

## Council considers future of mill, tribal forestry

By Maren Cohn  
Warm Springs Ventures

A strategy team is recommending to the Confederated Tribes the establishment of a new forest management enterprise, and careful consideration of a \$25 million investment in the Warm Springs Forest Products Industries mill.

The long-term strategy team responsible for examining the mill and its future gave its report earlier this month to Tribal Council. A full house gathered on Dec. 7 to hear the presentation.

Ten Council members attended, along with several mill employees, and representatives from other branches of the tribe's forest management and har-

vesting operations, including loggers, the Natural Resources Branch, and the BIA.

Tom Tomjack, a longtime forest products industry executive who chaired the strategy team, delivered the group's report. The team's recommendations dealt separately with the two revenue-producing components of the tribe's timber resource: forest management and mill operations.

Regarding forest management, the team recommended that the tribe establish a new enterprise to be the sole manager of its working forest.

The new entity would oversee the activities currently administered by the BIA, would be responsible for implementing the annual cut, and would plan

and lay out timber sales.

It would operate in accordance with the tribe's Integrated Resource Management Plan (IRMP) and other tribal policies, and would consult with Warm Springs Forest Products Industries (WSFPI), Natural Resources, and the BIA in reaching its silvicultural decisions and harvest plans.

As for the mill, the report made clear that investment of \$20 million in a new small log line, plus \$5 million in working capital would be necessary for WSFPI to become profitable on a consistent basis.

The mill's current equipment is 18 years old and was not designed for the smaller diameter logs currently being harvested.

As a result, WSFPI cannot keep up with the high-tech machinery of its competitors and is unable to operate profitably.

Whether or not to make the capital investment in a new small log line will require further study from Council. In the meantime, Council has asked WSFPI to prepare a bridge plan showing how it would minimize its losses and preserve jobs pending installation of the new mill.

### Forest management

The strategy team was created early in the summer at the behest of Mark Jackson, WSFPI's chief executive officer, and Jody Calica, the tribe's secretary-treasurer, to assess current forest

products operations and recommend to Council a ten-year economic strategy for WSFPI. Early on, the team discovered that management of the forest was a major issue and would have to be addressed as part of WSFPI's future.

"How the mill is operated has no impact on forest management, but how the forest is managed has a tremendous impact on the mill," said Clyde Hamstreet, a member of the strategy team. "The mill needs a three-year pantry, or backlog of sales to choose from, and reliable projections of what is coming out of the woods at any given time. The tribe's current forest management has not been able to provide those things on a consistent or reliable basis."

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Leslie Mittu/Spilyay

Katrina Wolfe, Derrek Main, Josh Olney and Aurora Squiemphen, from the Early Childhood Education center, serenaded residents of High Lookee Lodge last week with Christmas carols, sung in the three traditional languages of the Confederated Tribes.

## Tribal commercial code takes effect New Year's Day

January 1 will usher in more than a new year on the Warm Springs Reservation—it also marks the effective date of the Tribe's new commercial code.

"Most people won't think that sounds very exciting," said Lonnie James, managing director for the Warm Springs Community Action Team (WSCAT).

"But it's an important step for the tribe. Getting these laws drafted, passed, and implemented has been a long and complex process. I believe they will be very beneficial to tribal members and I'm glad they're finally going into effect."

Just how the new commercial code will affect, and hopefully benefit, tribal members will be the subject of two information sessions to be held next month, on January 14 and 16.

Sandra Danzuka at Warm Springs Ventures will have details about the meetings after the New Year. All community residents are encouraged to stop in and find out what to expect from the new laws.

### Long development process

James has been part of the Commercial Code Advisory Committee for the past three years—though his vision for a commercial code on the reservation goes back much further than that. He got started with the Advisory Committee after his Action Team held community focus groups in 2002 trying to get at the root causes of poverty in the area.

"The inability to garner investment from outside was a key," he said. "In addition, we found that it was hard for people to do things like build houses."

To change that state of affairs, Shawnele Shaw, James' predecessor at WSCAT, prompted the group to approach Tribal Council and, with their blessing, began to develop some new laws.

The Advisory Committee has worked with tribal attorneys to draft several laws that together make up the tribe's new Commercial Code—the part of the law that regulates business operations and commercial transactions on the reservation.

Commercial codes are universally used by states and the federal government, and they are becoming increasingly common on Indian reservations.

"They're a very important piece of the economic development picture," James said. "Without laws that establish the basic rules of sales and leases, for instance, or that tell lenders they'll be able to get their money or property back if a debtor defaults on a loan, creditors just don't lend money. Or else

they do lend the money at an outrageous interest rate.

"Until recently, that's how it's been on reservations. Indians without a good credit report find it hard to get financing to buy a car or get a business started, without paying through the nose in interest. Which they often can't afford to do, not to mention that they shouldn't have to deal with predatory loans."

Efforts to establish a commercial code to support economic development have been on and off the table since the early 1980s. Some bits and pieces of a code were passed along the way. When Tribal Council got serious about drafting a comprehensive code in 2002, the project started making more headway.

By the middle of 2006, the advisory committee had drafted laws that applied to business entities, taxation and regulation, commercial transactions, real property secured transactions, and consumer protection. Although each set of laws addresses different kinds of business needs, they all have the purpose of establishing clear rules known to all parties, on which everyone can rely in getting things done. In the event of a dispute, the rules apply to clarify everybody's rights and solve the problem fairly.

### Personal Property Secured Transactions

Before the new code could go into effect, however, rules of court had to be developed.

"You can have the best code in the world," James explained, "but without the court system to back it up, it won't be worth the paper it's printed on."

Promulgating those rules is the job of the tribal court, and that has taken time. Meanwhile, the Advisory Committee used the waiting period to complete yet another section of the code.

"The most recent section deals specifically with secured transactions on personal property," said James. Secured transactions occur when a lender lends money for a specific purchase and receives a security interest in the purchased item. If the borrower does not repay the debt according to the terms of the loan, the lender has the right to go to court to reclaim the item.

"It's the second to last part of the code," James said. "We knew it would be the thorniest one to draft, because it involves extending jurisdiction over non-members. We gave consumer protection ordinances priority and wrote that part first, so people would see they weren't being left behind in the whole process."

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## Winter Family Craft Night this evening

Warm Springs Elementary School will host Winter Family Craft Night from 5:30 to 7 p.m. this evening Thursday, Dec. 20 at the elementary school gym.

Tables will be set up with craft materials, and the event will be free to the Warm Springs community.

Assistance will be provided to make Christmas ornaments and decorations.

For more information on Winter Family Craft Night, call Marlana Atencio or Lucinda Heath at 553-1128.

## Ellsbury jerseys to be raffled at hoops games

Red Sox jerseys autographed by Jacoby Ellsbury will be raffled at home basketball games this winter.

The raffle will raise money for the Class of 2008 and Senior All-Night Party that is hosted by the senior parents.

One medium, one large, and one extra large jersey will be raffled.

Five hundred tickets per jersey will be sold at home basketball games soon, and the three winning raffle tickets will be drawn on Feb. 21 during a home game against Bend.

However, if all 1,500 tickets are sold earlier, the drawing could be held earlier as well.

Tickets will cost \$5 each.

With questions, please contact Shawna McConnell at Madras High School.