

Warm Springs Construction is working on East Tenino Road leading up to the Warm Springs K-8 Academy.

The work is to add lanes, as East Tenino will be busier when the school opens.

There will also be a pedestrian pathway from the school to the Community Center. Part of the road will be closed Monday-Thursday 6 a.m.-4:30 p.m. Please use alternate routes.



Dave McMechan/Spilyay



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Resolutions of Tribal Council

Fishing guide regulations

Whereas the Treaty with The Tribes of Middle Oregon June 25, 1855 reserved to the Confederated Tribes of the Warm Springs Reservation of Oregon the “exclusive right of taking fish in the streams running through and bordering the Reservation”; and,

Whereas the Fish and Wildlife Committee in conjunction with the Branch of Natural Resources (“BNR”) has reviewed and proposed to the Tribal Council the 2014 Fishing Guide Service Regulations for tribal member-owned fishing guide services (340.220 On-Reservation Fishing by Non-Members) conducted on rivers bordering the reservation; and,

Whereas the Tribal Council has reviewed the proposed 2014 Fishing Guide Service Regulations and has determined that enactment of such regulations would be in the best interest of the tribe, its members, and of the natural resources of the Warm Springs Reservation of Oregon; and now, therefore;

Be it resolved by the 26th Tribal Council pursuant to Article V, Section 1 (I) and (u), of the Tribal Constitution and By-laws and pursuant to Warm Springs Tribal Code Section 340, that the following rules and regulations are hereby adopted for the 2014 season:

1. Tribal member preference (Resolution 8363 and 8363a) shall be used in the selection of all guides.

2. Tribal members have “exclusive right of taking fish in the streams running through and bordering the Reservation.” Any and all guide activity is to be conducted in a way so as not to interfere with any tribal member fishing from waters running through and bordering the Reservation. Guides must yield to tribal members.

3. Only tribally-permitted guide services will be allowed to bring clients onto the reservation. No other guides or their clients are allowed.

4. Approval by Tribal Council of each new guide service is required before the start of the fishing season for guide services which have not previously been approved by the Tribal Council. The Fish and Wildlife Committee will develop and approve resolution and regulations regarding all guide services with assistance from BNR staff prior

to guides appearing before Tribal Council. The committee requires each guide to report, in person, to them each year.

5. Guides will be required to have clients sign a waiver indemnifying the Confederated Tribes of the Warm Springs Reservation of Oregon of liability for accidents occurred during guided trips.

6. Guides and employees must have a valid Oregon drivers license.

7. Guides must have insurance appropriate to the trip, automobile and/or boat insurance. Guides must have insurers provide the Harvest Manager and the Risk Management & Property Manager prior to the start of fishing season. Automobile coverage shall be commercial auto or personal auto with liability and uninsured motorist coverage of limits not less than 100/300/50 (\$100,000 bodily injury per person, \$300,000 more than one person and \$50,000 property damage) or \$500,000 combined single limit. Coverage needs to cover passengers (if they will be transporting others) and cover owned, non-owned or hired vehicles. If the guide has employees workers compensation shall, as required by Oregon law, and be endorsed with appropriate watercraft coverage (if guiding with boats). The guide shall also have Commercial General Liability insurance with limits of not less than \$1,000,000 and naming the Confederated Tribes of Warm Springs as an additional insured.

8. Only guides and guides employees vehicles may be used to transport clients on the Reservation. Guides will provide the harvest manager with a photo and license plate number of each vehicle. Client vehicles may not be used to conduct business. Guides must have their company logo visible to the public at all times, that may include hats, shirts or jackets and includes transport boats and cars.

9. The fishing guides will ensure that their non-tribal member clients comply with the Warm Springs Fishing Guide Regulations developed by the Fish and Wildlife Committee and any applicable state fishing regulations. Guides will provide copies of these annual tribal and state fishing regulations to all clients. Clients must have a Warm Springs Tribal Fishing Permit to fish the Reservation side of the Deschutes River in Area 2 (Dry Creek to the Wasco-Jefferson county lines). Area 2 typically

is open from the fourth Saturday in April to October 31. The Deschutes may have additional fisheries for hatchery steelhead in November and December, check ODFW regulations each year. Area 2 would still be closed under this scenario.

10. Fishing by foot or boat may take place in the Deschutes River from the Warm Springs boat launch downstream to Whiskey Dick. Overnight trips are not permitted. Fishing Guide Services will only be permitted to launch and take out from the Warm Springs Boat Launch, Annie Dick’s Property (River Mile 85), Whiskey Dick (River Mile 78), and the North White Horse Rapids Area (River Mile 74.5). No other launching or take out areas will be permitted on the Reservation.

11. If guiding is conducted with a vehicle and or by hiking into a fishing area (described above) that is within a Tribal member’s allotment, the operator of the guide service must obtain written authorization from the allotment owner, whose land may be utilized to access the river. The guide must have this authorization document in their possession at all times and the guide must have this documentation on file with the Harvest Manager in the Branch of Natural Resources prior to the start of season. Use of allotted lands without owner’s written consent will subject the guide and clients to citations for trespass. Permitting or securing access to Reservation waters for clients does not, by itself, constitute approved guiding or guide services.

12. Each fishing guide must be in unaided visual or voice contact with their clients at all times, physically directing the clients travel and activities throughout the duration of their angling activities on Reservation waters.

13. Monthly fishing reports must be submitted to the Harvest Manager who will provide them to the Committee. Monthly reports will be in a format developed by the Fish and Wildlife Committee and the BNR-Fisheries Department.

14. Any violation of the rules and regulations applicable to Fishing Guide Services set out in this Resolution will subject the guide to revocation of this permit by Tribal Council’s approval. Violations will be discussed by the Committee and the recommendation sent to Tribal Council.

Be it further resolved that for the 2014 season(s), the fishing guide services owned and operated by: Casey Green, Al Bagley, Randy Nathan, Alysia Aguilar, and Amanda Smith are hereby approved.

(Resolution no. 11,887.)

Go Kart track

Whereas application has been made by Wayne Miller, for a business lease to operate a Go Kart Track/Paintball Arena so named “The Asylum”, a family entertainment center, situated on tribal land described as:

In the Dry Creek area, on Allotment No 588-A, located at the SE/4 SW1/4, NE1/4 SW1/4 SE1/4 of Section 13, Township 9 South, Range 12 East, Willamette Meridian, Jefferson County, Oregon, excepting that portion in the Right-of-Way for Highway 3 and that portion on the west side of Highway 3, containing 5.0 acres more or less,

Map attached as Exhibit “A”, metes and bounds survey to be attached at a later date as Exhibit “B”; and,

Whereas the Tribal Council desires that Tribal Members develop such operations as a private business; and,

Whereas Wayne Miller has been approved by the Private Business Revolving Loan (PBRL) program for the funds to construct the business described herein; and,

Whereas the Bureau of Indian Affairs Realty Office will request an appraisal for the fair market value for a five (5) year business lease rental; and,

Whereas the Warm Springs Tribes hold an eighty-three percent (83%) ownership in Allotment No. 588-A and the Individual Allotment Owners a seventeen percent (17%) combined ownership in said Allotment, all will be compensated according to the fair market value and according to their respective shares; now, therefore;

Be it resolved by the 26th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribes”), pursuant to Articles V and VIII of the Tribal Constitution and By-Laws of the Tribes, that The Asylum, a family entertainment center business operated by Wayne Miller be granted a five (5) year lease in the Dry Creek area on

tribal land described herein; and,

Be it further resolved that the Lessor, the Tribes upon approval of the lease, will charge fair market value according to the forthcoming appraisal for the original term of the lease; and,

Be it further resolved that the Confederated Tribes reserves the right to grant rights-of-way over, under and across the lease premises, such a provision to be written into and made a part of the lease terms; and,

Be it further resolved that except as otherwise provided for in the lease agreement, the Confederated Tribes reserves the right to cancel the lease upon thirty (30) days of written notice to lessee, in the event that the lease premises is needed for Tribal community development or land exchange purpose, or for such other substantive reason cancellation may be deemed necessary by the Tribes, such a provision to be written into and made a part of the lease terms; and,

Be it further resolved that the Chairman or Vice-Chair and Secretary-Treasurer/CEO are hereby authorized to execute the necessary documents for and on behalf of the Confederated Tribes. (Resolution no. 11,885.)

vest Regulations” attached to this resolution and marked Exhibit “A”; and

Whereas the Tribal Council has determined that approval and adoption of these Regulations are in the best interests of the tribal members and promotes protective measures for the shellfish resource; and

Whereas the Tribal Council believes that this enterprise furthers the Tribal Policy of promoting self-esteem, self reliance, and employment for tribal members; and


Whereas the fishery is based on recommendations in Scott Lewis’s 1997 Masters Thesis, “Life History, Population Dynamics and Management of Signal Crayfish in Lake Billy Chinook, Oregon and modifications may occur as more scientific information is discovered by the Branch of Natural Resources and reviewed by the Fish and Wildlife Committee; now, therefore,

Be it resolved by the 26th Tribal Council of the Confederated Tribes of Warm Springs, pursuant to Article V, Sections (1) and (u) of the Tribal Constitution and By-Laws, that it hereby adopts and approves the “Proposed Commercial Crayfish Harvest Regulations.” (Resolution no. 11,881. For a copy of the regulations contact Tribal Council staff.)

Crayfish

Whereas the Tribal Council has reviewed and considered the “Proposed Commercial Crayfish Har-

The next deadline to submit items for publication in the Spilyay Tymoo is Friday, August 1. Thank you!



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