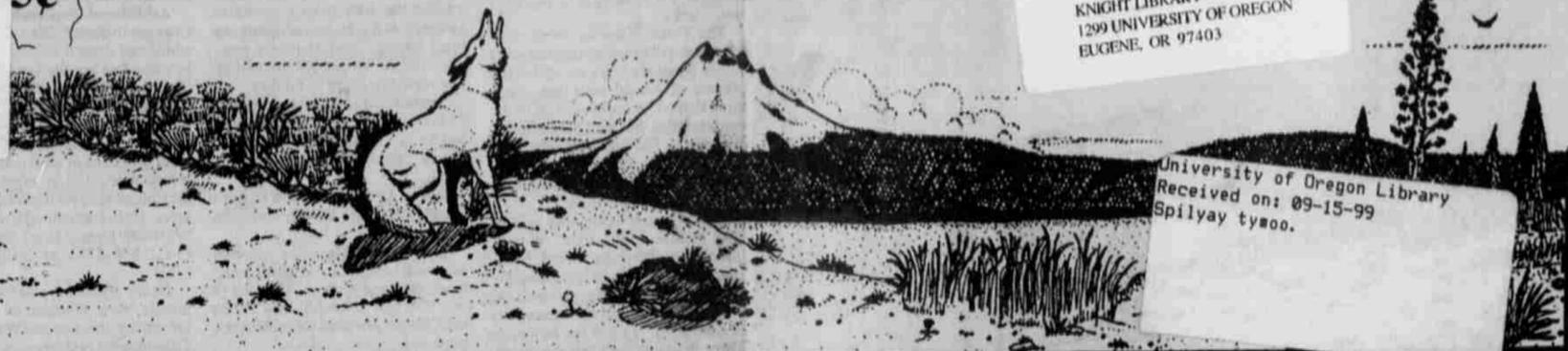


Sept. 9, 1999
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Spilyay Tymoo

(Coyote News)

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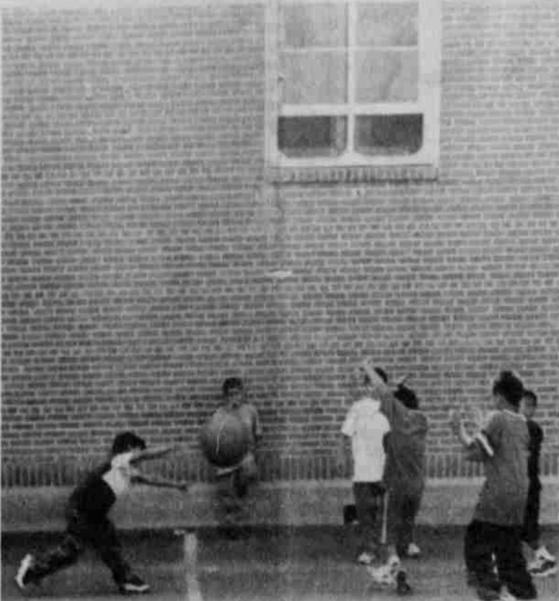
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Warm Springs Elementary welcomes all students back-to-school



Jump roping for fun.



Dodge ball still a favorite.

Relicensing project joint meetings held

By Anthony Brunoe

During the summer, the Tribes offer students the opportunity to work in various departments on and off the reservation to gain work experience. As one of those students, I have held a summer job at Spilyay Tymoo, and this year at Warm Springs Power Enterprises. I happened to be working at Power Enterprises during the relicensing process, and was given the opportunity to sit in on the meetings. After the meetings ended, I was asked to write an article about the process from my point of view.

The Confederated Tribes of Warm Springs recently held three meetings with federal and state agencies and other resource managers involved in the Pelton-Round Butte relicensing project. The three meetings spanned from August 3rd through the 5th, in which terms of relicensing were discussed. The Confederated Tribes has decided to apply for the license, and should the license be granted to the Tribes, control and management of the project will be turned over to the Tribes. With the decrease in forestry products, the Tribes will be able to provide needed revenue through the project, as well as manage the effect the project has on local resources.

For the past 50 years the Pelton-Round Butte Project has been under the control of Portland General Electric (PGE). However, the term of the license (50 years) is nearing an end, and PGE must submit a Final License Application to the Federal Energy Regulatory Commission (FERC), in order to have the project relicensed under their name. However, with one-third of the project on the Warm Springs Reservation, the Tribes will also be submitting their own License Application to FERC, in order to have control of the project for the term of the next license period. This has created a unique situation, not only are there two applicants, but one applicant, the Confederated Tribes of Warm Springs, is a sovereign nation. FERC will review the applications, and grant the license to the applicant they choose.

Each potential licensee formulates their own Draft License Application, a plan of how the project would be run should that applicant be granted the license. Meetings are then held by each applicant in order to receive input from various governmental and non-governmental agencies, as well as the public. After such meetings,

revisions are made to the Draft Application.

Currently, PGE owns the majority of the project, and is applying for the same ownership of the project for the next term of the license. They currently are licensed to run Pelton Dam, Round Butte Dam, as well as the Reregulating dam in Warm Springs. However, the Tribes own the generator facility within the Reregulating dam. With this in mind, the Tribes have made the move to apply for full project operation.

Since PGE is a utility company producing electricity and owning very little land, they have little influence with land and resource management. The Tribes however, have a larger interest in the resources and wildlife effected by the project, and therefore have developed detailed plans to manage wildlife and resources such as fish and water. These differences in applications tend to present the Tribe as a strong candidate for the license in that they want to run the project as a whole, and attempt to repair and maintain wildlife and resources that have been damaged by the project.

While each applicant has their own idea of how the project should run, there is also the possibility the Tribes and PGE will make a settlement. Should the Tribes and PGE make a settlement agreement, there may be granted a joint license, in which both PGE and the Tribes will own and operate the project.

Tuesday's meeting covered Project operations, Water Resources, and Fisheries Resources. Issues on fish disease, and fish passage were topics that were discussed during the meeting. Throughout the meeting, various Tribal, Federal, and State organizations asked questions, and made comments on the Draft Application.

Wednesday's discussion involved Terrestrial resources, Land management, and Cultural Resources. Wildlife, shoreline, riparian and wetland habitat management plans were presented. Some discussion included the effect of the project on mule deer winter range. Due to the project, the mule deer that migrated to lower elevations don't have warmer places to migrate to during the cold winters. The management of such issues was discussed in the Draft Application. Also covered in cultural resources management were proposals for

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Fire predicted to be contained

Fire Crews have been fighting the Rainbow Quarry Fire since Sunday, September 5, 23 miles north of Warm Springs. On September 7 the Rainbow Quarry Fire was sized up at 2586 acres. On Wednesday, September 8 it had some additional acres burned, yet firefighters have the fire hooked and have achieved over 80% containment. Wednesday, September 8, firefighters expected to have full containment of the blaze.

The fire burned 23 miles North of Warm Springs on Reservation land and private lands protected by the Oregon Department of Forestry. The Central Oregon Interagency Incident Management Team is coordinating fire fighting resources and interagency coordination has been key to successful suppression efforts. Resources on the fire have included Interagency Hot Shot

Crews, Type II hand crews, engine crews, contract hand and engine crews, helicopters and air tankers. Other resources such as tenders, dozers and fallers have helped with the fire fighting effort.

The cause of the fire is still under investigation.

Fire officials want to remind the public that although the temperatures are cooling off at night, it is still extremely dry. "We have not received any significant amount of moisture on the east side of the Cascades" stated Tom Andrade, Incident Commander of the Central Oregon Interagency Incident Management Team, "we ask that recreationists, hunters and Central Oregon residents call a Central Oregon fire agency to find out current fire restrictions on the land they will be visiting." Help prevent fires before they start.

"The Peoples Plan" Executive Summary Comprehensive Plan mailing date— Monday, September 13, 1999.

The Executive Summary will be mailed to each local mail box. It represents the voice of 900 community members who have spoken the future direction to us.

You will also receive a voucher for each head of household to redeem and get a copy of the Keepsake Document. The Keepsake document is a family book to record your family history, including deaths, births, family tree, oral histories, traditional use areas and many others. The Keepsake document is a place for you to pass down your family knowledge, history and values to the next generation.

TC priorities to assure maximum progress on Agenda

This is the 2nd article in a series on Tribal Council Priorities

Realizing that a three year term in office can go by quickly, the 21st Tribal Council opted to set goals and priorities to maximize their effectiveness. When they made their top priority financial, economic development and employment issues, the Tribal Council reaffirmed the need to look toward the future. To realize our desired future, we must create a healthy, diversified reservation economy that produces meaningful job opportunities and sound financial investments that provide resources for the Tribal organization and general membership.

Tribal Council identified four desired financial results:

(1) Implement a financial management plan for all Tribal assets and investments; (2) Bring on-line at least 1 new major Tribal revenue source by 2001; (3) Establish business plans with challenging financial goals and realistic operational standards for all Tribal enterprises; and (4) Secure an optimal

financial return for all Tribal investment accounts without exposing the principal to an unacceptable level of risk.

Tribal Council also identified four desired results in the area of employment. These four are: (1) To develop 50 new jobs in the community each year; (2) Employ 75 tribal members annually on/off the reservation; (3) Increase the job skills and upward mobility of tribal member employees in the organization and enterprises; and (4) Improve employee accountability for time "on the job" and service quality.

In the area of small business development, Tribal Council identified three areas: (1) Facilitate the on-reservation start-up, expansion and success of 5-10 tribal member owned businesses per year; (2) Create the legal and physical environment necessary to make the reservation more attractive to private investors to promote business growth; (3) Increase opportunities to recruit and develop tribal members as

employees, contractors and vendors.

There are a number of areas involving capital improvement projects and economic initiatives underway. The Tribal Council earmarked the Pelton Hydro-relicensing project, the Casino expansion project, Sanitary Landfill, Waste Water Treatment Plant, Elder Care Assisted Living Facility, Simnasho Store, and the old IHS Clinic remodel as priorities.

The second priority is Social Issues, Public Safety and Personal Responsibility. The Tribal Council stated that the ability of our community to correct or resolve unacceptable social behavior remains very high on their agenda. They felt that we, as a community, have allowed ourselves to accept the act of observing wrongdoing and looking the other way. We need to encourage and recognize individual achievement yet hold individuals accountable for their inappropriate behavior.

Tribal Council identified the following desired results pertaining to their second priority. (1) Complete a comprehensive evaluation of the effectiveness of the Tribes' Public Safety, rehabilitation and the Tribal Court Justice services delivery system. (2) Determine the role, expectations and responsibilities of the Federal Trustee and the threshold for federal jurisdiction and involvement in the public safety area. (3) Create a healthy, safe and crime-free community. (4) Ensure responsive and effective emergency services delivery throughout the reservation. (5) Eliminate the "revolving door" syndrome in the Tribes' justice system.

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Stalking, harassment, curfew, and minors trust fund addressed in Tribal Council Resolutions

The Tribal Council passed three very significant resolutions on Monday, August 16, 1999.

Resolution 9736 adds a "stalking" and "harassment" provision to the Tribal Law and Order Code. It will provide additional protection to individuals within the jurisdiction of the Tribes. The resolution reads, in part:

Section 305.180 - Stalking. Any Indian or other person who shall knowingly alarm or coerce another person, or a member of that person's immediate family or household, by engaging in repeated, unwanted contact with the other person where the repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household, shall be deemed guilty of stalking.

Section 305.185 - Harassment. Any Indian or other person who shall intentionally:

1) harass or annoy another person by (a) subjecting such other person to offensive physical contact; or (b) publicly insulting such other person by abusive words or gestures in a manner intended likely to provoke violent response; **or**

2) subject another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm; **or**

3) subject another to alarm by directly or indirectly conveying a threat to inflict serious physical injury

on that person or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm;

shall be guilty of harassment. Nine Council members constituted a quorum with 8 voting for the resolution and the Chairman not voting.

Resolution No. 9737 states that the "Curfew" authorized by Tribal Code Section 360.410 will be amended to read:

1) It shall be unlawful for any juvenile under the age of 18 to be on the public streets, highways, or other places open to the public on the Warm Springs Indian Reservation between the hours of 8 p.m. and 6 a.m. on any night preceding a school day or between the hours of 10 p.m. and 6 a.m. on any night not preceding a school day, unless the juvenile has good cause, or unless the juvenile is accompanied by a parent, guardian, or other competent adult with permission of the juvenile's parent or guardian.

2) Any parent or guardian of a juvenile who is found to be in violation of the immediately preceding Section (1) shall be subject to petition and hearing before the Juvenile Court to show cause why the juvenile under his/her control is not complying with the curfew law. Upon a finding by the Juvenile Court that the parent or guardian to monitor curfew compliance by the juvenile or pay a fine pursuant to WSTC Section 305.515, to perform

Community Service Work or both; and shall be subject to Contempt Power of the Court.

The implementation of these amendments will be delayed until November 30, 1999 to provide for public awareness of these changes. The Secretary-Treasurer will post copies of the Resolution in at least 5 public places on the Reservation until November 30.

Six members were in attendance, constituting a quorum. The Resolution passed with an affirmative vote of 5 members, with the Chairman not voting.

The third resolution, **Resolution No. 9738**, proved contentious with the Chairman voting to break a 4-4 tie. The resolution addressed the minors Trust Fund. The Trust Fund Agreement was established March 17, 1958 to provide funds to help pay for the continuing education costs of minors, and to encourage members to complete their high school education and to continue higher education.

Resolution No. 9738 states that Whereas, The majority of the trust funds disbursed to Tribal members between the ages of 18 and 21 years are not utilized for educational needs and much of it is utilized to the detriment of the health, safety, welfare, and morals of such minor Tribal members, as evidenced by the numbers of alcohol and controlled substance related cases in the Tribal Court; and, Whereas, There are an increasing number of offenses committed by minor members of the

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