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Positive report on fishing agreement

The federal lawsuit *U.S. v. Oregon* is the ongoing court case that implements the Treaty of 1855 fishing rights of the Confederated Tribes of Warm Springs, and three other Columbia River treaty tribes.

The management agreement pursuant to *U.S. v. Oregon* is the fundamental guiding document for tribal fisheries at the Columbia. So having a long-term agreement with provisions that ensure tribal fishing rights is critical.

The management agreement also covers vital matters such as fisheries restoration at the Columbia, providing a framework for all parties in salmon and steelhead manage-

ment.

An agreement like this can be hard to achieve, as there many parties involved: The Warm Springs, Yakama, Umatilla and Nez Perce tribes; and the states of Oregon, Washington and Idaho.

The management agreement is a court order to be strictly followed. As a court order, the agreement protects the tribes and other parties from lawsuits by others who may be against some of its terms, said John Ogan, tribal attorney.

Mr. Ogan gave an update last week at Tribal Council on the *U.S. v. Oregon* management agreement. There was good news, he said, in

that it appears all parties are willing to extend the current agreement for another ten-year term.

The existing agreement is set to expire at the end of this year.

If the parties agree to extend the agreement, there would be no uncertainty or interruption in tribal treaty fishing at the Columbia.

Ruling in 1969

U.S. v. Oregon was initially filed in 1968 by the federal government on behalf of the tribes against the state of Oregon. The federal government handled the case as part of its trust responsibility.

Judge Belloni in 1969 ruled in favor of the tribes and the U.S., finding that the four treaty tribes are entitled to a "fair share" of the fish runs, and the state was limited in its power to regulate treaty Indian fisheries.

The state could only regulate when "reasonable and necessary for conservation," the judge found. And he ruled state conservation regulations could not discriminate against the tribes, using the least restrictive means necessary.

(See **US v. OREGON** on 7)

Change in KNT management

Marie Kay Williams was named the interim general manager for Kah-Nee-Ta Resort and Spa.

Former resort general manager Jim Bankson retired recently based on a doctor's recommendation. The resort board of directors and interim manager Williams met with Tribal Council this week for an update on the developments.

Ms. Williams is a long-time resort employee, having started there 18 years ago while in high school, working in the Banquets area. She stayed in college, worked for a time at another four-star resort, and now is Banquets manager.

Kah-Nee-Ta is developing a tribal traditions program at the resort, Ms. Williams, who is married into the tribes, reported. The first crafts class this year was a success, she said. "We want activities where people come away with a positive experience," she said.

The cost of the traditions program is relatively low, "and the benefits are great." Meanwhile, Williams reported, the resort was at 100 percent capacity on March 25, a very positive sign.

The golf course—at one point this year almost closing permanent—is seeing great improvements since being taken over by Brent Moschetti, said resort board chairman Jim Manion.

WSA Fire Module

A unique service at Warm Springs Fire Management is the WSA Wildland Fire Module.

The ten-person crew uses three specialty vehicles providing fire suppression, and non-suppression services—fuels reduction and prescribed fire, for instance—at any location where needed, on and off the reservation.

This month they've been doing juniper removal on the reservation, while off reservation projects have been with the Siletz on the Oregon Coast, and the Upper Skagit in northwest Washington state.

In the U.S. the Warm Springs Agency Wildland Fire Module is the only BIA team providing this kind of diverse service.

The program is federally funded, hosted by Warm Springs Fire Management, said Dorian Soliz, crew superinten-



Dave McMechani/Spilyay

dent. During fire season, he said, the Module can be expected to focus on wildland fire suppression support.

And in off-season months the service focuses on the fuels-reduction kinds of projects, from the planning phase through completion.

The program is still fairly new. Planning for the Module began in late 2014, with the superintendent and assistant superintendent, Josh Sohappy, hired over the following several months. This year they are fully staffed with the ten crew members.

WSA Wildland Fire Module crew Daniel Gilbert, Josh Sohappy, David Sohappy Jr., Carlos Lopez, Logan Hammond, Richard Harrington IV (back row from left); and Kevin Williams, Sean Soliz, Anthony Blueback (front row from left; not pictured Dorian Soliz).

Council talks with state Education reps

Important developments are happening in public education, from an upcoming election for the Jefferson County School District board, a new district superintendent, to changes at the state level also involving the tribes.

Tribal Council met last week with Oregon Department of Education officials, including Ramona Holcomb, Indian education specialist, and April Campbell, advisor to the deputy state superintendent on Indian education. Both Ms. Holcomb and Ms. Campbell are tribal members from Oregon.

The tribal Education Committee was on hand for the meeting.

The state Education officials opened with an explanation of the changes brought by the Every Student Succeeds Act (ESSA), which is replacing the No Student Left Behind Act.

One interesting point in ESSA is the requirement that state depart-

ments of education, including that of Oregon, consult with tribes on education matters. This is a new requirement for the Oregon department.

As this was an introductory meeting, Tribal Council Chairman Austin Greene made clear the tribes at this time were giving pre-consultation, not the formal consultation required by the law.

The Education officials said the department was developing its tribal consultation policy to be submitted to the federal agency. When this is approved, the department will consult with the Confederated Tribes.

Some of the other highlights of ESSA, as explained by the state officials:

The main goal is to advance education equity. What this means in a sentence: Education equity is an opportunity for states, districts and schools to equitably design education systems to ensure that histori-

Three 509-J board positions are up for election in May. At least three people from Warm Springs have said they are interested in running.

cally underserved students are prepared for the demands of the 21st century.

There will be guidelines and standards that determine whether this is being met.

Councilman Jody Calica said many parents would like to see a closer ratio of Native American teachers to students: "Students ought to have teachers who look like them," as he said. At the Warm Springs Academy about 95 percent of the students are tribal members.

The curriculum, too, should re-

flect the culture of the students, as a way of increasing the graduation rate, and increasing the relevance of the curriculum thereby making the students feel more at home.

These are among the matters to be addressed in the long-term memorandum of understanding between the tribes and the school district 509-J. A new agreement does not yet exist, although the current one expired last year.

On this point: The Education Committee presented a proposed agreement last year, but the negotiation ended shortly thereafter. Some on the board said they would like to deal directly with Tribal Council, though the Education Committee is entrusted by Council with this kind of negotiating authority.

(See **SCHOOLS** on 7)

Pet clinic continues April 2

A free spay and neuter pet clinic in Warm Springs is coming up on Sunday, April 2. Drop off time will be at 7:30 a.m. at the Community Building on Quail Trail.

This is a project of Bend Spay and Neuter Project, who began the clinics in Warm Springs last year.

Since then, during five clinics, the team has performed 143 surgeries, and given hundreds of vaccinations.

The service is on a first-come first-serve basis, so showing up at least by 7:30 is important. Owners can then pick up the pets at 4 p.m.

The procedure is performed in the sterile environment of the mobile clinic, with the dogs staying in standard pet carrying crates during pre- and post-surgery.

The service includes a pre-surgical exam, the spay or neuter surgery, pain injection, anesthesia and monitoring post surgery, and a rabies vaccination if needed. For more information call 541-617-1010.

The Humane Society of Central Oregon will also be on hand to take any dogs that a person may want to surrender. This service will be available from 8:30-10:30 on Sunday, April 2 at the Community Building.



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