



Spilyay Tymoo

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Tribes, 509-J negotiating new school

By Shannon Keaveny
Spilyay Tymoo

The Confederated Tribes of Warm Springs and Jefferson County School District 509-J are continuing legal negotiations toward a lease agreement for the new Warm Springs Elementary School.

Despite some delays, one thing is certain, said Julie Quaid, manager of Warm Springs Essential Education, "Both sides agree we need a new school." Legal aspects of the proposed lease are being addressed by the tribes' attorney Howard Arnette, and 509-J school district attorney Ed Sites.

The tribal work group for the new school provided Tribal Council with an update on the status of the project on Tuesday, July 30.

In April the architectural firm Barber Barrett & Turner, located in Bend, was selected for the new school's design. The next step, said Quaid, is to move forward and select the designs. Quaid anticipates "a contract with the architect will be signed within a month."

After that, she says, there could be a delay until the legal provisions of the lease are worked out. The details of the lease need to be addressed before construction begins.

Quaid said, "This is because of cost issues. We don't want to do the work twice, and prices will change if we have to put the project on hold."

Also, a design is necessary to progress with the loan application with U.S. Department of Agriculture Rural Development. The USDA requires a concept design before granting loans.

The tribe is anticipating an \$8 million low-interest loan from USDA to fund the new school. The loan will be paid back over 20 years, with the Confederated Tribes and the 509-J district each making payments of \$300,000 per year.

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Fish study findings concern tribes

By Shannon Keaveny
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The U.S. Environmental Protection Agency last week released a controversial study suggesting that high rates of pollutants could be threatening the health of members of the four treaty tribes of the Columbia River Basin.

The native groups surveyed include members of the Confederated Tribes of Warm Springs, the Yakama Nation, Nez Perce, and the

Confederated Tribes of Umatilla.

Members of these tribes who consume large amounts of Columbia River fish could have a higher risk of cancer and other diseases, according to the EPA report.

Children, because of undeveloped immune systems and high levels of contaminants starting at a young age, are at even greater risk, the study says. Elders approximately 70 years old are at the highest risk, due to long-term exposure, according to the report.

"The study is limited in scope. It just tells us there is a problem that needs to be addressed, but it is not enough to cause panic," said Charles Hudson, of the Columbia River Inter-tribal Fish Commission. The study, he said, "tells us we need to know more."

Hudson added, "It is our opinion that the Warm Springs Indian Reservation has had less active involvement in this study than the other (Columbia River treaty) tribes. The Deschutes River, to a point, also had less testing."

The first part of the study surveyed fish consumption and was completed in 1994.

The fish samplings were performed between 1996 and 1998. Approximately 281 samples of fish and eggs were taken from the Columbia River Basin at 24 different sites.

In those years, hazard levels were at eight for salmon and trout and elevated to 100 for sturgeon and mountain whitefish.

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Berry gatherers



Shannon Keaveny/Spilyay

Tribal members celebrated the annual Huckleberry Feast this past weekend at Hehe Longhouse. In the photograph above, Sharon Katchia (left) and Louise Jackson carry berries to the longhouse. This year the feast was held on Saturday, Aug. 3. Some good news is that huckleberries are much more plentiful this year compared to last year.

Employees to gather for picnic

Some summer fun activity will be happening this Friday and Saturday, Aug. 9 and 10.

During these two days, the Tribal Council will be hosting the tribal employee picnic at Kah-Nee-Ta.

Employees and their families are welcome.

There will be food, with a light lunch at noon on Friday, and a light lunch again on Saturday.

The main employee picnic will be Friday at 6 p.m. This will be at the pavillion at Kah-Nee-Ta Village.

Along with the food, there will be a slot tournament at the casino for those 21 and older, a golf scramble, and swimming. The stables will be open for horseback riding.

On Friday, activities start at 9 a.m. and continue throughout the day.

For the golf scramble, show up at the clubhouse.

There will be drawings with prizes for first, second and third.

The employee picnic was held two years ago, but not last year.

Tribal Council, the Secretary-Treasurer and the Chief Operations Officer wish the employees and their families a fun time at this year's event.

Historic water agreement entering final phase

27,000 water rights holders to be notified

By Dave McMechan
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The Treaty of 1855 provides the Confederated Tribes with the earliest water right in the Deschutes River Basin.

The treaty established the tribes' water priority date, but did not specify the quantity of water.

This uncertainty as to the quantity of the tribal right meant also that uncertainty existed in Deschutes basin as a whole, mainly because the tribal right is first.

The uncertainty existed in regard to planning for future development off the reservation, for instance. And the uncertainty became more serious as the basin grew in population.

So 20 years ago, the Confederated Tribes, the state of Oregon and the United States government began a process to settle the question of the amount of the tribal water right.

Over the course of 17 years, the governments conducted many public negotiation sessions.

Then on Nov. 17, 1997, the Confederated Tribes, the state and the federal government signed the water rights settlement agreement. The agreement specifies the quantities of river water, broken down by the months of the year, subject to tribal right.

The agreement has been binding on

the tribes, the state and the federal government.

The time has now come to render the agreement binding to all water rights holders in the Deschutes River basin.

There are approximately 27,000 such rights holders in the basin, and soon each will receive notice of a proposed court action regarding the 1997 agreement.

The notice will state that the agreement may be incorporated into a court decree, rendering the terms binding on all water rights holders in the basin. Any water-right holder who objects can file an exception.

Provisions of the 1997 agreement, and the public process followed in reaching the agreement, make exceptions unlikely.

"There was extensive public review of the agreement as it was being developed," said Bill Back, chairman of the federal team that negotiated the agreement. "The major water users and suppliers in the basin have been big supporters of the agreement."

Tribal Council Chairman Olney Patt Jr. said, "We worked for many years on this agreement. The agreement protects the fish that the Warm Springs people depend upon, and enables both on- and off-reservation communities to grow and prosper."

The 27,000 notices to the water-rights holders will be sent by the Oregon Water Resources Department. The judicial venue considering the de-

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cre incorporation of the agreement is the Deschutes County Circuit Court.

The court set a 30-day period during which people can file an exception. The time is from Aug. 26 to Sept. 25.

A term of the settlement agreement is that the tribes, to satisfy its right, will not call on any water right that existed prior to 1991. This means that most of the water-right holders in the basin are assured that their right will not be called to satisfy the tribal right.

This provision is one of the main reasons why the court might expect to see few exceptions, said Jim Noteboom, attorney for the Confederated Tribes.

"For off-reservation water users, there is an assurance that their right

won't be called," said Noteboom.

At the same time, the agreement, and the planned court action, "will provide security, because we know the amount of the tribal right. This gives all parties certainty as to their respective water rights," said Noteboom.

The 1997 water rights settlement agreement was signed during a ceremony at Kah-Nee-Ta. Along with the tribal officials, on hand for the event were Gov. Kitzhaber, and former Secretary of the Interior Bruce Babbitt.

Architect sought for Gorge casino

The Confederated Tribes are seeking proposals from firms interested in providing architectural services for the construction of the planned casino at the Columbia River Gorge.

The plan is to construct a casino approximately 114,000 square feet in size, with about 50,000 square feet dedicated to gaming activity. For comparison, Indian Head at Kah-Nee-Ta is 25,000 square feet, with 7,200 square feet dedicated to gaming.

Also for comparison, Spirit Mountain Casino, operated by the Confederated Tribes of Grand Ronde, is 90,000 square feet. The building site of the Confederated Tribes' Gorge casino is the tribal trust land in Hood River County, two miles east of Hood River. The site is 63 miles from downtown Portland.

For comparison: Spirit Mountain, the most successful tribal gaming venture in the state, is 54 miles from downtown Portland, and 31 miles from downtown Salem.

Spirit Mountain generates approximately \$60 million in annual profit, according to a 2001 news story in *The Oregonian*.

For comparison: Kah-Nee-Ta generates about \$4 million a year. A casino at Hood River is expected to generate an annual profit of about \$15 million. The tribes earlier selected Brussard Engineering of Bend as the primary engineer of the new casino project.

Regarding the current request for bids for architectural services, the successful bidder will design and furnish construction drawings and specifications.

The statements of qualification from interested firms will be reviewed in September by the casino point team.

After reviewing the statements of qualification, the team will choose five firms to submit specific proposals. The successful bidder will be selected by Nov. 15. The tribes intend to begin the design phase of the Hood River gaming facility by December 2002.

In 1999 the Tribes proposed building a permanent gaming facility on Government Rock in the city of Cascade Locks, but were denied permission by Gov. Kitzhaber. Unlike the Cascade Locks site, the Hood River site has been in trust for the benefit of the tribes since before 1988, the date of the Indian Gaming Regulatory Act. Kitzhaber cannot deny the tribes the use of the Hood River trust land.