

Court victory in treaty rights case

The U.S. Supreme Court this week handed down a decision respecting and protecting off-reservation treaty reserved hunting rights.

The case, *Wyoming vs. Herrera*, originated in Wyoming, but the Confederated Tribes of Warm Springs were among the several tribes paying close attention to the outcome.

The language of the 1868 treaty in *Wyoming vs. Herrera* is similar to the Confederated Tribes Treaty of 1855; so the court decision in the case could have precedent for Warm Springs and other Northwest tribes.

Warm Springs and these other tribes in the region filed a legal brief supporting the tribal interest in *Wyoming vs. Herrera*.

The facts of the case center around the Crow Tribe Treaty of 1868, and the right reserved by the Crow to con-

tinue to hunt off-reservation on "unoccupied lands."

The lands that Wyoming claimed were now "occupied" are the Big Horn National Forest adjacent to the Crow reservation. Clayvin Herrera is an enrolled Crow tribal member.

The court held that the hunting rights for the Crow tribe under a 19th Century treaty did not expire when Wyoming became a state. Mr. Herrera faced charges for off-season hunting in Bighorn National Forest in Wyoming.

Similarly, the Confederated Tribes of Warm Springs Treaty of 1855 pre-dates Oregon statehood by four years. So *Wyoming vs. Herrera* could have set a controlling precedent effecting Warm Springs off-reservation hunting, fishing and gathering rights.

Tribal Council authorized legal counsel to support

Herrera and the Crow tribe in the case.

"We felt it critical to support the Crow Tribe," said tribal attorney John Ogan. A decision in favor of the state of Wyoming, Mr. Ogan said, could have had "terrible potential negative consequences for the Warm Springs off-reservation hunting rights."

Specifically, for instance, the Whitman and Deschutes National Forests could have been deemed as "claimed" and no longer available to tribal member hunters.

In a 5-4 vote, with Trump appointee Gorsuch siding with the "liberal" wing of the Court, the majority ruled that:

Admission of a state into the Union does not imply abrogation of treaty hunting rights; and Congress simply creating a "forest reserve" by establishing a national forest does not render that land "occupied."

Council seeks to fill committee positions

The Twenty-Eighth Tribal Council of the Confederated Tribes of Warm Springs is advertising the following:

Culture and Heritage Committee: Six tribal member positions. Two members each, Wasco, Warm Springs and Paiute.

Candidate should be community-oriented and possess a positive rapport with the community. Must have an interest in the tribal cultural and heritage.

Understanding and appreciation of, and the capability to interpret traditional activities of the community.

Possess some understanding of the tribal organizational structure and functions.

Education Committee: Three tribal member positions.

Serve as an advisory body to the Tribal Council in the development of educational programs and opportunities for tribal members. Reviews and recommends educational services offered through tribal, state and federal agencies.

Health and Welfare Committee: Three tribal member positions.

Review and recommend to the Tribal Council on health and welfare service delivery systems, legislation development and implementation on federal and state levels.

Review policies affecting health and welfare services to tribal members. Direction of service systems, proposed projects and comprehensive health planning methods.

Land Use Planning Committee: Three tribal member positions.

Review requests for land use permits, zoning ordinance changes and possible comprehensive plan updates. Willing to work with other committee's on updates on the IRMP.

Range, Irrigation and Agriculture Committee: Three tribal member positions.

Review and recommend to the Tribal Council on range ordinances, review proposed range units, programs and projects.

Review conditional use permit applications, enforcement of regulations and water resource development on ranges.

Timber Committee: Three tribal member positions.

Review and recommend to the Tribal Council on policies in regards to timber permits, sales of timber and forest products, not more than 30 million board feet; review of areas to be logged, methods of harvest and utilization.

Review and recommend environmental protection laws, tribal and federal management plans.

Fish and Wildlife Committee (on- and off-reservation): Six tribal member positions.

Person should be able to review and recommend to the Tribal Council on quite a number of projects and meetings dealing with: Pacific Salmon Commission, Pacific Fisheries Management Council, Columbia River Management Plan which has a direct bearing

Summaries of Tribal Council

May 6

Roll call: Chief Delvis Heath, Chief Joseph Moses, Raymond Tsumpti, Brigitte McConville, Lola Sohappi, Wilson Wewa, Anita Jackson, Glendon Smith, Lincoln Jay Suppah, and Raymond Moody. Minnie Yahtin, Recorder.

Election of Officers:

• Raymond Tsumpti, by secret ballot is the Twenty-Eighth Tribal Council Chairman.

• Lola Sohappi is the Twenty-Eighth Tribal Council Vice Chair.

• Motion by Anita to advertise the Secretary-Treasurer, Chief Operations Officer and Associate Judge for 45 days. Second by Glendon. Question: 10/0/0, Chairman not voting. Motion carried.

• Motion by Brigitte for 30-45 days to schedule a discussion of the Chief Operations Officer position, to decide whether or not we continue this position and/or advertise for the position. Second by Wilson. Question: 10/0/0, Chairman not voting. Motion carried.

Motion by Anita to go into executive session to discuss the Associate Judge, Secretary-Treasurer and Chief Operations Officer positions. Second by Glendon. Question: 8/0/0, Chairman not voting. Motion carried.

Miss Warm Springs update.

May Agenda.

• Motion by Brigitte approving the May agenda, Subject to change. Second by Anita. Question: 10/0/0, Chairman not voting. Motion carried.

Minutes and summaries:

• Consensus to list names and how each Tribal Council member votes (yes, no, or abstain).

Quorum:

• Motion by Wilson that the Twenty-Eighth Tribal Council accept accountability by having five members present

and have the Chair and/or Vice Chair present to constitute a quorum. Second by Anita. Glendon/yes, Joe/yes, Raymond Moody/yes, Lincoln/yes, Brigitte/yes, Anita/yes, Wilson/yes, Delvis/yes, Lola/yes, Chairman not voting. Motion carried.

Motion by Anita to adjourn at 3 p.m. Second by Brigitte. Meeting adjourns.

May 9

Roll call: Chief Delvis Heath, Chief Joseph Moses, Chief Alfred Smith Jr., Chairman Raymond Tsumpti Sr., Vice Chair Lola Sohappi, Brigitte McConville, Wilson Wewa Jr., Raymond Moody, Lincoln Jay Suppah, Anita Jackson, and Glendon Smith. Elizabeth Miller, Recorder.

Capital infrastructure, water and wastewater updates.

Sanitation and landfill update.

Capital infrastructure update continued.

With no further discussion the meeting adjourned at 5 p.m.

May 13

Roll call: Chief Delvis Heath, Chief Joseph Moses, Chief Alfred Smith Jr., Chairman Raymond Tsumpti, Vice Chair Lola Sohappi, Brigitte McConville, Wilson Wewa Jr., Anita Jackson, Glendon Smith, Lincoln Jay Suppah, and Raymond Moody. Minnie Yahtin, Recorder.

Secretary-Treasurer update.

Administrative Service update:

• Records Center.

• Vital Statistics.

• Legal Aide.

• Probate – (had to leave due to court hearings).

• Human Resources:

• Personnel.

• Comp and Benefits.

• Benefits program.

Finance update.

Government Affairs update.

Managed Care update.

Purchasing update.

• Community Assistance update.

• General and administration update.

Request for financial assistance for the Language Bowl:

• Motion by Anita ap-

proving the request to pay for expenses for the language coaches and judges. Motion failed due to lack of a second.

Tribal Council meetings:

• Motion by Wilson to meet tomorrow morning only, pending the dressing, and Wednesday is cancelled in respect to the family, and to move those agenda items to end of the month and move the proclamation and priorities to the June schedule. Second by Raymond Moody. Question: 8/0/0, Chairman not voting. Motion carried.

Motion by Anita to adjourn at 5:03 p.m.

May 14

Roll call: Chief Joseph Moses, Chief Alfred Smith Jr., Chairman Raymond Tsumpti, Vice Chair Lola Sohappi, Wilson Wewa Jr., Anita Jackson, Glendon Smith, Lincoln Jay Suppah, and Raymond Moody. Minnie Yahtin, Recorder.

Executive session 9 to 9:50 a.m.

Resolutions:

• Motion by Joe adopting Resolution No. 12,593 appointing Raymond Tsumpti as voting delegate and Glendon Smith as the alternate to the National Congress of American Indians. Second by Anita. Question: 8/0/0, Chairman not voting. Motion carried.

• Motion by Glendon approving Anita to attend the Affiliated Tribes of Northwest Indians Conference (ATNI). Second by Joe. Question: 8/0/0, Chairman not voting. Motion carried.

• Motion by Raymond Moody adopting Resolution No. 12,594 appointing Raymond Tsumpti as voting delegate, and Anita as an alternate to the Affiliated Tribes of Northwest Indians. Second by Joe. Question: 8/0/0, Chairman not voting. Motion carried.

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Water Control Board

The Confederated Tribes of Warm Springs is seeking interested persons who are willing to serve on the three-member Water Control Board. Interested candidates must submit the following documents no later than Tuesday, June 14, 2019:

Letter of interest and resume, background and

credit check forms. Applicants can pick up the credit and background check forms at executive management; or download at:

<http://bit.ly/CTWSOBoardCommitteeINFo>

Submit to Michele Stacona, Secretary-Treasurer-CEO, PO Box 455, Warm Springs, 97761.

Madras Campus

CENTRAL OREGON COMMUNITY COLLEGE

2019 SALMON BAKE

Join us for a FREE, traditionally prepared salmon lunch and a Native American Celebration!

cocc.edu/madras
541.550.4100



Saturday, June 1
10:30 a.m. to 3 p.m.

COCC Athletic Field
Bend Campus

In advance of College events, persons needing accommodation or transportation because of a physical or mobility disability, contact Joe Viola at 541.383.7775. For accommodation because of other disability such as hearing impairment, contact Disability Services at 541.383.7583.