

Boating accident claims CRITFC technician

Four people were rescued after a fishing boat capsized and sank in the Columbia River last Friday, April 8. One person later died at a Portland hospital.

The four individuals were technicians on a research boat for the Columbia River Inter-Tribal Fish Commission.

The boat flipped over near Multnomah Falls, and three

men and a woman were clinging to the bottom of it as it floated down the river.

The Columbia River Inter-Tribal Fish Commission made the following statement:

“The Columbia River Inter-Tribal Fish Commission’s research boat capsized on the Columbia River near Multnomah Falls. The four individuals aboard the vessel were CRITFC technicians. All four

were rescued and transported to hospitals for medical attention.

“We are saddened to report that the individual who was transported to Portland via life-flight did not survive.

“This accident serves as a reminder of the constant dangers associated with the Columbia River, even for the most experienced. All four are highly trained and log hundreds of hours on the

Columbia River each year. We would like to thank the first responders who were part of the rescue and to those who provided medical attention.

As you can imagine, this is a sad day for the individual’s family, the tribal community, and the Columbia River Inter-Tribal Fish Commission. Our thoughts and prayers are with the family.

Gorge 2020 plan at Tribal Council

Tribal Council met with the executive director of the Columbia River Gorge Commission regarding a new long-range plan for the Gorge. Tribal Governmental Affairs director Louie Pitt, a former Gorge commission, joined the discussion of the Gorge 2020 plan.

The Confederated Tribes have a variety of significant interests at the Columbia Gorge. Usual and accustomed treaty fishing sites are there, as are cultural resources such as petroglyphs and first foods.

The Gorge is a National Scenic Area, with plan guiding resource protection and development. The plan is updated every 10 years, with 2020 being the target date for a new plan, said Gorge commission executive director Krystyna Wolniakowski.

The meeting with Tribal Council last week was an initial chance to hear tribal input on the management plan.

Fish habitat is a tribal priority, said Council chairman Austin Greene Jr. Mining activity at the Gorge, and oil transport by rail are concerns of the tribe, the chairman said.

Councilwoman Brigitte McConville said a growing problem is conflict between people using the river for recreation—wind surfing and recreational boating, for instance—versus tribal fisher people. Nets have been cut, both accidentally and on purpose, she said.

In the past there was an understanding and cooperation between the wind surfers and the fishermen, but this is no longer the case, said Councilman Raymond Tsumpti.

Councilman Jody Calica mentioned that the federal government is planning to build tribal housing at the river, as replacement for villages that were flooded by the dams. This would be an item to keep in mind as the new Gorge plan is being developed, he said.

Tribal issues will be brought up at the Gorge Commission meeting in June, Ms. Wolniakowski said. Council suggested that Louie Pitt can the tribal resource to develop the initial comments.

Penny Carnival coming up

Warm Springs Recreation, with Head Start and Early Head Start, invite you to the annual Penny Carnival, April 26 from 5 to 7 p.m. at the community center. This is a chance to celebrate the Week of the Young Child with a bake sale, games and fun.

Booth space is available. Call Carol Sahme at 541-553-3243.

Mother’s Day Revival

Who can find a virtuous woman? For her price is far above rubies. - Proverbs 31:10.

Strength and honor are her clothing; and she shall rejoice in time to come. - Proverbs 31:25.

Mother’s Day is a special time to connect with family. What better way to honor Mom than around God’s word?

Join us as we learn more about our Great God and how we can worship Him in spirit and truth.

Visit the Warm Springs Full Gospel Church on May 12 and 13 at 7 p.m., and May 14 at 10 a.m. The guest speaker will be Prophetess Pamela Ferguson.

Resolutions of Tribal Council

(The following are some of the resolutions passed recently by the Twenty-Seventh Tribal Council.)

WSFPI records

Whereas on April 11, 2016, Tribal Council for The Confederated Tribes of the Warm Springs Reservation of Oregon approved Tribal Resolution No. 12,155 authorizing the Chairman of Tribal Council and the Secretary-Treasurer/CEO, in consultation with the Tribe’s legal counsel, to take all necessary and appropriate action to proceed with the orderly wind-down of Warm Springs Forest Products Industries (“WSFPI”) in a manner that protects the Tribe and its resources and that minimizes, to the extent reasonably possible, the impact on individual tribal members; and,

Whereas Tribal Resolution No. 12,155, among other things, authorized the Chairman of Tribal Council and the Secretary-Treasurer/CEO, in consultation with legal counsel and with assistance from Tribal staff, to initiate an action in Tribal Court for the appointment of a receiver to take possession and control of the assets of WSFPI subject to the oversight of the Tribal Court, and to take any and all actions necessary or appropriate to sell, dispose of, or surrender the assets of WSFPI for the benefit of all creditors (“Receivership Action”); and,

Whereas the Chairman of Tribal Council and the Secretary-Treasurer/CEO have initiated the Receivership Action in Warm Springs Tribal Court Case No. CV20-16 and an order appointing Ed Hostmann, Inc. as general receiver for WSFPI (the “Receiver”) was entered by the Tribal Court on May 2, 2016; and,

Whereas the Receiver has proposed a Records Retention Agreement (“Agreement”), pursuant to which the Tribe would take possession and custody of certain business records of WSFPI for archival purposes and would make those records reasonably available to the Receiver on certain terms and conditions. The Agreement includes a limited waiver of the Tribe’s sovereign immunity, and a copy of the current draft of the Agreement is attached as Exhibit A; and,

Whereas Tribal Council believes that it is prudent and in the best interest of the Tribe to enter into the Agreement, including the limited waiver of sovereign immunity, in substantially the form of Exhibit A or as later amended, provided that such amendments do not materially affect the Tribe’s rights, obligations, or interests arising out of or related to the Agreement; now, therefore,

Be it resolved by the Twenty-Seventh Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Sections (f), (l), and (u) of the Tribal Constitution and By-Laws and Chapter 30 of the Warm Springs Tribal Code, that the Tribal Council approves the Records Retention Agreement and authorizes the Chairman of Tribal Council, Vice-Chairman of Tribal

Council, and the Secretary-Treasurer/CEO, in consultation with the Tribe’s legal counsel, to finalize the Records Retention Agreement in substantially the form of Exhibit “A” or as later amended, provided that such amendments do not materially affect the Tribe’s rights, obligation, or interests;

Be it further resolved, pursuant to Warm Springs Tribal Code, Chapter 30, the Tribal Council approves a limited waiver of sovereign immunity of the Tribe in relation to the Records Retention Agreement and in the following form:

“This waiver of the sovereign immunity of the tribes from suit or action is adopted pursuant to the terms of Warm Springs Tribal Code chapter 30 and shall be strictly construed and limited to its specific purpose and the specific waiver granted.

Pursuant to Tribal Resolution No. 12,306, the Tribe hereby expressly waives its sovereign immunity as to any claim or cause of action arising out of this Agreement that is initiated in Tribal Court seeking specific performance of this Agreement. The scope of this limited waiver of sovereign immunity does not include any claim for monetary damages, whether legal or equitable. This limited waiver applies only to the Tribe and to this Agreement and to no other parties, entities (including Tribal enterprises), transactions, contracts, or agreements. This limited waiver shall not modify any other waiver of sovereign immunity that may exist.” (*Resolution no. 12,306*)

Fishing guide

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 2017 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 2017 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; now, therefore,

Be it resolved by the Twenty-Seventh Tribal Council of the Confederated Tribes of Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (I) and (u), of the Tribal Constitution and By-Laws and Warm Springs Tribal Code Section 340, that the following rules and regulations (Exhibit A) are hereby adopted for the 2017 season; and,

Be it further resolved that for the 2017 season(s), the fishing guide services owned and operated by: Matt Mendes, enrollment number 6256 are hereby approved upon receipt of documentation noted in the Rules & Regulations. (*Resolution 12,302*)

Telecom board

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon is a federally recognized Indian Tribe; and,

Whereas by Resolution No. 11,181, Tribal Council formed the Warm Springs Telecommunications Company (“WSTC”) in 2010, as a subordinate organization pursuant to Article V, Section 1(o) of the Tribal Constitution for the purpose of providing expanded and improved telecommunication services on the Warm Springs Reservation to tribal members, Tribal and private businesses, critical facilities, Tribal and other governments; and,

Whereas, in accordance with the Articles of Incorporation of WSTC (“Articles”), an Interim Board of Directors of WSTC has been managing WSTC since its formation; and,

Whereas the Tribal Council has determined that it is appropriate and in the best interest of the Tribe to recruit and appoint an independent Board of Directors for WSTC; and,

Whereas the Tribal Council has determined that adopting Bylaws for WSTC will assist in the recruitment and appointment of Directors and in the governance and operation of WSTC; and,

Whereas the Tribal Council has further determined including an express delegation to WSTC under Warm Springs Tribal Code Chapter 30 to grant limited waivers of sovereign immunity as to WSTC will provide appropriate protection to the Tribe and to the enterprise and provide commercially reasonable authority to engage in transactions necessary and/or appropriate for the conduct of the enterprise’s operations; now, therefore,

Be it resolved by the Twenty-Seventh Tribal Council of the Confederated Tribes of Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(f), (l) and (o) of the Tribal Constitution and By-Laws and WSTC Chapter 30, that the Tribal Council hereby approves and adopts the By-Laws of the Warm Springs Telecommunication Company, attached to this resolution as Exhibit A. (*Resolution no. 12,305*)

Workers comp

Whereas since 1988 the Tribe has operated a self-insured Workers Compensation program under Tribal law as set out in Chapter 375 (Workers Compensation Code) of the Warm Springs Tribal Code (“WSTC”); and,

Whereas, pursuant to WSTC Section 375.130(1)(a) the Warm Springs Workers Compensation program is administered by a Workers Compensation Commit-

tee (“Committee”) made up of two representatives from Tribal Administration, two representatives from Warm Springs Forest Products Industries (“WSFPI”), and one representative each from Kah-Nee-Ta Resort, Indian Head Casino, and Warm Springs Composite Products, all of whom are appointed by Tribal Council; and,

Whereas, because of the closure and dissolution of WSFPI and the development of Warm Springs Ventures as a significant employer within the tribal organization, it is necessary to amend WSTC Section 375.130(1)(a) to remove the two designated WSFPI positions from the Committee and to add a representative to the Committee from Warm Springs Ventures; and,

Whereas, because of the transfer of Committee member, Kaitlyn Minnick representing Tribal Administration, from the Tribe’s Human Resources Department to a new position in the Human Resources Department at Indian Head Casino, it is necessary for Tribal Council to appoint a replacement member of the Committee representing Tribal Administration and also to appoint a new member of the Committee representing Warm Springs Ventures; and,

Whereas, pursuant to WSTC Section 375.130(1)(a) Tribal Council believes that it is appropriate to appoint Elizabeth Sato, manager of the Tribe’s Human Resources Department, to the Tribal Administration position on the Committee replacing Kaitlyn Minnick; and,

Whereas Tribal Council also believes it is appropriate to accept the recommendation of Indian Head Casino management to appoint Kaitlyn Minnick to the Committee representing Indian Head Casino and replacing current Committee member, Margie Tuckta; and,

Whereas Tribal Council also believes it is appropriate to accept the recommendation of Warm Springs Ventures management to appoint Sandra Danzuka to the Committee representing Warm Springs Ventures; now, therefore,

Be it resolved by the Twenty-Seventh Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(l) and (u), of the Tribal Constitution and By-Laws, and Section 375.130(1)(a) of the Warm Springs Tribal Code that the Tribal Council hereby amends WSTC Section 375.150(1)(a) regarding “Membership” on the Workers Compensation Committee by removing the two positions on the Committee representing WSFPI and adding a position on the Committee representing Warm Springs Ventures; and,

Be it further resolved by the Tribal Council pursuant to WSTC Section 375.130(1)(a) that Elizabeth Sato is hereby appointed to the Committee as a representative of Tribal Administration, Kaitlyn Minnick is hereby appointed to the Committee as a representative of Indian Head Casino, and Sandra Danzuka is hereby appointed to the Committee as a representative of Warm Springs Ventures. (*Resolution no. 12,304*)