

# Tribal Council Resolutions

(Note: the following are resolutions adopted in recent months by the Tribal Council.)

## Barrier to protect creek

Whereas the proximity of Highway 26 to Beaver Creek has resulted in the creek's contamination from surface water run-off resulting from vehicular crashes and highway maintenance; and,

Whereas Beaver Creek is a critical and sensitive fishery habitat for salmon, rainbow trout and other aquatic species; and,

Whereas recurring truck crashes have released toxic and hazardous materials into the creek, jeopardizing the fishery; and,

Whereas the Highway 26 Warm Springs Transportation Plan recommended that concrete barriers and other protection measures be constructed to protect the creek from contamination; and,

Whereas the Highway 26 Plan also recommended that relocation of the highway be evaluated as a long-term solution; and,

Whereas a potential Transportation Enhancement grant is available through the Oregon Department of Transportation for the first phase of construction of protection devices along Beaver Creek and Highway 26; and,

Whereas the proposed installation of barriers should not detract from the ultimate solution of relocating the highway; and,

Whereas, the proposed project will also provide local employment opportunities in construction and traffic control; and

Whereas the estimated cost for the first phase of construction is \$1.15 million, which includes a \$150,000 match from the BIA roads budget in federal fiscal year 2005 and/or 2006; now, therefore

Be it resolved by the Twenty-second Tribal Council of the Confederated Tribes of the Warm Springs that the secretary-treasurer is authorized to apply for a \$1,000,000 transportation enhancement grant to install barriers and other devices to protect Beaver Creek from contamination; and,

Be it further resolved that the secretary-treasurer is authorized to negotiate and execute any application or award documents in connection herewith, including any modifications thereto as required; and,

Be it further resolved that a matching cash amount up to \$150,000 be programmed from the 2005 and/or 2006 federal fiscal year BIA roads budget. (Resolution No. 10258.)

## Web site to show tribal view

Whereas the Tribal Council is the governing body of the Confederated Tribes of the Warm Springs; and,

Whereas the Confederated Tribes is a sovereign Indian nation and the ultimate sovereignty of the Confederated Tribes is vested in its people; and,

Whereas the people of the Confederated Tribes have declared that the preservation of their traditional cultural ways is a principal goal of the Confederated Tribes, and to that end the people have delegated the authority to protect and preserve tribal property, including cultural and intellectual property, to the Tribal Council; and,

Whereas it is recognized that the University of Idaho desires to develop, in collaboration with the Confederated Tribes, an educational and cultural resource module entitled the Confederated Tribes of the Warm Springs Reservation-Lewis and Clark Rediscovery Life-Long Learning Online Project ("Website Project") to be conveyed over the Internet, designed to be accessible for the public and schools, as well as a worldwide audience, which will present the unique story of the Confederated Tribes from a tribal perspective; and,

Whereas the website project will be conducted as a collaborative partnership between the Confederated Tribes Cultural Planning Group and faculty of the University of Idaho, specifically

Dr. Rodney Frey; and,

Whereas both parties desire to contractually protect the cultural and intellectual property of the Confederated Tribes by entering into an agreement; and,

Whereas it is recognized that the university has received funding in the amount of \$45,000 from NASA for the purpose of performing research under the agreement, and is authorized to enter into a Subcontract to perform the work, and that the university will reimburse the Confederated Tribes for actual expenses incurred under this subcontract, not to exceed \$45,000; now, therefore

Be it resolved that the twenty-second Tribal Council of the Confederated Tribes of Warm Springs accepts the Warm Springs-Lewis and Clark Rediscovery Life-Long Learning Online Internet Project. (Resolution No. 10256.)

## KWSO to see improvements

Whereas the Tribal Council has identified improving communications as a high priority, and tribal members have offered input to the Comprehensive Plan calling for open communication between tribal government and the local community so everyone can be informed of ongoing activities and important events such as referendums, adoptions, district meetings, funerals, elections and other crucial proceedings; and,

Whereas tribal members rely on KWSO as a source of community news, entertainment and cultural education, which includes programming on Tribal Council agendas, a calendar of upcoming activities, events of importance to students and elders, current job openings, tribal language, national Native American call-in shows, Talking Drum traditional tribal music, National Native News, Native Sounds, Native Voices and many other popular programs; and,

Whereas KWSO provides a valuable and immediate link between tribal government and tribal members during times of emergency such as the 1996 Flood, Simnasho Fire, and other catastrophic events when community members may be in need of food, shelter, or medical services; and,

Whereas KWSO Radio is operating with antiquated equipment purchased when the station first went on the air in 1985, which leaves the station in urgent need of a complete overhaul to avoid excessive maintenance costs or potential downtime; and,

Whereas the U.S. Department of Commerce offers grants through the Public Telecommunications Facilities Program (PTFP) to provide funding assistance for public radio stations in urgent need of replacing old analog systems with modern and reliable digital components that produce a much higher quality of sound, and the funding assistance is prioritized to favor stations currently facing budget constraints; now therefore

Be it resolved by the Twenty-second Tribal Council of the Confederated Tribes of the Warm Springs that the secretary-treasurer is authorized to apply for a Public Telecommunications Facilities Program grant of \$244,992 and use tribal funds to provide a required 25 percent match of \$81,665 to obtain the grant, so that KWSO can replace its outdated broadcasting equipment. (Resolution No. 10269.)

## Grant to help with census data

Whereas the adopted Comprehensive Plan, "The People's Plan," is based upon considerable community participation and includes the community's expectation to receive regular reports that measure progress in achieving community goals and benchmarks; and,

Whereas a full-time data management program, including a data management director and data specialist, is needed to measure and report progress in achieving goals, benchmarks and Tribal Council priorities; and,

Whereas the data management pro-

gram would be located within the appropriate department in order to assist tribal programs with data collection and reporting, and to support informational needs for effective strategic planning; and,

Whereas in addition to data management, a tribal census is needed to document tribal member needs and reservation demographics; and,

Whereas, potential grant assistance is available from the Administration for Native Americans (ANA) and other sources to carry out a tribal census and to implement an ongoing data management program; and,

Whereas the total estimated project cost for the first three years is \$342,126, including a 37 percent tribal match of \$126,783;

Now therefore be it resolved by Twenty-Second Tribal Council of the Confederated Tribes of the Warm Springs that the secretary-treasurer is authorized to apply for a grant from the ANA and other sources to carry out a tribal census and to implement a data management program; and,

Be it further resolved that the secretary-treasurer is authorized to negotiate and execute any application or award documents in connection herewith, including any modifications thereto as required. (Resolution 10248)

## Byers, Moses named to serve

Whereas the BIA announced its intent to form a Negotiated Rulemaking Committee for developing regulations to implement the No Child Left Behind Act of 2001, and,

Whereas the BIA requested nominations for individuals to serve on the Negotiated Rulemaking committee as tribal representatives; and,

Whereas the Tribal Council believes it is in the best interests of the tribes and its members that the tribes have a voice in selecting a representative on the Negotiated Rulemaking Committee developing regulations to implement the No Child Left Behind Act; and,

Whereas the Tribal Council believes that Larry Byers, Chemawa School Principal, is the most appropriate tribal representative for this purpose; and,

Whereas the Tribal Council believes that Tribal Council member Joe Moses, currently serving on the Chemawa School Board and for many years involved in education issues on behalf of the tribes, should be appointed as an alternate to Larry Byers on the Negotiated Rulemaking Committee;

Be it resolved by the Twenty-second Tribal Council of the Confederated Tribes of the Warm that Larry Byers and Joe Moses are hereby nominated by the Tribal Council to participate as tribal representatives on the Negotiated Rulemaking Committee developing regulations implementing the No Child Left Behind Act of 2001. (Resolution No. 10249)

## Support sought for languages

Whereas the 1999 Warm Springs Tribal Council adopted a Comprehensive Plan Resolution; and,

Whereas the resolution directed tribal programs to work with the community in implementing the Community bench-marking process; and,

Whereas the Warm Springs Community has been extensively involved in developing the Comprehensive Plan, and will continue to be extensively involved in carrying out our Community Bench-marking process; and,

Whereas the Comprehensive Plan (The People's Plan) shows that culture and tradition has been established as a Tribal Council Priority Area; and,

Whereas the Education and Personnel Branch are to establish and implement a cultural documentation/preservation program designed to maintain and preserve our native Sahaptin, Wasco and Paiute cultures and languages; and,

Whereas the Historic Preservation Fund Grant, a part of the National Park Services, provides financial assistance

through a competitive grant process for existing extensive archived materials that are in need of preservation that will promote, enhance use of our native languages and promote cultural transmission; and,

Whereas a potential grant from NPS in the amount of \$50,000 for an 18-month period would support the preservation of deteriorating culture and language documentation within the Department of Education's, Culture and Heritage Department; therefore,

Be it resolved by the Twenty-Second Tribal Council of the Confederated Tribes of the Warm Springs that the secretary-treasurer is authorized to apply for a grant from the National Park Services Historic Preservation Grant Fund; and,

Be it further resolved that the secretary-treasurer is authorized to negotiate and execute any application or award documents in connection herewith, including any modification thereto as required. (Resolution No. 10253)

## New tribal enrollments

Be it resolved by the Twenty-second Tribal Council of the Confederated Tribes of the Warm Springs that the following are enrolled members of the Confederated Tribes, as of the 2003 date set out below in accordance with Resolution No. 4301:

Glenn Harvey Ray Brunoe, April 8. Wayne Percy Eaglespeaker Jr., March 31. Kiley Joe Florendo, April 11.

Dakota Quenton Hollingsworth, March 27. Jonathan Hubert Ray Fraqua Jr., April 4. Timoteo Charles Hisatake, March 24.

Dominick Sean Holliday, March 11. Shannon Joe Grace Hudson, March 11. Fredrick Ivan Greene Ike III, March 27. Aaliyah Kayleen Martinez, April 1.

Johnny Henry Ramsey Jr., March 14. Alina Iris Pearl Smith, March 21. Shirley Lorraine Spino, April 10. Corey Trey Thomas, March 25.

Serena Coreen Thomas, March 25. Waldon Gage Pat Winishut, March 17. Donovan Cylee Wolfe, March 31.

Be it further resolved by the Tribal Council of the Confederated Tribes of Warm Springs that the following applicants were denied membership because of blood degree:

Amaya Mabel Bisland, Kyle Charles Henry, and Mashauni Katrina Fransescus Smith.

## Power sale set for 2004

Whereas on April 12, 2000, the Confederated Tribes of the Warm Springs, the U.S. Department of the Interior and Portland General Electric Company entered into a Long Term Global Settlement and Compensation Agreement ("GSA") relating to the Pelton-Round Butte Hydroelectric Project; and,

Whereas one of the included agreements attached to and included in the GSA was an Ownership and Operation Agreement ("O and O Agreement") between the tribes and PGE which sets forth the agreement between the tribes and PGE for future operation of the project; and,

Whereas one of the provisions of the O and O Agreement relates to the terms and conditions pursuant to which the tribes may sell its output from the project to PGE; and,

Whereas the Tribal Council adopted Resolution No. 10027 on April 30, 2001 authorizing the sale of power by the tribes to PGE at fixed prices; and,

Whereas the Tribal Council has previously approved power sale agreements for three blocks of power to PGE pursuant to fixed price contracts for a given term; and,

Whereas the Tribal Council desires to sell an additional block of power to PGE during calendar year 2004 under the terms and conditions of the Wholesale Power Purchase and Sale Agreement No. 04-B; therefore,

Be it resolved by the Twenty-second Tribal Council of the Confederated Tribes of the Warm Springs that the Council hereby authorizes and ap-

proves PSA 04-B, and authorizes and directs the Chairman of the Tribal Council to execute and deliver the agreement. (Resolution No. 10263.)

## Tribes, federal agencies agree

Whereas pursuant to the Treaty of June 25, 1855, the Confederated Tribes have important reserved rights on federal lands outside the Warm Springs Reservation; and,

Whereas jurisdiction over those federal lands is exercised by a number of BLM and Forest Service offices (referred to as "the federal agencies"); and,

Whereas the federal agencies recognize and respect the interests of the tribes in the management of these lands and the trust obligation of the United States towards the tribes; and,

Whereas the tribes and the federal agencies desire to enter into agreements that will develop an effective government-to-government relationship between them and provide opportunities for the tribes and federal agencies to work together for their common purposes; and,

Whereas the Tribal Council has reviewed the provisions of the Memorandum of Understanding and the Participating Agreement attached hereto; and,

Whereas these agreements expire on March 1, 2008, unless extended by the parties, now therefore,

Be it resolved by the Twenty-second Tribal Council of the Confederated Tribes of Warm Springs that the Tribal Council hereby approves and adopts the Memorandum of Understanding and the Participating Agreement.

Be it further resolved by the Tribal Council that the Chairman of the Tribal Council is hereby authorized and directed to execute said agreements. (Resolution No. 10264)

## Membership relinquished

Whereas Mary G. Brown, Enrollee No. 2197, requested relinquishment so that she could be enrolled with the Couerd'Alene Tribe, dated January 9, 2003; and,

Be it resolved by the Tribal Council that Mary G. Brown's request for relinquishment is accepted on January 20, 2003. That Mary G. Brown shall not receive any per capita, bonus or other distributions or benefits of Tribal membership effective January 20, including but not limited to distribution under P. 97-463; and,

Be it further resolved that this action shall not in any way relieve Mary G. Brown Swanson of responsibility for any obligation owed to the Confederated Tribes of the Warm Springs Reservation of Oregon. (Resolution No. 10251)

## 2003 fishing regulations OK'd

Whereas the Treaty with the Tribes and Bands of Middle Oregon on June 25, 1855 reserved to the Confederated Tribes of the Warm Springs Reservation the exclusive right to fish all waters on or bordering the Reservation; and,

Whereas the On-Reservation Fish and Wildlife Committee has reviewed and proposed to the Tribal Council the 2003 fishing permits and regulations for non-tribal member fishing on lakes and streams on and bordering the reservation; and,

Whereas the Tribal council has reviewed the proposed 2003 fishing regulations and has determined that enactment of such regulations would be in the best interest of the tribes, its members, and of the natural resources of the Warm Springs Reservation; now therefore,

Be it resolved by the Twenty-second Tribal Council of the Confederated Tribes of the Warm Springs Reservation that the 2003 fishing regulations are hereby approved, adopted and enacted by the Tribal Council. (Resolution No. 10255)