

'Any claims about a lack of consultation are an outright lie'

MOU continued
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voiced concerns that it would interfere with their treaty rights.

"All of this has happened because the state of Oregon has given other Tribes the right to veto, through their objections, an agreement that falls under state law, lies solely between you and Grand Ronde and affects no treaty rights of any Tribe," Tribal Council Chairwoman Cheryle A. Kennedy said. "You are allowing these other Tribes to constantly move the goal posts and in doing so, they will never be satisfied."

Grand Ronde has been working for years to have hunting and fishing rights restored after being forced into a consent decree to get its Reservation approved in 1988.

"As we are all aware, during the Tribe's efforts to secure Reservation lands after our Restoration, we were given one path from the state of Oregon: Sign the consent decree or remain a landless people," Kennedy said. "I think we can all agree that was not a choice, but an ultimatum. Sitting here today, years later, I feel that this history is repeating itself."

The Warm Springs Tribe and Umatilla Tribe voiced objections to Grand Ronde's MOU in letters to



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~ Tribal Council Chairwoman
Cheryle A. Kennedy

ODFW Director Curt Melcher, saying that approving it would violate their treaty rights, particularly at Willamette Falls, as well as violate the consent decree.

"Grand Ronde continues to make repeated attempts to exclude other Tribes from the historical narrative and implementation of a potential National Heritage Area at Willamette Falls," a letter from the Umatilla Tribe stated. "In several bills before the Oregon Legislature, CTGR has argued that the Willamette Falls is their exclusive territory. ... This was an effort to exclude the other Tribes from a seat at the table in the discussions regarding the falls."

In response, Grand Ronde Tribal Attorney Rob Greene sent a letter to Gov. Tina Kotek's office.

"Grand Ronde's new MOU with ODFW is a non-exclusive Tribal-state agreement; it does not affect the treaty rights of any Tribe and would operate only under state

law," Greene said. "I believe all the recent MOUs, beginning with Coquille in 2022, are clear on this point. The limits and areas of ceremonial and subsistence harvest will be set annually between the Tribe and ODFW. And, as we hope to discuss today, the number of animals Grand Ronde members would harvest under this MOU is very small.

"Umatilla is concerned about the impact of Grand Ronde's MOU on salmon fishing at Willamette Falls. I'm not aware of any Tribe other than Grand Ronde taking salmon at Willamette Falls. Grand Ronde takes 15 salmon each year at the falls pursuant to a state rule. Grand Ronde and ODFW excluded state-owned land at Willamette Falls from the geographic scope of the MOU that's currently before the commission."

Warm Springs Tribal Council Chairman Jonathan Smith said in a May 5 letter to Melcher that Grand Ronde has "failed to meaningfully consult or otherwise discuss with us its effort to negotiate a management agreement with ODFW," a statement that Kennedy says is false.

"Let's be clear," she said. "Any claims about a lack of consultation are an outright lie. The agreement was sent to all Oregon Tribes and no issues were raised. We held public meetings in which the other Tribes, Tribal leaders and legal representatives all attended. Again, no issues were raised."

Smith added that the Tribe also "refuses to acknowledge our sovereign and treaty-reserved interests at Willamette Falls."

"Our ancestors have fished, hunted and gathered around Willamette Falls and the surrounding area since time immemorial, and our members continue to do so," he said. "There can be no doubt that the Willamette Falls area is one of our treaty-reserved, usual and accustomed areas where our members fish at sites, which have been passed down through generations for subsistence and ceremonial harvest purposes."

Greene said that with respect to harvesting of salmon below Bonneville Dam, Melcher wrote in a 2014 letter that there is no treaty fishing rights for the harvest of fish by the four Columbia River Treaty Tribes, of which Warm Springs and Umatilla are included.

"... The bottom line is Grand Ronde's MOU does not affect the treaty rights of any Tribe. It's a non-exclusive agreement, will be reviewed every five years and contains provisions for ODFW to terminate it should problems ever arise."

During the June 16 hearing, Tribal Council Secretary Michael Langley said that Grand Ronde was held hostage by the consent decree

with the state.

"We had to give up our hunting and fishing rights," he said. "There really was no other alternative. ... Since we are resilient, we worked with the state of Oregon to restore some of these hunting and fishing rights, and are very proud of those efforts."

"There's other Tribes that believe that's not something we should do, but we believe in government-to-government relationships. We value those. So we entered into those agreements and it has worked really well. I think we've demonstrated that we're fully capable of managing those hunting and fishing units, including getting an agreement that extended to a shellfish as well. ... But it seems to me that with our success, people want to pull us back down. That success is actually working against us lately. We see this happening with other Tribes. They want to pull us down. We can see today that we've been an inconvenience to the point of being removed from the agenda. We stand here, proud of our success and will continue in our efforts."

Others who testified included Tribal Council member Kathleen George, former Tribal Council Chair Reyn Leno and Tribal member Desirae Hernandez.

"How long do I have to wait to hunt and fish on my lands? Why do people from central and eastern Oregon get to say where I can hunt and fish, and when will you do the right thing?" Hernandez, 11, said.

After hearing the testimonies, Melcher said he expected the Grand Ronde MOU to be on the agenda for the commission's next meeting in Salem on Friday, Aug. 4.

"We go way back and work well together, and I look forward to continuing that work with you," he said. "I understand your disappointment and our commitment to you is that we did file the notice for August and we expect (the MOU) to be on the agenda. ... Just sharing with you a little bit from my perspective, we have been engaged with several other Tribes and we're just trying to take a small pause to take away any criticisms of this process."

Later that day, the commission approved agreements with the Coos, Lower Umpqua and Siuslaw as well as the Siletz Tribe. The agreements are similar in scope to what the commission adopted with the Coquille Indian Tribe and Cow Creek Tribe in 2022.

Each agreement sets up a framework under which Tribal members, within certain areas, can participate in subsistence and ceremonial harvesting of fish and wildlife licensed and managed by Tribal governments in conjunction with ODFW and Oregon State Police. Annual limits and harvest areas by Tribal members will be agreed upon between the Tribe and ODFW. With these agreements approved, Grand Ronde is now the only western Oregon Tribe without one.

For more information on existing agreements, visit dfw.state.or.us/tribal_relations/. ■

Bill overhauls ODFW commission to improve role of Native Tribes

By Dean Rhodes
Smoke Signals editor

A bill approved by the Oregon Legislature on Sunday, June 25, and supported by the Confederated Tribes of Grand Ronde will overhaul the Oregon Fish & Wildlife Commission's membership structure and require commissioners to understand the roles of federally recognized Tribes in Oregon and their relationships with the lands, water and natural resources that the commission governs.

"Grand Ronde supports House Bill 3086 as introduced," Tribal Council Chairwoman Cheryle A. Kennedy said. "Appointing commissioners based on geographic region, as opposed to population, allows for best practices in management of fish and wildlife based on sustainable ecological practices within watersheds or river basins. Grand Ronde is committed to the management of these natural resources, and with the passing of (the bill), representation amongst the commission will be based on the river basins and watersheds, rather than voting districts, which provides for equitable management of fish and wildlife."

House Bill 3086 was approved by both the Oregon House and Senate and was sent to Gov. Tina Kotek's desk for signature.

Previously, members of the Oregon Fish & Wildlife Commission represented each congressional district. The bill changes the membership to representing each of the five river basins within the state, aligning conservation efforts with the diverse habitats, Tribal traditions of land stew-

ardship and expertise of rural conservationists.

"It is high time we uplift the voices of the original stewards of this land and honor the place-based way in which we have managed our fish, waters and wildlife since time immemorial," said Rep. Annessa Hartman, a Democrat representing Gladstone and Oregon City. "This river basin model offers us a chance to adequately do that."

The bill also requires Oregon's governor to consider racial, ethnic, gender and geographic diversity. Six of Oregon's nine federally recognized Tribes endorsed the legislation.

"The commission should equally represent the diversity of Oregon's landscape," said Rep. Bobby Levy, a Republican representing Pendleton. "Using the five river basin management areas as a reference will ensure that representation can be more equitable, amplifying voices of those that have a stake in these wildlife regions. There are multi-faceted issues that each region need different solutions to."

"These issues are related to water policy, fish, wildlife and habitat management. Congressional districts cannot equitably represent the vast landscapes, with differing needs. The regional representation will bring a diversity that is not currently in place, especially by elevating Oregon's Tribes."

Smoke Signals contacted Kotek's office about her intentions regarding signing the bill into law and did not receive a response before deadline. ■