



# Spilyay Tymoo



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## Settlement proposed in IIM mismanagement case

By Duran Bobb  
Spilyay Tymoo

A \$3.4 billion proposed settlement agreement was announced in the long-running class action lawsuit, *Cobell v. Salazar*, which claims that the federal government mismanaged individual Indians' trust accounts.

In the settlement, announced early last week, the federal government agrees to create a \$1.4 billion Accounting/Trust Administration Fund and a \$2 billion Trust Land Consolidation Fund.

Possibly as many as 2,000 members of the Confederated Tribes of Warm Springs may qualify to participate in the settlement, and may receive some compensation.

A tribal member may qualify to participate if the person has an individual trust account, or had an individual trust account in the past.

Some tribal members may have, or have had an account, and may not be aware of its existence. Some members have multiple accounts.

Currently, there is no official list of eligible settlement class members from the Warm Springs Tribes.

Tribal members who qualify to participate in the settlement, or believe they may qualify, must register to participate.

Those who believe that they are eligible to receive settlement money may register at <https://cert.tgcginc.com/iim/register.php>.

Specific information about the trust fund settlement, and information and directions on how to register to determine eligibility in each class, are available online at [CobellSettlement.com](http://CobellSettlement.com), and from the settlement's toll-free telephone line, 800-961-6109.

### Long running lawsuit

The 13-year legal battle began in June 1996, when Elouise Cobell, a member of the Blackfeet Tribe of Montana, filed a class action case that included more than 300,000 tribal members with Individual Indian Money accounts, IIMs, at the time.

"Time takes a toll," Cobell commented last week, "especially on elders living in abject poverty. Many of them died as we continued our struggle to settle this suit. Many more would not survive long to see a financial gain, if we had not settled now. This, more than

any other factor, motivated me to work toward an agreement now. If I were the only one affected by the egregious behaviors of the federal government in managing my trust account, I'd fight another 100 years, but I did what was best for the people who so badly needed this money."

### Breaking it down

The settlement agreement creates two classes of Indians eligible to receive settlement money:

- The Historic Accounting Class are Indians alive on September 30, 2009, who had at least one transaction in an open IIM Account between October 25, 1994 and September 30, 2009.

- The Trust Administration Class are individual Indian beneficiaries alive on September 30, 2009, who have or had IIM Accounts dating from approximately 1985, as well as individual Indians who as of September 30, 2009, had a recorded or demonstrable interest in land held in trust or restricted status.

The settlement does not include beneficiaries deceased as of September 30, 2009.

Other eligibility conditions and ex-

emptions for each class are detailed in the agreement.

From here, the settlement will go through six steps to finalization.

1. Congress must pass legislation to authorize or confirm specific aspects of the settlement.

2. Parties will ask the court to preliminarily approve the agreement.

3. Notice of the settlement must be given to class members.

4. The court will hold a fairness hearing to decide whether the settlement is fair, reasonable and adequate.

5. If the court approves the settlement, some people or organizations may wish to appeal the court's order.

6. When all appeals are resolved and finality has been achieved, final approval will be granted and money will be paid to class members as outlined in the settlement agreement. Or, if a higher court asks the trial judge to review certain aspects of the settlement, then additional hearings will be held by the court to try to finalize the settlement. This could take a long time and may result in the settlement not going forward.

Also outlined in the settlement is the

creation of an Indian Education Scholarship fund of up to \$60 million to improve access to higher education for Indians.

### Historic agreement

This settlement is believed to be the largest ever against the federal government and dwarfs the combined value of all judgments and settlements of all Indian cases since the founding of the United States.

"This is an historic, positive development for Indian Country and a major step on the road to reconciliation following years of acrimonious litigation between trust beneficiaries and the United States," Secretary Ken Salazar said. "Resolving this issue has been a top priority of President Obama, and this administration has worked in good faith to reach a settlement that is both honorable and responsible. This historic step will allow Interior to move forward and address the educational, law enforcement, and economic development challenges we face in Indian Country."

Please see **SETTLEMENT** on 8

## The beginning of a new era

The first fish were captured on Dec. 1 at the new water intake system at the Round Butte dam on the Deschutes River.

"This is the beginning of a new era," said Jim Manion, manager of Warm Springs Power and Water Enterprises.

The new era will see migrating fish spawning above the Round Butte dams for the first time in decades.

The Round Butte dam in the 1960s created Lake Billy Chinook, which until very recently had no downstream surface current for juvenile fish to follow.

The new water intake system creates a surface current, guiding the fish downstream, where they can be captured and then released below the dams.

Some of the fish eventually will make it to the ocean, and will then return again to the Deschutes in a few years for spawning.

The intake system, featuring a 273-foot tall underwater tower and fish collection system, took a few years to build, and was completed earlier this fall.

Operation of this system reopens



Photo courtesy of Michael Gauvin

The first two fish, spring chinook, captured at the new water intake system at the Round Butte dam.

226 upstream miles to salmon and steelhead migration, which has been blocked since 1972.

Total cost of the fish passage project is \$108 million. The tribes are paying a third of the cost, through revenue generated by Warm Springs Power and Water Enterprises. The tribes and Port-

land General Electric are co-owners and managers of the dams, which are partly on the reservation. The fish passage facility is part of the 50-year Pelton-Round Butte relicensing agreement, approved a few years ago by the Federal Energy Regulatory Commission.

## Clinic has H1N1 shots

Limits lifted on who can get Swine flu vaccine

By Terri Harber  
Spilyay Tymoo

Tribal health officials have removed restrictions on who can receive vaccinations against the H1N1 virus, also known as the Swine flu.

Their decision follows suit with the state of Oregon and other government health departments because the number of cases across the United States has decreased while the number of vaccine doses available increased.

The Warm Springs clinic is still providing H1N1 flu immunization to specific segments of the local population who could suffer dangerous health complications if they contract H1N1.

"We really want people in the target groups to come in and get immunized," said Juanita Majel, a tribal health department public information officer. "But everyone is welcome."

Traditionally, the number of flu cases spikes as the holidays approach and continues to rise through February.

U.S. health officials say American Indians and Alaska Natives have died from H1N1 at a rate four times greater than other Americans. The Centers for Disease Control and Prevention re-

leased a study of flu-related deaths in 12 states, one of which is Oregon.

Forty-two Native Americans in the 12 states died of H1N1 or its complications—almost four out of every 100,000 people.

American Indians and Alaska Natives have higher rates of diabetes, asthma and other conditions that make them more vulnerable to H1N1. Poverty and delayed access to care are other reasons highlighted.

People who are urged to obtain a flu shot:

- A child at least six months old; pregnant women; people who live with a child younger than 6 months old; young people between the ages of 5 and 24; and people ages 25-64 with an underlying medical condition, such as disorders involving the lungs, heart, kidneys, blood, or liver, or diabetes, asthma or arthritis.

In Warm Springs, Community Health RNs are immunizing people in Pod A, Mondays and Fridays from 9 a.m.-11 p.m. and 1-3 p.m., and Wednesdays from 1-3 p.m.

People also can make an appointment at the clinic for a different time or go to the Pharmacy.

## Lots of snow for ski day at Mt. Hood Meadows

By Greg Leo  
For the Spilyay Tymoo

Mt. Hood Meadow's ski bus rolled out the Warm Springs Community Center parking lot with 45 kids and parents, headed up for an action-packed day on the mountain on Dec. 12. In total, there were 65 tribal members there this first ski day of the season.

For most kids, Saturday is a great day to sleep in, but for these kids, waking up early enough to get on a bus at 7:30 a.m. was worth it. With a 50-inch base and about 2 inches of fresh snow falling throughout the day, conditions were excellent for first-timers and experienced skiers alike.

It was very cold, but coming in for hot cocoa breaks warmed and motivated members to go back out for more instruction by Mt. Hood Meadows' ski instructors.

"These ski days are a very positive activity for the young tribal members who participate, and also the adults who are able to come along as chaperones," said Sue Matters, KWSO station manager, who has helped coordinate the ski days since the program began 6 years ago.

The tribal ski day builds good will between the tribes and Mt. Hood Meadows Ski Area, which has been a good steward of the Mt. Hood National Forest, part of the tribes' ceded lands.

Please see **SKI DAY** on 12



Photo courtesy of Greg Leo/The Leo Co.

Tribal members enjoying ski day at Meadows.