1 of the 1855 Treaty with the Tribes of Middle Oregon.

Prohibits Indians from leaving the Reservation for any purpose without first obtaining a written permit from the Agency Superintendent.

Historical documents show that Indian signatories understood the agreement as providing a pass system identifying Indians leaving the Reservation to exercise off-reservation rights as from a friendly treaty tribe and distinguishing them from hostile Indians who were raiding in the area. It was never understood or explained that the Treaty relinquished all off-reservation rights, or that Indians could not leave the Reservation without the Superintendent's written consent.

Confederated Tribes included....

Coalition wins decision against US Forest Service

On September 17, 1996, the Oregon District Court issued a sweeping victory for a coalition of conservation groups including the Confederated Tribes of Warm Springs over the US Forest Service. The coalition sued Jack Ward Thomas, Chief of the US Forest Service, over the agency's failure to protect water quality from pollution caused by livestock grazing in and along Camp Creek, a tributary of the John Day River. Judge Ancer Haggerty agreed with the conservationists and tribes that the federal Clean Water Act requires state certification, which ensures water quality standards are being met, before a federal grazing permit may be issued. The judge further prohibited the Forest Service from issuing any grazing permits until an applicant for a grazing permit first obtains state certification.

"This is clearly a victory for states rights," said Mike Axline, attorney for the plaintiffs. Until now, states have had no clear authority over federal activities, like livestock grazing, that impair water quality.

"This is a great decision for the states and salmon. No longer do states need to have their hands tied when the federal government grants grazing permits that destroy salmon habitat," said Katherine Ransel with the American Rivers, one of the plaintiff groups.

Perhaps more importantly, the Judge settled a long standing question ruling that so called non-point source pollution, caused by activities like grazing, mining and logging, is included under the definition of discharge as used in the Clean Water Act.

The court also affirmed the standing of the Confederated Tribes of Warm Springs in the litigation based on possible injury to the tribes' treaty rights by the government's actions in the John Day basin, which is located in the ceded lands of the Tribes. Once numbering 100,000, the John Day's salmon run is down to 3,000 fish. "Because of low fish population, the Tribes have not been able to meaningfully exercise their treaty right," said Howie Arnett, attorney for the Tribes.

This decision comes only five weeks before the voters of Oregon will decide on Measure 38, which would restrict livestock in and along polluted streams in Oregon, including Camp Creek. Unlike Measure 38, this decision only applies to federal lands. Private lands are still the primary source of non-point pollution.

The lawsuit is important because of the wide spread damage caused by livestock to streams and fish habitat throughout the West. Livestock remove protective streamside vegetation and break down streambanks. Overtime, streams that once ran cool and clear, now flow dirty and warm. In Oregon, the Department of Environmental Quality identified livestock grazing as polluting more stream miles than any other activity. The John Day River is notorious for exceeding water temperature standards, commonly exceeding stream temperatures that are lethal to fish during the summer when water flows are at their lowest. Several years ago, dead steelhead were found floating

in the Middle Fork of the John Day, immediately upstream from the Camp Creek grazing allotment.

The John Day River issued by salmon that require cool, clear water to survive. "Cows and water don't mix. Until we stop letting cows run freely in the public's streams, we are not going to restore salmon habitat," said Bill Marlett, executive director of ONDA.

The conservation groups are represented by the Western Environmental Law Center in Eugene and include the Oregon Natural Desert Association, Rest the West, Oregon Natural Resources Council, Oregon Wildlife Federation, The Pacific River Council, Portland Audubon Society, Northwest Environmental Defense Center, and Trout Unlimited. The Confederated Tribes of the Warm Springs Reservation of Oregon are represented by the law firm of Karnopp, Peterson, Noteboom, Hubel, Hansen and Arnett.

Flu shots given at different locations

Flu season is fast approaching. Influenza (flu) is a highly infectious viral illness which can last from two to seven days. Symptoms include fever, headache, non productive cough, and sore, achy muscles. Flu germs are spread through the air by droplets from the respiratory tract of infected person(s) and also by direct contact.

Area residents and employees are urged not to be caught off guard. A flu shot is needed every year because the strains of influenza are different each year. The flu shot is especially recommended for adults and children with chronic health conditions and their household contacts and persons over age 65.

The Public Health Nursing Department is giving flu shots at various locations on the reservation. There is no charge and an appointment is not necessary.

Anyone who is eligible to receive care at the IHS clinic may receive a flu shot.

For further information, call the Public Health Nursing Department at 553-1196 ext. 4161.

10/28/96 11 a.m. to 1 p.m. @ Tribal Admin. Bldg Conf. rm. #2

10/29/96 12 to 1 p.m. @ Sr. Ctr.

10/29/96 2 to 4 p.m. @ WS Health & Wellness Ctr. Pod A
 10/30/96 11:30 a.m. to 1:30 p.m. @ Com. Counseling Ctr
 10/31/96 2 to 4 p.m. @ WS Forest Products.

Gangs, guns, grafitti topic of workshop

Warm Springs Community Counseling will be sponsoring a gang awareness workshop October 28 and 29, at the Warm Springs Longhouse. Guest speaker will be Wauneta Lone Wolf, an Oglala Sioux, from Phoenix.

On Monday, October 28, from 9 a.m. to 12 noon, Lone Wolfe will be speaking with school representatives, community counselors and Warm Springs Police Department. From 4 to 9 p.m. their will be an open forum for local youth. A meal, sponsored by the Warm Springs Community Center, will be served.

On Tuesday, October 29, from 9 a.m. to 12 noon, there will be an open forum for community member.

Lone Wolfe is a well-known specialist on gang related activities, on reservations. Lone Wolfe has spoken at various workshops across the United States.

Robert Wood Johnson Foundation presents
Family Jamboree Day
 October 23rd
 Warm Springs Community Center
 Social Hall
 Feed - 6 p.m.
 Pumpkin Party 6:30 p.m.
 Entertainment 7:30 p.m.
 Judging 8:30 p.m.
 For more information
 call Recreation department 553-3243

New Clinic hours
Effective September 11 through October 4, 1996.
 Monday through Friday 8 a.m. to 5 p.m.
 No late clinic due to shortage of staff.
 Effective October 7, 1996 hours will be Monday through Thursday 8 a.m. to 8 p.m.



Vivian Goodson's name was again pulled out for the fourth and final September Geo Tracker 4x4 give away at Indian Head Gaming Center on September 29. Goodson could not collect the prize though, due to casino rules, which allow one Geo Tracker per person in the September promotion. Goodson was awarded \$200 dollar instead. The winner of the Geo Tracker 4x4 at the casino was Carolyn Patterson of Portland.

Patterson was very excited when she heard her name over the loud speaker. "This is my second vehicle that I've won at Indian Head Gaming Center," says Carolyn. "The first car I won was also a Geo Tracker. I won that one at the temporary facilities in 1995. I've had my name in the box over 100 times. I make the trip here from Portland quite often," says Carolyn. "I have a lot of fun."

Management at Indian Head Gaming Center extends hearty congratulations to all four September Geo Tracker winners Marvin Ike, Vivian Goodson, Tim Snodgrass and Carolyn Patterson. On October 27 Indian Head Gaming Center will be giving away a full size 1996 Dodge Ram pickup. A person becomes eligible with every \$50 dollar jackpot by playing the Slots, Kenos, Blackjack or Poker.

Spilyay Tymoo

Publisher: Sid Miller
Editor: Donna Behrend
Reporter/Photographer: Selena T. Boise
Reporter/Photographer: Bob Medina
Reporter/Photographer: Dan Lawrence
Secretary: Tina Aguilar

Founded in March 1976

Spilyay Tymoo is published bi-weekly by the Confederated Tribes of Warm Springs. Our offices are located in the basement of the Old Girl's Dorm at 1115 Wasco Street. Any written materials to Spilyay Tymoo should be addressed to:

Spilyay Tymoo, P.O. Box 870, Warm Springs, OR 97761

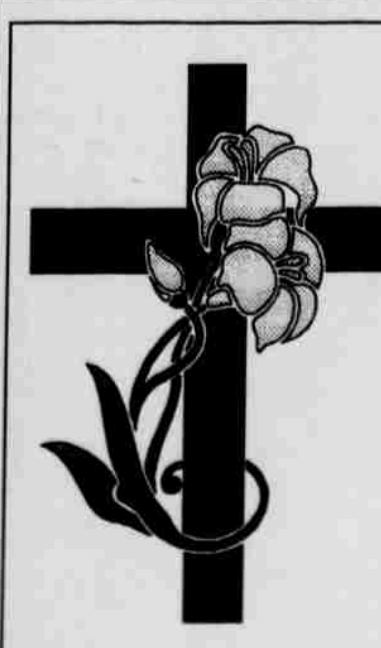
(541) 553-1644 or 553-3274 - FAX NO. (541) 553-3539

Annual Subscription Rates:

Within U.S. - \$9.00 / Outside U.S. - \$15.00

Spilyay Tymoo 1996 ©

Attend an
Introduction dinner
 at the
Simnasho Longhouse
 Monday, October
 14 beginning at
 6 p.m.
 Meet the
ADOPTION CANDIDATES AND THEIR FAMILIES!!



Red Ribbon Week observed October 23-31

Red Ribbon Week will be celebrated nationwide starting October 23 and ending October 31. This celebration is designed to raise awareness about the importance of living a healthy, drug-free life. Red ribbons displayed on flagpoles and other paces throughout the state is to "paint the state red" with the goal to reach millions of Oregonians with the Red Ribbon message. The goal of this Red Ribbon Week is to increase awareness of the dangers of drug abuse and to serve as a vehicle to visibly commit to the goal of a drug-free America.

Brought to you by Warm Springs Healthy Nations. Together we are making a difference in Warm Springs. This is an alcohol and drug-free place.