

KLAMATH NEWS

THE OFFICIAL PUBLICATION OF THE KLAMATH TRIBES:

KLAMATH, MODOC, AND YAHOOSKIN

TREATY OF 1864



Volume 31, Issue 1

The Klamath Tribes, P.O. Box 436, Chiloquin, OR 97624
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1ST QTR. ISSUE 2015

Formerly Senate Bill 2379 ... Now Senate Bill 133 - "Bring Home the Salmon"

A Letter and Update from the Chairman on the Klamath Settlement Agreements

Fellow Klamath Tribal Members,

I am encouraged and cautiously optimistic regarding the current status of the legislation needed to move forward with the Klamath Agreements (KBRA, KHSAs and UKBCAs). Though legislation for the Agreements didn't pass during the last legislative session in December 2014, there has been significant progress and growing local, regional and national support to legislate the Agreements this year. I am pleased to report that the Klamath Tribes and the other parties to the Agreements have been in detailed and cooperative discussions with Congressman Greg Walden and his key staff to address specific issues that hinder gaining the congressional support needed to pass legislation. Support of Congressman Walden (pictured right) and the now Republican controlled Congress is critical in order to pass legislation for the Agreements.

Framing the ongoing discussions is the clear understanding (amongst all the settlement parties, federal agencies, Oregon Senators Ron Wyden and Jeff Merkley, and Congressman Walden's office) that addressing concerns must not substantively change the carefully negotiated balance the provisions of the Agreements provide to protect the rights and interests of all the settlement parties. Any changes to the agreements or legislation that upset the delicate balance of benefits must be avoided. Though this has been challenging, significant progress has been made.

The Klamath Tribal Council encourages all Klamath tribal members to attend the series of tribal community meetings that will be held during the week of February 9, 2015, and the February 28, 2015 Regular General Council Meeting (See meeting notices published in this newsletter for details.). An update on the status of the Agreements and legislation (Senate Bill 133, formerly 2379), ongoing water rights adjudication, Mazama Forest acquisition, and related mat-

ters will be provided. In addition, there will be a presentation and open discussion at the community meetings regarding filing a "Dispute Initiation Notice" as provided for in Sections 6.5 and 7.6 of the KBRA. This issue will be brought forth at the February 28 Regular General Council for consideration and potential action. The General Council will consider at that time whether filing a Dispute Initiation Notice by the March 1, 2015 deadline is necessary to preserve and protect the Klamath Tribes' options and interests pertaining to the Agreements.

We are currently at one of the most significant points in the history of the Klamath, Modoc, and Yahooskin Paiute people. Because of this, I encourage all of our members to become engaged and learn the facts regarding these issues. If we do so, as we did in the past during the Restoration Act legislation process, I believe that we will become a strong and united force to bring forward successful legislation for the Klamath Agreements, which will lay a foundation to better protect and provide for our Treaty Rights and resources, and help provide for a better future for our people.

Pleya gi (Blessings),

Don Gentry,
Chairman, The Klamath Tribes



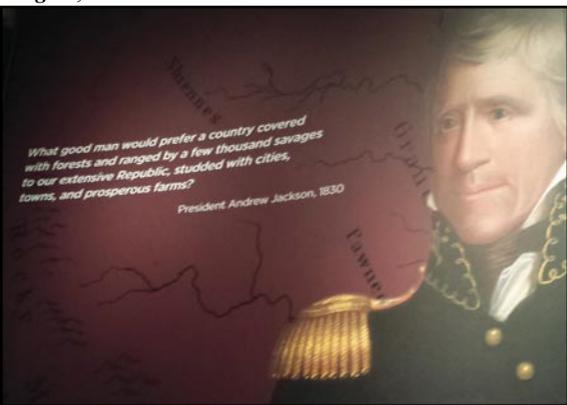
Congressman Walden and Chairman Gentry
Photo by Taylor Tupper/Klamath Tribes



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"What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms?" - President Andrew Jackson, 1830



THE LONG STRUGGLE HOME: THE KLAMATH TRIBES' CONTINUED FIGHT TO RESTORE THEIR LAND, PEOPLE AND ECONOMIC SELF-SUFFICIENCY WE ARE TOLD, "IF THE FISH DIE, THE PEOPLE DIE" BRING THE SALMON HOME

KBRA/KHSA Timeline of Events Including FERC Relicensing and Klamath Basin Adjudication Milestones

1975

9-29-1975 United States files suit in federal district court in United States v. Adair, asserting federal reserved water rights in the Upper Williamson River for the Klamath Marsh National Wildlife Refuge and Winema National Forest.

12-23-1975 The State of Oregon initiates the Klamath Basin Adjudication (KBA or Adjudication) proceedings under state law to determine water rights in the Klamath Basin, including the Upper Williamson River.

1976

9-10-1976 Klamath Tribes move to intervene in United States v. Adair, asserting federal reserved water rights in the Upper Williamson River based on the 1864 Treaty.

1977

11-14-1977 The federal district court refuses to dismiss United States v. Adair in favor of the Klamath Basin Adjudication as requested by the State and various private parties, instead bifurcating the case, with the federal court declaring the existence, scope, nature, and priority of the Klamath Tribes' water rights, but leaving quantification of the rights to the KBA.

1979

9-27-1979 The federal district court confirms the Klamath Tribes' time immemorial reserved water rights to fulfill the hunting, fishing, trapping, and gathering purpose of the 1864 Treaty, and also reserved water rights with an 1864 priority date to fulfill the agricultural purpose of the Treaty, in United States v. Adair, 478 F. Supp. 336 (D. Or. 1979) ("Adair I").

1984

1-24-1984 The Ninth Circuit upholds the district court's determination of the Tribes' water rights on appeal in United States v. Adair, 723 F.2d 1394 (9th Cir. 1984) ("Adair II").

1994

12-28-1994 After several years of litigation, the Ninth Circuit in United States v. Oregon, 44 F.3d 758 (9th Cir. 1994) determines over objections of the Klamath Tribes and the United States that the Tribal water rights must be litigated as part of the Klamath Basin Adjudication.

1997

4-29-1997 Klamath Tribes and United States, as trustee for the Tribes, file the Tribal water right claims in the Klamath Basin Adjudication.

1999

10-1-1999 Klamath Tribes and United States, as trustee for the Tribes, file amended Tribal water right claims in the Klamath Basin Adjudication.

10-4-1999 The Oregon Water Resources Department (OWRD) issues its Summary and Preliminary Evaluation of Claims largely rejecting the Tribal water right claims.

2002-2003-2004

2-27-2002 The federal district court in United States v. Adair, 187 F.Supp.2d 1273 (D. Or. 2002) (Adair III), determines that the quantification standard applied by OWRD to the Tribal water right claims in its Summary and Preliminary Evaluation of Claims was incorrect.

12-7-2002 General Council Resolution #2002-003 Appointing Working Team for Klamath Tribal Land Return and Negotiation Efforts.

7-21-2003 The Ninth Circuit Court of Appeals vacates Adair III on ripeness grounds due to the preliminary and nonbinding nature of OWRD's Summary and Preliminary Evaluation of claims.

FERC Relicensing. Klamath Tribes begin full engagement of the FERC relicensing process in FERC Project P-2082 Klamath River Dams.

2005-2006

9-27-2006 EPA Act Hearing Decision favors tribes. Settlement negotiations get underway in earnest with this decision.

11-7-2006 Following extensive rounds of briefing and oral argument, the KBA Administrative Law Judge issues Orders on Motions for Rulings on Legal Issues adopting the quantification standard for the Tribal water rights advocated for by the Klamath Tribes and the United States.

Treaty Resource Protection meetings with Tribal Council, Legal Counsel, Natural Resource Staff and Other Tribal Staff began on a weekly or bi-weekly basis for tribal member participation. These meeting were regarding Salmon and Klamath River Dam issues. FERC relicensing and/or settlement negotiation issues were addressed. Meeting times are 9-11 a.m. at Tribal Admin. These meetings have been consistent since November of 2005 and at times have been held in the evening

2007

2-12 & 2-13-2007 The KBA Administrative Law Judge issues Amended Orders on Motions for Rulings on Legal Issues affirming the legal standards for quantification of the Klamath Tribes' water rights advocated for by the Tribes and the United States.

Treaty Resource Protection meetings

1-9-2007 Working Draft Summary KBRA

5-12-2007 Special General Council by petition to discuss FERC Settlement Framework

5-21-2007 (Tribal Benefits) Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

5-22-2007 (Tribal Benefits-Fisheries Reintroduction and Restoration) Internal Klamath Tribal FERC Framework

Work Sessions Input from Tribal members

5-29-2007 (Fisheries Reintroduction and Restoration) Internal Klamath Tribal FERC Framework Work Sessions

Input from Tribal members

5-30-2007 (Power -- Water) Internal Klamath Tribal FERC Framework Work Sessions Input from members

6-2-2007 (Water) Internal Klamath Tribal FERC Framework Work Sessions Input from Tribal members

6-4-2007 (Water and final review) Internal Tribal FERC Framework Work Sessions Input from members

6-12-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

6-26-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

7-10-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

7-24-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

8-14-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

8-28-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

9-11-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

9-25-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

10-9-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

10-23-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

11-13-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

11-17-2007 KBRA Presentation to General Council Closed session update

11-27-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

12-11-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

12-13-2007 Internal Klamath Tribal FERC Framework Work Sessions input from Tribal members

2008

1-15-2008 Draft #11 KBRA made available to members at General Council, via website and Planning Dept.

1-22-08 Tribal Information Meeting regarding KBRA and Dam Removal Administration Bldg. Chiloquin

1-23-08 Tribal Information Meeting regarding KBRA and Dam Removal Fairgrounds Klamath Falls, OR

1-27-08 Tribal Information Meeting regarding KBRA and Dam Removal Community Center, Beatty, OR

2-2-2008 Special General Council Regarding KBRA: Motion by Garrick Jackson second by Lloyd Hall to endorse and support the Klamath Basin Restoration Agreement {KBRA}. Vote: 72 for 8 opposed 2 abstentions. Motion passed.

9-11-2008 Regular Tribal Council Meeting: Resolution #2008-50 Supporting efforts to obtain a sense of the Congress Resolution regarding the KBRA. Vote 8 for 0 opposed 1 abstention. Presented to General Council 11-15-2008 (this was the resolution to continue negotiations with the Government).

11-15-2008 General Council

2009

8-10-2009 Tribal Information Meeting regarding KBRA and Dam Removal, Portland, OR

8-11-2009 Tribal Information Meeting regarding KBRA and Dam Removal, Eugene, OR

8-12-2009 Tribal Information Meeting regarding KBRA and Dam Removal, Beatty, OR

8-20-2009 Tribal Information Meeting regarding KBRA and Dam Removal, Klamath Falls, OR

8-21-2009 Tribal Information Meeting regarding KBRA and Dam Removal, Chiloquin, OR

8-29-2009 Regular General Council Meeting: Review of KBRA/KHSA. Motion by Clayton Chocktoot, second by Frank Summers to approve the Klamath Tribal Council's proposed public review and voting process for the Klamath Basin Restoration Agreement and Klamath Hydroelectric Settlement Agreement. Vote: 51 for, 9 opposed, 23 abstentions. Motion passed.

9-20-2009 Draft Hydroelectric Settlement Agreement released and available to tribal members via website and Planning Department

11-21-2009 Hydroelectric Settlement Agreement on agenda for Regular General Council update

12-21-2009 Review draft KBRA released and available to tribal members via website and Planning Department

2010

1-5-2010 KBRA Referendum Ballots mailed to all tribal members 18 years and older

1-19-2010 Ballots Counted: 700 yes votes; 139 no votes. KBRA/KHSA approved by referendum vote of the Klamath Tribes

2-18-2012 KBRA and KHSA are signed by over 40 parties.

Tribal Council has provided updates regarding the KBRA/KHSA in nearly every Tribal newsletter edition for several years.

April to July, 2010 The Klamath Tribes and the United States defend the Tribal water right claims in cross-examination hearings before the KBA Administrative Law Judge.





2011

11-10-2011 Senator Merkley introduced S.1851 Klamath Basin Economic Restoration Act of 2011 and Congressman Thompson (CA) introduced HR.3398, a companion bill in the House.

12-1-2011 The KBA Administrative Law Judges issues Proposed Orders in favor of quantification of the Klamath Tribes' water rights in the Williamson, Sycan, Sprague, and Wood Rivers, the Klamath Marsh, and in 140 springs, in the amounts claimed by the Tribes and the United States as trustee for the Tribes.

2012

4-16-2012 The KBA Administrative Law Judges issues Proposed Orders in favor of quantification of the Klamath Tribes' water rights in the Klamath River and Klamath Lake in the amounts claimed by the Tribes and the United States as trustee for the Tribes.

8-17-2012 Tribal Council report to the General Council on KBRA First Amendment and KHSA matters.

11-17-2012 Tribal Council report to the General Council on KBRA First Amendment and KHSA matters.

12-17-2012 Referendum vote on First Amendment to the Klamath Basin Restoration Agreement. Membership approved and directed the Klamath Tribal Chairman to sign the First Amendment by a vote of 508 in favor and 77 against.

12-29-2012 All Parties to the Klamath Basin Restoration Agreement (KBRA) have approved and signed the First Amendment to the Klamath Basin Restoration Agreement for the Sustainability of Public and Trust Resources and Affected Communities (First Amendment). Thus, the KBRA was amended consistent with the First Amendment.

2013

3-7-2013 OWRD issues its Findings of Fact and Order of Determination (FFOD) resolving all claims in the KBA. The FFOD largely confirms the Tribal water rights in the amounts claimed by the Tribes, but denies the Tribes' off-reservation claims. The Tribal water rights as confirmed in the FFOD become enforceable under state law. Pursuant to state law governing the Adjudication, the FFOD is filed with the Klamath County Circuit Court, initiating the judicial review phase of the Adjudication.

6-10-2013 The Klamath Tribes and the United States place their first call to enforce their water rights recognized in the FFOD.

6-20-2013 Senate Committee on Environment and Natural Resources convenes an oversight hearing on Klamath Basin water issues. Chairman Gentry testifies at the hearing on behalf of the Klamath Tribes in support of the KBRA and KHSA. Hearing was conducted by Senator Wyden with Senators Merkley and Murkowski in attendance.

7-3-2013 Senators Wyden and Merkley, Congressman Walden and Governor Kitzhaber invite the Klamath Tribes to participate in the Klamath Basin Task Force. The Task Force was convened to resolve the water, power and other resource management issues in the Klamath River Basin (Basin)

April to November, 2013 The Klamath Tribes and the United States successfully defend against stay petitions filed by private parties in the KBA seeking to stay enforcement of the Tribal water rights.

7-2013 through 2-2104 The Klamath Tribes participate in the Upper Klamath Basin Comprehensive Agreement negotiations with the United States, State of Oregon and upper basin irrigators.

12-2-2013 Klamath Tribes and agreement parties announce an Agreement In Principle in the Upper Klamath Basin Comprehensive Agreement negotiations.

12-17-2013 Klamath Tribes Negotiation Team holds community outreach meetings throughout Oregon to inform members of the Agreement In Principle – Upper Klamath Basin Comprehensive Agreement.

2014

2-28-2014 Klamath Tribes and agreement parties announce a Proposed Upper Klamath Basin Comprehensive Agreement for the Tribal General Membership's consideration.

3-18-2014 Klamath Tribes Negotiation Team holds community outreach meetings throughout Oregon to inform members of the Proposed Upper Klamath Basin Comprehensive Agreement.

4-9-2014 By referendum vote on the Klamath Tribes approve the Proposed Upper Klamath Basin Comprehensive Agreement by a vote of 564-yes and 419-no.

4-19-2014 The Upper Klamath Basin Comprehensive Agreement is signed by the parties.

5-21-2014 Senators Wyden and Merkley introduced S2739 - Klamath Basin Water Recovery and Economic Restoration Act of 2014. Legislation is assigned to the Senate Energy and Natural Resources Committee.

6-3-2014 Senate Committee on Energy and Natural Resources, Subcommittee on Water and Power holds a Legislative Hearing on S.2379. Chairman Don Gentry offers testimony in support of the bill and the Klamath Agreements.

6-10-2014 The Klamath Tribes and the United States place a call for regulation of water rights per the terms of the UKBCA.

10-17-2014 KBA parties, including the Klamath Tribes, file exceptions in the Klamath County Circuit Court to register their objections to portions of OWRD's FFOD.

11-13-2014 Senate Committee on Energy and Natural Resources reports out of Committee S2379. Legislation does not reach Senate floor and dies in the 114th session of Congress.

2015

1-8-2015 Senators Wyden and Merkley reintroduce legislation, S133 - Klamath Basin Water Recovery and Economic Restoration Act of 2015.

1-16-2015 KBA parties, including the Klamath Tribes, file requests to be heard on exceptions to the FFOD filed by other parties in the Klamath County Circuit Court.

Timeline for Recent Klamath Agreements & Legislation

January 19, 2010

The Klamath Tribes voted overwhelmingly for the Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA). 770 members voted for the Agreements, 139 members against them. (These Agreements were negotiated by the Klamath Tribes Negotiation Team which at that time included Joe Hobbs, Jeff Mitchell, Will Hatcher, Larry Dunsmoor and Bud Ullman.)

Chairman Joe Kirk stated, *"This is good news not only for the Tribes but for the Basin community. It is a step toward ending decades of strife, and moving toward a sustainable future for us all. The Tribes' commitment to resolving these issues has steered our participation in negotiating the KBRA."*

November 10, 2011

Senator Jeff Merkley and Congressman Mike Thompson (CA) introduced the *Klamath Basin Economic Restoration Act* which included both the KBRA and KHSA. The legislation did not pass.

December 17, 2012

The Klamath Tribes reaffirmed their commitment to the Klamath Basin Restoration Agreement by voting 508 in favor and 77 opposed to having Chairman Gary Frost sign the First Amendment to the KBRA, extending the time for passage of federal legislation and to address other matters.

Jeff Mitchell, KTNT lead negotiator and Tribal Council member expressed his support as follows, *"The decision we make concerning the KBRA/KHSA will be one of the most important decision in the last 150 years of our Tribes. These agreements represent the most significant actions we can take to preserve and protect the values and principles, the lands, water and resources including all our fish, plant and wildlife of the entire Klamath Tribes. A vote of yes will set a new course that brings stability, predictability and certainty that we have not had since prior to termination. We can set us on a new path or we can tie our-selves and our descendants to decades more of uncertainty and litigation."*

March 7, 2013

After 38 years of litigation (1975-2013), the Oregon Water Resources Department completed Phase I of the Klamath River Basin Water Adjudication, issuing a Final Order of Determination (FOD) recognizing the Klamath Tribes time-immemorial senior in-stream water right at or near the amounts claimed within the reservation boundaries, but denying claims outside of the reservation boundary. This moved us into Phase 2, which allows those who dispute our water right to file exceptions with the Klamath County Circuit Court. That Court is reviewing those exceptions, and will issue a water rights decree either affirming or changing our water right.

Recognizing that litigation pertains only to water quantity, the Klamath Tribes continued to pursue settlement Agreements and legislation that would improve riparian habitat and water quality, support existing fish populations, lead to the restoration and reintroduction of salmon and steelhead, provide a foundation for Tribal economic development and confirm all or most of our senior in-stream water rights since other parties to the Agreements commit not to oppose our FOD water right.

In an interview regarding the water rights victories, Jeff Mitchell stated, *"These rulings reconfirm the role that the KBRA can play in resolving Basin resource issues. The Tribes will continue to work with others in the Basin to determine the best path from here on."*

June 20, 2013

Senator Ron Wyden held a hearing in Washington, D.C. on water issues in the Upper Klamath Basin. Chairman Don Gentry represented the Klamath Tribes.

July 8, 2013

Senators Wyden and Merkley, Congressman Walden and Oregon Governor Kitzhaber created a Task Force, including the Klamath Tribes, that was charged with developing specific recommendations that build on the KBRA and KHSA by September 10, 2013. This timeline was extended due to the complexity of issues negotiated.

KTNT members participating in these negotiations included Chairman Don Gentry, Vice-Chair Vivian Kimbol, Tribal Council members Anna Bennett and Kathy Hill, Tribal member Jeff Mitchell, Larry Dunsmoor (Tribal biologist) and David Gover and Sue Noe (Native American Rights Fund attorneys). Tribal Council members Taylor Tupper and Shawn Jackson serve as KTNT alternates.

August 5-7, 2013

Klamath Tribal Council held a series of local community meetings in Chiloquin, Beatty and Klamath Falls for open discussion with Tribal members.

September 28, 2013

A Special General Council Meeting was held that included an update about the Water Task Force.





November 16, 2013

A Regular General Council Meeting was held at which a report was given on Upper Basin Negotiations (Water Task Force).

December 13, 2013

Tribal Chairman Don Gentry and representatives of the Upper Basin Off-Project Irrigators signed an *Agreement in Principal*, which provided a foundation for continuing negotiations.

December 17 – 20, 2013

Tribal Council/KTNT Community Meetings regarding the *Upper Basin Agreement in Principal* were held in Klamath Falls, Chiloquin, Eugene and Portland.

February 22, 2014

A Regular General Council Meeting was held, which included a Water Settlement Update.

March 4, 2014 The Upper Klamath Basin Comprehensive Agreement was finalized and presented to parties for review.

March 4, 2014

The Upper Klamath Basin Comprehensive Agreement was finalized and presented to parties for review.

March 18-21, 2014

Tribal Council/KTNT Community Meetings regarding the *Upper Klamath Basin Comprehensive Agreement (UKBCA)* were held in Portland, Eugene, Klamath Falls and Chiloquin.

April 9, 2014

The Klamath Tribes voted to Approve the *Upper Klamath Basin Comprehensive Agreement* by a vote of 564 yes votes and 419 no votes, directing the Chairman to sign the Agreement.

April 18, 2014

Chairman Don Gentry, Oregon Governor John Kitzhaber, Senators Ron Wyden and Jeff Merkley, Secretary of the Interior Sally Jewell, Commerce Undersecretary Kathryn Sullivan, California Resources Secretary John Laird, and other members of the Klamath Basin Task Force met at Collier Park on the banks of Spring Creek for the official public signing of the Upper Klamath Basin Comprehensive Agreement.

May 21, 2014

Senators Wyden and Merkley of Oregon and Senators Boxer and Feinstein of California co-sponsored the introduction of Senate Bill 2379, *the Klamath Basin Water Recovery and Economic Restoration Act of 2014*, in support of the KBRA, KHSA and UKBCA.

November 13, 2014

S. 2379 passed the U.S. Senate Energy and Natural Resources committee with a vote of 17 for and 5 opposing.

December 4, 2014

Chairman Gentry, who was in Washington, D.C. to support S. 2379, availed himself of an opportunity for a one-on-one conversation with Congressman Walden in which he emphasized the importance of keeping the Klamath Agreements whole.

December 12, 2014

S. 2379 did not pass before Congress adjourned. Since this was the end of the 113th session of Congress, it would have to be reintroduced in the 114th session of Congress in order to be considered. (The 113th session of Congress passed only 3% of the bills introduced.)

December 16, 2014

Senator Jeff Merkley spoke on the floor of the Senate (and on C-SPAN), reiterating his continued support for the Agreements, and his commitment to reintroduce the Klamath Basin legislation.

December 17, 2014

Congressman Greg Walden met with Tribal Council members to discuss the Klamath Basin Agreements.

December 18, 2014

Chairman Gentry notified KTNT members by email that he would like to discuss the KBRA Dispute Initiation Notice process to ensure that the best interests of the Klamath Tribes would be protected.

December 23, 2014

Klamath Tribal Council scheduled a work session at Klamath Tribal Health for January 8 and 9, 2015, to discuss the future of the KBRA and other Klamath Basin Agreements.

January 6, 2015

KTNT members Don Gentry, Vivian Kimbol, Anna Bennett, Kathy Hill, Jeff Mitchell and Larry Dunsmoor met to discuss potential recommendations to the full Tribal Council.

January 8, 2015

KTNT members Jeff Mitchell, Larry Dunsmoor and David Gover attended the Tribal Council work session to provide input on the future of the Klamath Basin Agreements.

January 8, 2015

During their work session, Tribal Council received a call from Senator Merkley's office notifying them that Senators Wyden and Merkley of Oregon and Senators Boxer and Feinstein of California had on that day co-sponsored the introduction of Senate Bill 133, the *Klamath Basin Water Recovery and Economic Restoration Act of 2015*, in support of the KBRA, KHSA and UKBCA, and that the language of the Bill was the same as the language in S. 2379, introduced in 2014.

January 9, 2015

During the second day of their work session, the Tribal Council decided to schedule community meetings in February to update Tribal members about ongoing water adjudication efforts, the status of adjudication, legislation, Mazama Tree Farm acquisition and other matters, and seek their input on the matter of the KBRA Dispute Initiation Notice.

January 14, 2015

During their regularly scheduled meeting, Tribal Council discussed adjudication, the Dispute Initiation Notice and the schedule for Tribal Community Meetings, among other matters.



PRESERVE AND PROTECT TRIBAL RIGHTS- NEVER GIVE UP!

"It is the position of the Yurok, Karuk and Klamath Tribes that in order to meet Tribal Trust responsibilities to Tribes that actively fish the Klamath River, the United States is obligated to actively participate in these agreements that were collaboratively developed by a broad and diverse array of stakeholders and serve as the blueprint for the greatest basin wide river restoration effort ever attempted in United States history."

Parties of the Klamath Basin Settlement Agreements As of December 23, 2014

Parties: The following organizations and individuals are official parties/supporters to the KBRA, KHSA, and/or UKBCA.

United States

National Marine Fisheries Service
The United States Department of the Interior

State of California

California Department of Fish and Wildlife
California Natural Resources Agency

State of Oregon

Oregon Department of Environmental Quality
Oregon Department of Fish and Wildlife
Oregon Water Resources Department

PacifiCorp

Tribes

Karuk Tribe
Klamath Tribes
Yurok Tribe

Counties

Humboldt County, California
Klamath County, Oregon

Parties Related to Klamath Reclamation Project

Ady District Improvement Company
Collins Products, LLC
Enterprise Irrigation District
Don Johnston & Son
Inter-County Properties Co, which acquired title as Inter-County Title Company
Klamath Basin Improvement District
Klamath Basin Power Alliance
Klamath Drainage District
Klamath Irrigation District
Klamath Water Users Association

Klamath Water and Power Agency
Bradley S. Luscombe
Malin Irrigation District
Midland District Improvement Company
Pioneer District Improvement Company
Plevna District Improvement Company
Reames Golf and Country Club
Shasta View Irrigation District
Sunnyside Irrigation District
Tulelake Irrigation District
Van Brimmer Ditch Company
Randolph and Jane Walthall 1995 Trust
Westside Improvement District #4
Winema Hunting Lodge, Inc.

Upper Klamath Irrigators

Garrett Roseberry, Resource Conservancy and Sprague River Water Resource Foundation.
Roger Nicholson, Fort Klamath Critical Habitat Landowners.
Allen Foremen
Kevin Newman.
Larry Nicholson.
Linda Long.
Melissa Hess.
Randall Kizer.
Todd Mathis, Mathis Family Trust.
Tom Burns.
Matthew Walter
Becky Hyde
Cheri Little
Upper Klamath Water Users Association.

Non-Governmental Organizations

American Rivers
California Trout
Institute for Fisheries Resources
Northern California/Nevada Council Federation of Fly Fishers
Pacific Coast Federation of Fishermen's Associations
(List continued on page 8...)



Salmon River Restoration Council
Trout Unlimited

- Endorsements:** The following organizations and individuals have endorsed the KBRA, KHSA, and UKBCA.
- California Waterfowl Association
 - Cal-Ore Produce
 - Cal-Ore Wetlands and Waterfowl Council
 - Delta Wildfowl Foundation
 - Gold Dust Potato Processors
 - Eugene Register Guard
 - Fort Klamath Critical Habitat Landowners
 - Klamath County Cattlemen's Association
 - Klamath Chamber of Commerce
 - Klamath Falls City Council
 - Klamath Falls Herald and News
 - Klamath County Farm Bureau
 - Malin Potato Co-op
 - Modoc County Farm Bureau
 - Oregon Cattlemen's Association
 - Oregon Farm Bureau Federation
 - Oregon Potato Commission
 - Oregon Water Resources Congress
 - Resource Conservancy
 - Sprague River Water Resource Foundation
 - The Oregonian
 - Salem Statesman Journal
 - Wong Potatoes

*Passage of the Federal authorizing legislation would add these Federal agencies as Parties to the KBRA: National Marine Fisheries Service, the United States Forest Service, and the United States Department of the Interior, including Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service

*Note: While this list encompasses the "official" parties to these agreements, there are several thousand individuals, other tribes, cities, and other parties who have provided support and encouragement for this enormous process. The list continued to grow.

Hello Potential Participants

I am excited to announce to you that the **Diabetes Program** will be hosting a series of (6) seminar classes related to diabetes and diabetes management! Classes are only open to those who have **Diabetes Type I or Type II** and I will be accepting no more than (10) participants for each class, which means you must call to reserve a seat.

Classes will be hosted bi-monthly in Klamath Falls at our Tribal Health administration building and will be (2) hours in length held every 2nd Wednesday from 5:30 P.M.-7:30 P.M. and are as follows:

- 1) **Diabetes & You/Monitoring & Medication**- February 11, 2015 (Reserve or Cancel by: January 28th)
- 2) **Deciphering Labs/Standards of Care**- April 8, 2015 (Reserve or Cancel by: March 25th)
- 3) **Diabetes Complications/Motivation to Change**- June 10, 2015 (Reserve or Cancel by: May 27th)
- 4) **Fitness: Not Physical Activity/Nutrition: Not a Diet**- August 12, 2015 (Reserve or Cancel by: July 29th)
- 5) **Mental Health With Chronic Disease/Being a Supportive Partner, Friend, Caregiver (1 guest)**- October 14, 2015 (Reserve or Cancel by: September 30th)
- 6) **Surviving it All: Success Stories**- December 9, 2015 (Reserve or Cancel by: November 25th)

-Dates, times, or location are subject to change; notifications sent if changes are made to schedule-

Seminar classes are **free of charge** and you will be able to choose which are best for you. Education will be relevant to topic and demonstrations will be provided when possible.

There are no special incentives for participating, these courses are for individuals who are willing to learn how to self-manage their diabetes and change their lifestyle.



Klamath Tribal Health & Family Services

Contact or Leave A Message For:
Jessie Hecocata; Diabetes Program Coordinator
(541) 882-1487 ext 237

Community Notice

Tribal Elder's 60 and older residing in the Klamath County

On March 2, 2015 the Community Services Department will be providing three (3) cords of wood to Klamath Tribal members that live in Klamath County. If you are an Elder, heat with wood and need some, please fill out your mailed applications and return as soon as possible. Last year the program was filled within two (2) weeks of the applications being mailed.

Woodcutters please fill out applications so that we can begin filling orders in March-July. All application need to be completed and in by February 2, 2015. We are looking for dependable woodcutters to provide woodcutting services for the program. If you are interested in becoming a contractor please call Casey Hicks at 541-783-2219 ext. 138



If you have any questions or need assistance, please call the Community Services Department (541) 783-2219- Ext. 138 or stop by the Community Services Department in the Tribal Administration Office at 501 Chiloquin Blvd.

Klamath Tribes Revenue Allocation Plan Distribution & Investment Board Info.

The Klamath Tribes Distribution and Investment Board (KTDIB) is currently accepting applications for funding for 2015 in accordance with the Klamath Tribes Revenue Allocation Plan, Klamath Tribal Code Title 7, Chapter 50. The next awards to be distributed during 2015 are dependent upon excess net gaming revenue determined for the year 2014.

The KTDIB reviews all applications for funding from annual excess net gaming revenues in accordance with the Klamath Tribes Revenue Allocation Plan. Copies of the Revenue Allocation Plan may be obtained outside of the Tribal Council Treasurer's Office, or from the Member Benefits Department at the Klamath Tribes Administration Building.

Complete Applications for Funding must be post-marked by March 2, 2015 or received by the Member Benefits Department in person before close of business on March 2, 2015. Applications should be addressed as follows: Call for Application.

Distribution and Investment Board
C/O Member Benefits Department
The Klamath Tribes
P.O. Box 436
501 Chiloquin Blvd.
Chiloquin, OR 97624

*Applications postmarked after March 2, 2015 or received by the Member Benefits Department in person after close of business on March 2, 2015 will not be considered.



It's Here! Electronic Sales of Game Tags

We have a new and exciting change in the way game tags are sold! Game tags will be sold electronically beginning January 20, 2015 meaning they can now be purchased from home 24 hours a day. You now have two separate opportunities for purchasing your tags. You can either purchase your tags within the natural resources department at the administration office in Chiloquin, or you can purchase them on-line via the Klamath Tribes' website.

- The link for game tag sales can be found by going to the Tribal website: www.klamathtribes.org click "Tribal Links", then click "Hunting Tags License" or click "Tribal Departments"- Click "Natural Resources"- "Hunting Tags & Licenses"

Requirements come with this change. Tribal hunting privileges are only available for enrolled members of the Klamath Tribes. For this reason, we must ensure that you are an enrolled member before tags can be issued. **For first-time users, you must come to the Klamath Tribes Natural Resources Department where we can ensure your enrollment status and create a user profile.** Your user profile will not contain any information that is not already on your Tribal ID, with the exception of a personal identification number (PIN) of your choice used for security purposes. Following that initial visit, you will have the opportunity to log in to the Klamath Tribes' website to purchase your hunting tags 24 hours a day, available to print from your home.

If you choose to purchase your hunting tags at the administration office, no change in procedure will occur. The natural resources staff will still complete the tag purchase process and exchange tag fees with you directly. Your tags will look different than in the past but nothing more will be required.

Purchasing your tags on-line is a user-friendly experience but payment for your tags also needs to occur electronically. **If you are 60 years of age and over, you can still get your tags online for free and the following will not apply.** Otherwise, the Klamath Tribes have partnered with PayPal® for accepting electronic payment. PayPal® is a secure site that allows payment via your bank account, debit, or credit card. If you currently have a PayPal® account, you can pay with the account information that you have already established. If you don't have a PayPal® account you can process payment as a guest with either a debit or credit card or perhaps exchange money with a friend or relative that can complete the purchase on your behalf. Using PayPal® also requires a transaction fee. The fee established for the Tribes is 5% plus 5¢ of your subtotal. For example, if you purchase 1 elk tag and 1 deer tag, your subtotal will be \$2.00; the transaction fee will be 15¢, resulting in a total purchase fee of \$2.15. Game tags that have been purchased or issued over-the-counter since January 1, 2015 will be honored until they are filled or turned in at the time you obtain your PIN number. Please bring all outstanding tags when obtaining your PIN number.

We understand that this change may be difficult and confusing. If you have any questions about the game tag system, forget your PIN number, need help navigating the PayPal site, or have other concerns, natural resources staff will be available to assist you by calling Betty Case (541) 783-2219 ext. 161 or Leah Hull ext. 168.

Ho Winna ... "A Time of Change" this info. provided by the Water Team

What Does the Upper Basin Agreement Accomplish?

The Upper Basin Agreement (UBA) will protect our time-immemorial in-stream water rights while providing conditional limited water use for irrigators who are junior water rights holders in the Upper Basin. This agreement, together with the Klamath Basin Restoration Agreement (KBRA) and the Klamath Hydroelectric Settlement Agreement (KHSA), sets terms for historic legislation recently introduced in Congress. If Senate Bill 133 becomes law, the Klamath Tribes will receive the following benefits:

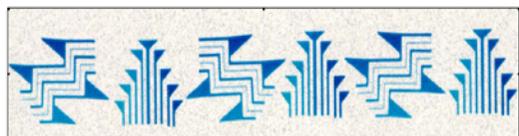
- Permanently secured time-immemorial water rights.
- Increased flows of 30,000 acre feet per year into Upper Klamath Lake.
- Permanent retirement of water rights on up to 18,000 acres of irrigated land.
- Approximately 223 miles of river and stream habitat returned to proper functioning condition as a result of permanent Riparian Management Agreements.
- A \$40 million economic development fund for land acquisition and economic development, and an additional \$1 million per year for each of the next five years (\$5 million total) to address Tribal needs during the Transition Period beginning in 2014.
- Acquisition of the Mazama Forest (or a similar agreed-to parcel of land) with the support of \$21 million provided by the federal government.

“We have no power over what has been but we have it in our power to shape our future and the future of our children. Out of the discouragement, the bitterness of the past, and out of Termination, perhaps something good can be created. It is important that you and I work harder than ever so that we can continue to lift up our heads with pride, and if they were living today, our ancestors too, could be proud of us.”

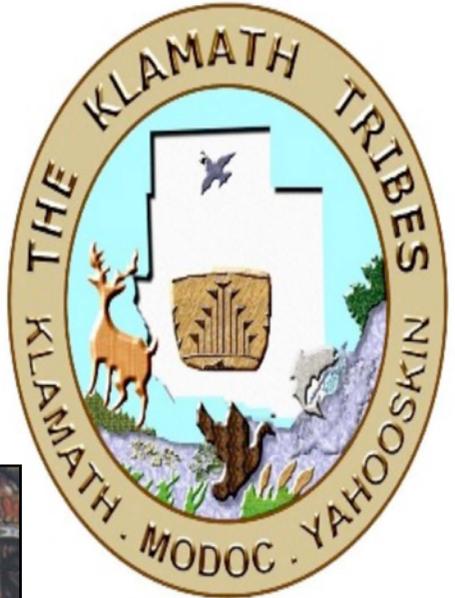
- Seldon E. Kirk, Chairman
Klamath General Council (August 1961)

“What the Tribes have done [in ratifying the Upper Klamath Basin Comprehensive Agreement] is the exact opposite of termination. It is full-scale self-determination... Assuming that the Upper Basin Agreement, KBRA, and KHSA are approved by Congress, the Tribes will have installed their priorities as the priorities of several federal and state agencies; taken the lead in restoring a major natural system; established meaningful water rights; established a cutting-edge scientific staff and program for healing the land; brought a large parcel of lost tribal land back into tribal ownership; created a substantial fund for tribal economic development; created jobs for tribal members; and acted in full accordance with the Tribes’ traditional cultural values.”

- Professor Charles Wilkinson (May 2014)



The Klamath Basin Agreements: Honoring Our Treaty, Protecting Our Homeland



541-783-2219
www.klamathtribes.org



Frequently Asked Questions

What Treaty Rights were given up for this agreement?

A: None. In fact, S. 133 specifically states on pages 16-17: "Nothing in this Act amends, supersedes, modifies, or otherwise affects – (G) the Treaty between the United States and the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians dated October 14, 1864 (16 Stat. 707); or (H) the Klamath Indian Tribe Restoration Act (25 U.S.C. 566 et seq.)."

What process did the Klamath Tribes use to determine whether to sign on to the 2014 Upper Basin Agreement?

A: In 2009, the Klamath Tribes General Council established a Tribal public review and voting process for the KBRA and KHSAs. The process was followed for the KBRA and KHSAs in 2010, amendments to the KBRA in 2012, and the Upper Klamath Basin Comprehensive Agreement (Section 16 of the KBRA) this year. In all three cases, a majority of Tribal voters approved the negotiated agreements.

How does the Upper Klamath Basin Comprehensive Agreement affect the KBRA?

A: The Upper Basin Agreement (UBA) is the third essential part of the package of agreements that together lay out plans for a more secure future for the Klamath Tribes and a more peaceful and productive Klamath Basin for all residents. Together with the KBRA and KHSAs, the Upper Basin Agreement provides the framework for Senate Bill 133 (Formerly SB 2379).

The full text of S. 133, *Klamath Basin Water Recovery and Economic Restoration Act of 2015* can be seen at

<https://www.congress.gov/bill/114th-congress/senate-bill/133/text>

Klamath Tribes will receive many benefits if the terms of the three Klamath Basin Agreements become law.

Klamath Tribes	With No Agreements	With Agreements
Water rights	The 2013 recognition of the Klamath Tribes senior water rights in the Klamath Basin Adjudication will be subject to challenge in court and may not be secure into the future. Litigation could go on for another 10 - 20 years.	The federal government, state government and Klamath Basin water agreement parties recognize the Klamath Tribes senior, time-immemorial water rights which will be decreed by the court. In exchange, Tribes allow conditional limited water use for irrigation.
Fish Recovery	Delay in dam removal and habitat restoration could push some fish to extinction and prevent the return of salmon and steelhead. Poor water quality is less likely to be improved.	Immediate increased flows in Klamath Lake, better water quality and stream habitat in most of the Upper Basin, and dam removal to begin in less than 7 years help fish species return and make other fish more likely to recover.
Dam removal	Federal Energy Regulatory Commission (FERC) relicensing process is reopened. With likely legal challenges, the dams would stay in place until 2030 or beyond.	Removal of the four major Klamath River dams will begin in 2020, opening the opportunity for salmon and steelhead (both Treaty resources) to begin their return to the Upper Klamath Basin.
Economic Vitality	No funding from the U.S. to support Tribal land acquisition (except Mazama), economic development or much of the needed habitat restoration.	\$45 million provided under the UBA by the U.S. to the Klamath Tribes including \$40 million for land acquisition and economic development, and \$1 million each year for 5 years to address UBA related Tribal needs during the Transition Period beginning in 2014.
Relations with Klamath Basin neighbors	Continued conflict and litigation over water rights may result in more hostility.	Negotiated agreements set the tone for more collaborative problem -solving and cooperation.

In the words of our Ancestor's...

**naanok ?ans naat sat'waya naat
ciiwapik diceew'a**

"We help each other; We will live good."

K L A M A T H T R I B E S

NOTICE

Klamath Tribal Community Meetings

The Klamath Tribal Council will be hosting the following Tribal Community meetings for Klamath Tribal members to update the members on the status of the Klamath Basin Adjudication, pending legislation for the Klamath Basin Agreements and recent actions taken by the Tribal Council. Please join the Council during any or all of these meetings to obtain accurate information on these very important matters.

PORTLAND; MONDAY FEBRUARY 9, 2015
DOUBLETREE BY HILTON HOTEL
 1000 N.E. Multnomah, Portland, Oregon • 7-9pm

EUGENE; TUESDAY FEBRUARY 10, 2015
UNIVERSITY OF OREGON
 Native American Longhouse • 6-8pm

CHILOQUIN; THURSDAY FEBRUARY 12, 2015
TRIBAL ADMINISTRATION BUILDING
 Auditorium • 6-8pm

KLAMATH FALLS; FRIDAY FEBRUARY 13, 2015
SHILO INN
 Clear Lake Room, 2500 Almond St. • 6-8pm

REGULAR GENERAL COUNCIL MEETING

SATURDAY, FEBRUARY 28, 2015 @ 10:00 A.M.
 ADMINISTRATION BLDG. - AUDITORIUM - CHILOQUIN, OR

Bring The Salmon Home



WHAT IS SENATE BILL 133 (Formerly Senate Bill 2379)

SB133 will provide legislation to implement the three agreements, which includes dam removal, as approved by the Klamath Tribal members. Representatives of more than 50 organizations, including federal agencies, California and Oregon, Indian tribes, counties, irrigators and conservation and fishing groups have developed a comprehensive solution to resolve many of the complex water-related issues of the Klamath Basin. Many of the participants in the Klamath settlement process signed the Klamath Basin Restoration Agreement (KBRA), Klamath Hydroelectric Settlement Agreement (KHSA), Upper Klamath Basin Comprehensive Agreement (UKBCA).

"What the Tribes have done [in ratifying the Upper Klamath Basin Comprehensive Agreement] is the exact opposite of termination. It is full-scale self-determination... assuming that the Upper Basin Agreement (KBRA), the Klamath Hydroelectric Settlement Agreement, and the Upper Klamath Basin Comprehensive Agreement (UKBCA) are approved by Congress, the Tribes will have installed their priorities as the priorities of several federal and state agencies; taken the lead in restoring a major natural system; established meaningful water rights; established a cutting-edge scientific staff and program for healing the land; brought a large parcel of lost tribal land back into tribal ownership; created a substantial fund for tribal economic development; created jobs for tribal members; and acted in full accordance with the Tribes' traditional cultural values." - Professor Charles Wilkinson

naanok ?ans naat sat'waYa naat ciwapak diceew'a- We help each other; We will live good.

- I. Quorum count, call to order, opening prayer; agenda approval by General Council.
- II. General Council Minutes:
 - A. None - No Quorum for August 16, 2014 Regular General Council, No Quorum on October 18, 2014 Special General Council & No quorum for November 17, 2014 Regular General Council.
- III. Motions and Actions:
 - A. November 12, 2014 thru February 11, 2015
- IV. Jared Hall, Economic Development Executive Director; 4th update (July 12; copies provided to GC, August 16 copies provided, October 18; copies provided and informal discussion with members present and copies provided and discussion on November 17, 2014):
 - A. General Council Resolution #2015-001 and Section 17 Charter.
 - B. General Council Resolution #2015-002; dissolving EDC/KBOD
- V. Adjudication update
- VI. Klamath Basin Agreements update/Legislative update
- VII. Mazama Forest update
- VIII. Treasurer's report
- IX. Other Business:
 - 1. 2014 Annual Staff reports
- X. Adjourn

"REGULAR"

GENERAL COUNCIL MEETING

Saturday February 28, 2015 @ 10:00 a.m.

Administration bldg. - Auditorium - Chiloquin, OR

- 10:00 a.m.
 - I. Quorum count,
 - II. General Council Minutes:
 - A. None - No Quorum for August 16, 2014 Regular General Council, No Quorum on October 18, 2014 Special General Council & No quorum for November 17, 2014 Regular General Council.
 - III. Motions and Actions; November 12, 2014 thru February 11, 2015
 - IV. Jared Hall, Economic Development Executive Director; 4th update (July 12; copies provided to GC, August 16 copies provided, October 18; copies provided and informal discussion with members present and copies provided and discussion on November 17, 2014):
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 - V. Adjudication update
 - VI. Klamath Basin Agreements update/Legislative update
 - VII. Mazama Forest update
 - VIII. Treasurer's report
 - IX. Other Business:
 - 1. 2014 Annual Staff reports
 - X. Adjourn

*Food will be provided.

Agenda Posted: January 14, 2015 by Torina Case, Tribal Council Secretary

Mark Your Calendars Now!

2015 Regular Klamath Tribal General Council Meetings

February 28, 2015 @ 10am

May 30th, 2015 @ 10am

*Original date changed from May 23rd due to Memorial Day Powwow and Rodeo

August 15th, 2015 @ 10am

November 14th, 2015 @ 10am

Agendas are posted at Tribal Offices and emailed (to those on file with the public information department) 15 days prior to the date of the meeting, any questions please call Torina Case, Tribal Council Secretary at 541-783-2219 ext. 170 or email: torina.case@klamathtribes.com