

# KLAMATH NEWS

THE OFFICIAL PUBLICATION OF THE KLAMATH TRIBES:

KLAMATH, MODOC, AND YAHOOSKIN

TREATY OF 1864



Volume 31, Issue 2

The Klamath Tribes, P.O. Box 436, Chiloquin, OR 97624

1-800-524-9787 or (541) 783-2219 Website: [www.klamathtribes.org](http://www.klamathtribes.org)

2ND QTR. ISSUE 2015

## A Letter from Klamath Tribal Chairman, Don Gentry Regarding the April 25, 2015 General Council Meeting



Dear Klamath Tribal Members,

I strongly encourage you to attend the Special General Council Meeting scheduled Saturday, April 25, 2015, 10 am, at Klamath Tribes Administration in Chiloquin. In addition to two important pending Klamath Basin Adjudication matters that must be addressed, transfer of Forest Service lands that were once part of the Klamath Indian Reservation back to the Klamath Tribes will be discussed. Transfer of Forest Service lands is currently the only viable option to replace the Mazama Forest that was recently sold, and was to be provided as a benefit to the Klamath Tribes through the Klamath Basin Restoration Agreement (KBRA). Return of our Reservation lands has long been a goal of our people since the United States passed the Termination Act in 1954, which led to the taking of our lands and that are now a part of the Fremont/Winema National Forest.

As a bargained-for benefit to the Klamath Tribes, the KBRA requires that funds were to be provided to the Klamath Tribes in a timely manner to purchase the privately owned Mazama Forest property. In December 2009 the Tribes' acquired a Lease and Option Agreement from Fidelity Financial for the exclusive right to purchase the Mazama Forest. After several extensions and despite additional effort by the Tribes to extend the Option further, the Option expired on March 16, 2012. Upon its expiration Fidelity Financial was free to sell the property to any purchaser and recently sold it to Whitefish Cascade Forest Resources, LLC in February 2015.

Because the Mazama Forest sold and because legislation to enact the Klamath Basin Restoration Agreement (KBRA) did not occur by December 31, 2014, in accordance with provisions of the KBRA, the Klamath Tribes during the February 28, 2015 General Council Meeting passed resolutions directing me to file a "Dispute Initiation Notice" and a "No-

tice of Impending Failure." These filings initiated the processes provided through the KBRA to address the Klamath Tribes' loss of the Mazama Forest and other bargained for benefits that were to be provided.

The Klamath Tribes Negotiation Team has been actively seeking a replacement to the Mazama Forest. Two meetings occurred in March 2015 to obtain input from tribal committees and tribal members and discuss viable options for the replacement of the Mazama Forest. To get more information on all that has occurred to this point, please see the "2015 Timeline Regarding Land Acquisition" article within this newsletter.

Your perspectives, insights and input will be very valuable in determining how the Klamath Tribes move forward to replace the loss of Mazama Forest and to address lost benefits and opportunities to the Klamath Tribes afforded under the KBRA. It will be important for our people to come and work together to develop a strong position and united front to protect our interests, and move forward with passing legislation and implementation of the Klamath Agreements as directed by referendum vote of our Klamath, Modoc and Yahooskin Paiute people.

Klamath Tribal Chairman, Don Gentry



The Klamath Tribes  
P.O. Box 436  
Chiloquin, OR 97624

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**RON WYDEN**  
SENATOR FOR OREGON

### Statement from Senator Wyden on Legislation- Senate Bill 133

“For too many years those who call the Klamath Basin home have lived with the uncertainty

brought by conflicting needs for, and uses of, water. That unfortunately is not a unique situation in the American West.

But what is unique to the Basin is the strength of leadership and the commitment towards finding solutions.

I sought to take advantage of that strength when I, as then-chairman of the U.S. Senate Energy and Natural Resources Committee, convened the Klamath Basin working group to put to rest, once and for all, these controversies and this uncertainty. I counted on the extra-ordinary work of all the Basin’s citizens in contributing to solutions and I have not been disappointed.

So, when, a year ago we gathered on the banks of Spring Creek to celebrate the historic, ground-breaking water settlement agreements in the Klamath Basin, it was a day full of promise and hope for new era in the basin, one of cooperation, sharing and prosperity for all.

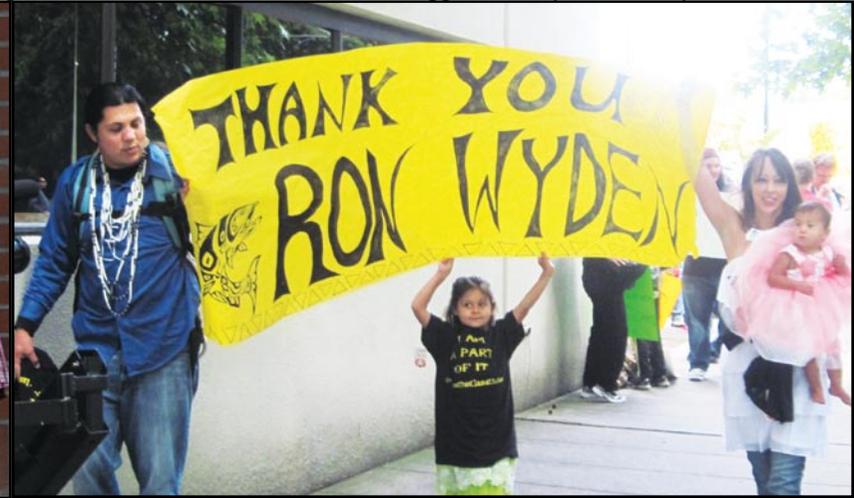
It was a recognition that the Klamath Tribes have been wronged, that these agreements were a start in both redressing those wrongs, and restoring the balance for the Tribes, and the entire basin.

It was also a recognition that the Klamath Tribes have shown extraordinary leadership in their work on these agreements. Without your constant vision and effort we could never have gone this far.

Now, along the way, we had setbacks. Setbacks were not unexpected, but they are disappointing. They have made these agreements harder to achieve in legislation, but they have not changed my steadfast commitment to the Klamath Tribes and the Basin. And every setback creates an opportunity to grow relationships and strengthen the Basin as a whole.

I am more determined than ever to bring these agreements into law. Those goals of cooperation, sharing, prosperity and balance are within reach, and by working together, I am confident that we will reach them.”

Some members of the Klamath Tribes Water Team meet with Senator Wyden and State Rep. R. Whitman. \*Karak Tribes show support for Wyden at Rally.



### Statement from Senator Merkley on Legislation Senate Bill 133

“I have been proud to partner with the Klamath Tribes and the Klamath Tribes Negotiating Team since 2009 to keep advancing and improving a water agreement that honors the tribe’s sovereignty and its history, that provides tools that will help the tribe grow its economy, and that continues the tribe’s collaboration with neighbors and the community.

Restoring forest land from the tribe’s reservation has always been a critically important component of that agreement, and always will be.

I was deeply disappointed to hear that the Mazama forest was no longer available, after having worked extensively with the tribe to make acquiring that land a reality. I’m working intensively with the KTNT now to pursue every available option, including returning a portion of the Winema National Forest, to ensure that the water settlement delivers the benefits the tribe bargained for, and the benefits the tribe deserves.”



Klamath Tribes, Senator Merkley staff, and Native American Rights Fund working on Legislation in Washington D.C.

## **2015 Timeline Regarding Land Acquisition**

The Klamath Tribes Negotiating Team (KTNT) and Klamath Tribal Council have been engaged in meetings, conference calls and other actions to comply with the General Council directive to seek a parcel of land that has **“benefits similar in nature to and not of less value than” Mazama Forest.** Following is an overview of some of the recent history regarding Mazama Forest and activities to replace it.

**January 8** - Senators Wyden, Merkley, Boxer and Feinstein introduced S. 133, the *Klamath Basin Water Recovery and Economic Restoration Act of 2015*, which included the Klamath Tribes acquisition of Mazama Forest.

**February 11** – John Bezdek, Department of Interior, informed the KTNT, Assistant Secretary Kevin Washburn, Stan Speaks, Director of the BIA’s NW Regional Office and others that Greg Lane (Fidelity Finance) had postponed a February 26th meeting scheduled with the Chairman and others to discuss the sale of Mazama.

**February 18** – John Bezdek informed Chairman Gentry that he had learned from a Congressional staff person that Mazama Forest had been sold.

**February 19** – KTNT learned from a third party that the new owners of Mazama had said they are *“not interested in selling any lands as our intention is to operate a sustainable forest in the long term.”*

**February 23** – KTNT was informed by Interior representative John Bezdek that Green Diamond was potentially interested in freeing up the Longbell tract for sale if they could make a trade for federal BLM lands. The obvious question: *Why would the KTNT/Tribal Council advocate for Longbell to get federal lands rather than advocating for the Klamath Tribes to acquire federal lands?*

**February 24** – In a televised budget hearing, Senator Wyden discussed the need to ensure fair treatment for the Tribes, and asked Secretary of Interior Sally Jewell if he could count on her support and continued interest. Her response: *“You certainly can.”*

**February 26** – In a televised budget hearing, Senator Wyden discussed the loss of Mazama Forest with Thomas Tidwell, Chief of the U.S. Forest Service, and referred to Tidwell’s commitment to work with Senator Wyden and others *“to make sure that the Tribes are treated fairly.”* Mr. Tidwell said, *“Well, Senator, we are committed to work with you and Senator Merkley to be able to find a solution...And then at the same time to be able to factor in opportunities for us to increase the level of forest management here.”*

The *Klamath News* is a Tribal Government Publication of the Klamath Tribes, (the Klamath, Modoc, and Yahooskin Band of Snake Indians).

**\* Distribution:**

Publications are distributed at the end of the month, or as funding allows.

**\* Deadline:**

Information submitted for publication must be received by the 15th of each month- (for the following month’s publication).

**\* Submissions:**

Submissions should be typed and not exceed 500 words. Submissions must include the author’s signature, address and phone number. Submissions are used as fillers and publication is strictly dependent upon space availability. ***We cannot guarantee publication of any article or submission.***

**\*Order of Priority for Newsletter:**

- #1- Tribal Government/ESSP Information
- #2- Tribal Program Information
- #3- Associated Tribal Information
- #4-6- Fillers (when space is available).

**Letters to the Editor:** Letters are viewed as Associated Tribal Information. However, they must be less than 500 words. Any and All articles may be edited for clarity and length. Letters are subject to review. Letters/articles that may contain libelous, slanderous, or personal attacks will not be printed.

**\*Photographs** should be vivid and clear or 300jpg/ppi

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**\* Returns:** For any information to be “returned”, please include a “self addressed stamped” envelope.

**\* Klamath News Rights:**

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or Visit the Tribal Website at:

**[www.klamathtribes.org](http://www.klamathtribes.org)**



**Klamath Tribal Council: Kathy Hill, Rosemary Treetop, Vivian Kimbol, Chuck Kimbol, Brandi Hatcher, Anna Bennett, Taylor Tupper, Torina Case, Don Gentry, Shawn Jackson- working to Support Legislation SB 133.**

February 28 – General Council passed resolutions regarding a Dispute Initiation Notice and Notice of Impending Failure.

Resolution #2015-04, the resolution regarding the Dispute Initiation Notice stated: “...the Klamath Tribes require that the KBRA be amended in a manner such that benefits similar in nature to and not of less value than those contemplated by KBRA Section 33.2.1 [Mazama Forest] are restored by amendment to the Klamath Tribes”

Resolution #2015-003, the resolution regarding the Notice of Impending Failure stated: “Any amendment must ensure that the Klamath Tribes receive a benefit similar in nature to and not of less value than that which was contemplated by KBRA Section 33.2.1” [Mazama Forest]; and that “filing a Notice of Impending Failure does not automatically require or cause the Klamath Tribes to withdraw from the KBRA....”

March 9 – Tribal Council held a Special Meeting to discuss land acquisition options and strategy.

March 9 - Tribal Council held a meeting to seek input from the Culture and Heritage Committee, Elders Committee and the Klamath Indian Game Commission regarding land acquisition options.

March 10 – KTNT met with John Bezdek, Department of Interior, to discuss land acquisition.

March 11 – Tribal Council meet with representatives of the Department of Interior, Congressional staff and the U.S. Forest Service (including Jim Pena, Regional Forester for Oregon and Washington) to discuss land acquisition. The USFS acknowledged the need for their cooperation on this matter.

March 16 – Tribal Council held a meeting to seek input from the Tribal public regarding land acquisition options.

March 21 – A Special General Council for tribal members only was convened to discuss legal matters and seek further Tribal member input on Land Acquisition options. The meeting was adjourned due to disruption by a nontribal member who refused to leave.

March 29 – Tribal Council met with Congressman Greg Walden regarding legislation in the House of Representatives, including land acquisition.

March 30 – Tribal Council met with Upper Basin parties who reiterated their intent to do what they could to support the Tribes in our land acquisition effort.

**March 31** – Tribal Council held a work session to discuss input from Tribal members regarding preferred land acquisition options, recent Congressional communication, the need to address General Council disruptions and the need to schedule another Special General Council meeting.

**April 8** – KTNT met with a Congressional staff person who said legislation had been drafted and would be forthcoming. KTNT made it clear that land acquisition “with strings attached” would not be acceptable to KTNT, the Tribal Council or General Council.

**April 14** – KTNT had a conference call with a Congressional staff person regarding the current status of draft legislation.

**April 15** – Chairman Gentry informed other parties that the Klamath Tribes are interested in the return of Klamath Reservation lands (now Fremont-Winema USFS land) as a replacement for lost Mazama lands.

**April 16** – Herald and News article announces that land acquisition options may include land within the Fremont-Winema National Forest.

**April 25** – **Special General Council for enrolled Tribal members only to discuss legal and land acquisition issues.**

### **Attorney-Client Privilege**

**Question:** Why do General and Tribal Council want to have 'closed' meetings (*for enrolled Tribal members only*) when we discuss sensitive legal issues?

**Answer:** A confidential discussion between a governmental body and its attorneys concerning potential litigation is critical to the protection of the governmental body's legal position. Where the purpose of a “closed” meeting is to discuss potential legal claims or litigation, the governmental body should have a reasonable basis to believe a confidential discussion with its legal counsel is available. One of the basic tenets of the attorney-client relationship is that any information which passes between the two remains confidential. Under the law of evidence, this concept is known as the attorney-client privilege. Generally the attorney-client privilege protects client communications with the attorney and responsive communications from the lawyer to the client, and allows the client in litigation to refuse to disclose, and to prevent others from disclosing, the content of these confidential communications. The attorney-client privilege is subject to waiver, however, and the issue of waiver arises most commonly when a communication is witnessed by a third party (non-client). Indeed, the mere presence of a third party will likely prevent the creation of the attorney-client privilege in the first place. Communications must also be kept confidential for the privilege to apply. If the substance of attorney-client communications is disclosed to persons outside the scope of the privilege, the privilege may be extinguished.

**Accordingly, the General and Tribal Council's use of a “closed” meeting is ultimately to protect against a waiver of the attorney-client privilege and the potential risk of having sensitive information be used against the Tribes in litigation.**



## The Klamath Tribes Tribal Council

### “SPECIAL” GENERAL COUNCIL MEETING

**Saturday April 25, 2015**  
**10:00 a.m.**  
**Administration Auditorium – Chiloquin, OR**

**10:00 a.m. I. Call to order, quorum Count, Opening Prayer**

**Water Adjudication related items:** *This meeting will be closed to anyone who is not an enrolled member of the Klamath Tribes due to the “Confidential” nature of the discussions and the actions.*

**II. Claims 34 & 36 - stipulations**

**A. General Council Resolution #2015-005**

**III. Claim 33 – stipulation**

**IV. KBRA Land Acquisition Options**

**V. Adjourn**

\*continental breakfast served at 9:30a.m.

\*Lunch will be served.

POSTED: 4/2/15

## Information on the disrupted/adjourned March 21, 2015 Special General Council Meeting

**Q: According to the Klamath Tribes Constitution, the Chairman is the presiding officer of the General Council and the Tribal Council. How does that give him the authority to exclude nonmembers from meetings?**

**A:** As the presiding officer, the Chairman is responsible for conducting meetings in accordance with parliamentary rules adopted by the General Council. When such rules have not yet been adopted or are not determinative, the Chairman's rulings are to be based on Robert's Rules of Order.

*Robert's Rules of Order, at Chapter XX (10th Ed.) provides in relevant part as follows: [a] nonmember or group of nonmembers – can be excluded at any time from all or any part of a meeting of a society, or from all its meetings. Such exclusions can be effected by a ruling of the chair in cases of disorder, or by the adoption of a rule on the subject, or by appropriate motion as the need arises – a motion of the latter nature being a question of privilege.*

**Q: Why doesn't the Chairman just let people speak about whatever they want at General Council meetings?**

**A:** On November 17, 2012 the Klamath General Council adopted the Klamath Tribes "Traditional Meeting Conduct of the General Council" in order to carry out Tribal business in a more efficient and respectful manner. Section 5 of what has come to be called the "Code of Conduct" states the following:

*5. Each speaker will limit their comments (3 min. timed) to the topic of the specific subject and will yield when a "point of order" is called until the Chairman or other presiding officer rules on the point of order question. [If] The Chairman or other presiding officer rules that the statements are out of order; the speaker must return to the topic under discussion or yield the floor. There will be a forum for open discussion after all business has been concluded for the day. General Council members can then address any issues not placed on the agenda for discussion, unless at a Special Meeting of the General Council, which can only consider those items specifically noticed for the meeting.*

**Q: What are the consequences for Tribal members who violate Section 5 of the Code of Conduct?**

**A.** According to the Code of Conduct at Section 7:

*7. Any General Council member or Tribal Council Member can be subject to having themselves removed immediately from the meeting for violations of meeting protocol and can be subject to fines or arrest for violent outbreaks, threats of violence, or physical assault. Anyone causing a violent outbreak, threatening violence, or physically assaulting a person in General Council meetings can result in loss of meeting privileges for up to 2 Regular General council meeting sessions, and will be notified by the Chairman of when these occurrences happen at the meeting and confirmed by U.S. certified mail.*

**Q: What are the consequences for non-Tribal members or others who violate the Code or disrupt Tribal business or meetings?**

**A.** Non-members (like the individual who disrupted the Special General Council meeting on March 21, 2015) are subject to no longer being allowed in or around the premises of the Klamath Tribes of Oregon, for any reason whatsoever. Violators of the prohibition would be considered in trespass and law enforcement would be contacted to arrest and remove the disruptor(s). Charges would be pressed as pursuant to applicable law. Non-members and visitors must remember they may have the privilege, but not the right, to come onto the Tribes' property to attend meetings/business of the Klamath Tribes.

## **Klamath Tribes Support of Oregon Legislation Senate Bill 264 and 206**

**Question:** Why do the Klamath Tribes support Oregon legislation SB 264 and SB 206?

**Answer:** The Klamath Tribes' support of Oregon legislation SB 264 and SB 206 is consistent with the Tribes' participation in the Upper Klamath Basin Comprehensive Agreement (UKBCA) and the Klamath Basin Restoration Agreement (KBRA).

Enactment of SB 264 is necessary to implement the UKBCA Sections 3 (Water Use Program) and 7 (Joint Management Entity) by authorizing the Oregon Water Resources Director to participate in carrying out UKBCA activities. Furthermore SB 264 will assist the parties in implementing the UKBCA Water Use Program by allowing pre-1909 water right holders located in the Upper Klamath basin, including tribal allottees, to participate in temporary transfer and instream leasing programs. This will result in more water instream for tribal fisheries. It will also protect existing water right holders, including the Tribes' time immemorial water right, by requiring the Water Resources Department to determine that the transfer or lease will not injure another claim or another water right and by requiring that the lands the water right is being transferred from (or leased from) not be irrigated.

SB 206 mirrors SB 264 by providing the same tools for the Klamath Irrigation Project. It places them on the same footing as the rest of the Basin in terms of water management tools.

Accordingly, the Tribes' support of this legislation is consistent with our participation in the UKBCA and the KBRA.



## Memorandum

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Native American Rights Fund  
1506 Broadway  
Boulder, CO 80302  
303-447-8760 • (Fax) 303-443-7776

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To: Klamath Tribal Council  
From: Donald R. Wharton, Sr., Attorney  
Date: April 14, 2015  
Re: Repeal of the Klamath Tribe: Judgment Fund Act of 1965

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The legacy of Termination is still alive in the laws of the United States. There is still on the books the Klamath Tribe: Judgment Fund Act of 1965 (25 U.S.C. § 565). That legislation dictates how funds belonging to the Tribes that are derived from judgments the Tribes may receive in the United States Court of Claims must be distributed according to the dictates of that act. The results are threefold.

1. Because of intermarriage the distribution of funds under the Act would result in significant amounts of Tribal funds being distributed to non-Indians and other non-members of the Tribes, and many enrolled members would not receive any part of the distribution;
2. Distribution to the current heirs or legatees would be subject to a process requiring their identification, heirship status, and addresses, which would require an extraordinarily lengthy and extremely expensive process that would significantly reduce, and could exceed, funds available for distribution; and
3. Should there be funds in the account which the Secretary determines are insufficient to justify further distribution – which could be substantial given the cost of distribution – those funds must be returned to the Treasury of the United States, not held for the benefit of the Tribes.

As a result, the Tribes are seeking legislation to repeal the Termination Judgment Fund Act. If repealed, future distributions of funds secured from judgments from the US Court of Claims would be distributed, as they are for all other Tribes, under the Indian Tribal Distribution of Judgment Funds Use and Distribution Act of October 19, 1973, 25 U.S.C. § 1401 (the Tribal Distribution Act). The Tribal Distribution Act provides for a plan to be prepared by the Secretary of the Interior in consultation with the Tribe and submitted to congress (although it is no longer clear that this must be done). One element of the statute is that no more than 80% of the funds may be distributed per capital except in demonstrated circumstances that would warrant otherwise. The remaining 20% is to be used by the Tribe for educational, economic development and other common tribal needs.

The request to have legislation to repeal the Judgment Fund Act is pending in Senator Merkley's Office.

# Mark Your Calendars Now!

## 2015 Klamath Tribal General Council Meetings

**April 25th, 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**

**Tribal Members who wish to  
receive tribal emails contact:  
taylor.tupper@klamathtribes.com**



Contact the Federal Bureau of Investigation at 1-541-770-7303.

FOR IMMEDIATE RELEASE: April 3, 2015

## **Klamath River Inter-Tribal Fish and Water Commission Press Release**

The Klamath River Inter-Tribal Fish and Water Commission (KRITFWC) has received various inquiries regarding an alleged embezzlement of KRITFWC funds, including federal funds. After conducting an internal investigation, the Tribes and KRITFWC notified United States law enforcement agencies of their findings.

Federal law enforcement officials have now taken over the investigation. As the investigation moves forward, the Tribal Governments of the Hoopa Valley Tribe, Karuk Tribe, Yurok Tribe and Klamath Tribes, as well as the four KRITFWC Commissioners from each Tribe, have committed to full cooperation and open communication with Federal law enforcement. Due to the sensitive nature of the ongoing investigation and to protect the integrity of the investigation, no further statements will be made by the KRITFWC during the pendency of the investigation.

Anyone with evidence concerning this matter should contact the Federal Bureau of Investigation (FBI) at 541-770-7303.

**Hoopa Valley Tribes ~ Yurok Tribe ~ Karuk Tribes ~ Klamath Tribes**

## **Don't Forget! Electronic Sales of Game Tags**

We have a new and exciting change in the way game tags are sold! Game tags began selling electronically 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.

1. The link for game tag sales can be found by going to the Tribal website: [www.klamathtribes.org](http://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.

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.



## Klamath Tribes Judiciary

April 10, 2015

RE: Judicial Commission

The Klamath Tribes Judiciary is looking for individuals interested in applying for a position on the Judicial Commission. The purpose of the Judicial Commission is to establish a process for General Council oversight and for the development/establishment of guiding policy for the Klamath Tribes Judiciary, while maintaining the Judiciary's constitutional independence as a distinct branch of tribal government that is separate from the Tribal Council.

A full list of the Judicial Commission's purpose, qualifications needed, duties, powers, and limitations can be found in the Klamath Tribal Code Title 1 Chapter 5.

All interested applicants should fill out the required documentation and return their application to the Tribal Secretary.

Thank you in advance for your interest. Please feel free to contact Calvin Hill, Tribal Court Administrator with any questions 541-783-3020.

Regards,

Klamath Tribes Judiciary

## CULTURE CAMP

### 2015

6-12 YEAR OLDS

JULY 28<sup>TH</sup>-31<sup>ST</sup>

13-17 YEAR OLDS

AUGUST 4<sup>TH</sup>-7<sup>TH</sup>

**Culture camp will be a day camp at Lake of the Woods Resort. Transportation will be provided.**

#### Registration Forms

Available at the Klamath Tribes Administration Office in Chiloquin, Oregon

Klamath Tribal Health and Family Services in Klamath Falls, Oregon

#### Deadline

Youth Registration-June 26, 2015

Volunteer Registration-June 26, 2015

Medical Release Forms for Campers-Week 1 ONLY July 13-27<sup>th</sup>, 2015

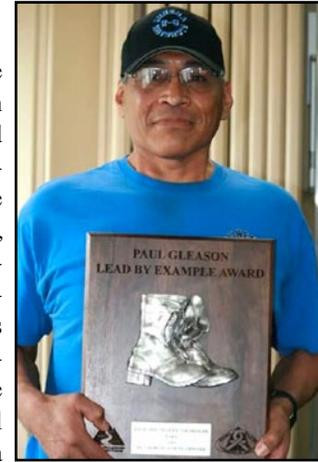
Medical Release for Campers-Week 2 ONLY July 20-August 3<sup>rd</sup>, 2015

**For more information: 541-783-2219 ext. 140**

The Klamath Tribes Culture and Heritage Department PO Box 436 Chiloquin, OR 97624 (541) 783-2219 x140

### ALL THE BEST AND CONGRATULATIONS TO A TRUE WARRIOR

According to an April 8, 2015 U.S. Forest Service press release, Richard (Wally) Ochoa, Jr., a veteran member of the Winema Interagency Hotshots, and Klamath Tribal Member, was selected as a recipient of the 2014 Paul Gleason Lead by Example Award. He was recognized for his attention to duty, work ethic, teamwork, efforts to motivate and mentor others, and positive attitude in spite of a life-altering situation resulting from firefighting injuries sustained last summer. In 2014, Ochoa was severely injured by a falling tree while working on the Freezeout Ridge Fire in the Hells Canyon National Recreation Area in Idaho. He was transported to a heli-spot via long-line under a helicopter then flown to the Freezeout Ridge heli-base where an air ambulance was waiting to fly him to Boise, Idaho.



The entire Winema Interagency Hotshot Crew was the recipient of the NW-CG's 2014 Wildfire Emergency Medical Service Award for their emergency response when Ochoa was injured. Medically trained crew members immediately performed a patient assessment and determined the significance of the injuries and the threat they posed. Other crew members constructed an emergency medical landing zone.

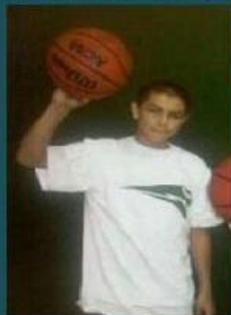
"I'm not a firefighter for the recognition. I'm one because of the crew and other firefighters I work with. They are my family," said Ochoa. "It's because of each and every one of them working together that I am here today!" "I fully intend to return to firefighting for one more season," said Ochoa. "My goal is to be on the Winema Interagency Hotshots for a total of 20 seasons." Still recovering from his injuries, Ochoa will not be able to fight fire this summer. He has made great strides in his recovery and even ran a half marathon, but Ochoa and his doctors agree he still has room for improvement. The outpouring of support from the wildland firefighting community has really helped with his recovery.

According to Connie Cummins, Fremont-Winema Forest Supervisor, "Wally is respected nationally in the wildland firefighting community. "His work ethic is something we all strive to achieve and his natural leadership ability is something we all wish we had."



### Memorial Youth Basketball Tournament

18 & under Boys & Girls divisions,  
May 29-31, 2015  
Chiloquin Big Gym,  
Chiloquin, Oregon



In Loving Memory of Charles Ochoa

May 29-31, 2015  
Info: 541-363-6547  
541-591-3203

Boys & Girls Champions  
10 Jordan Jackets,  
MVP Nike Elite  
Championship ball,  
8 All-Star Jordan Shorts  
per division

Entrance Fee \$200  
ASAP to reserve team  
spot

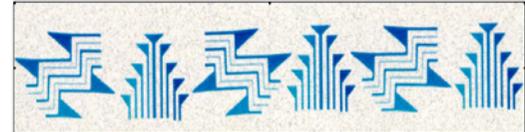
1<sup>st</sup> - 4<sup>th</sup> place awards

A Cancer Awareness  
& Prevention event,  
Alcohol & Drug  
Free!

Contact: Ginette Lewis  
541-363-6547 or  
Derek Kimbel  
541-591-3203  
dkimbel@maqlacqgtribes.org

po box 593, Chiloquin,  
OR 97624

# 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."

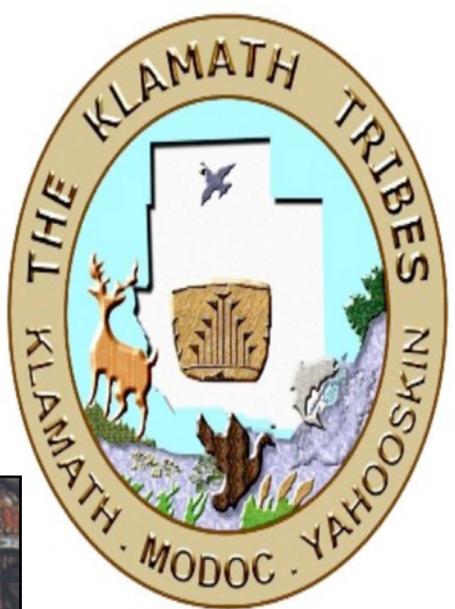
- Seldon E. Kirk, Chairman  
Klamath General Council (August 1961)

"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](http://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, 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  
ciiwapk diceew'a**

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



This photo taken in 1891 on the Link River in Klamath Falls, Oregon. Runners will pass by the former Falls and Link River Dam.



Gentlemen display their catch while salmon fishing on the rapids of Link River, 1891.

# BRING HOME THE (c'iyaaals) SALMON!

**A 260 mile Salmon Run from the Mouth of the Pacific Ocean to Chiloquin, Oregon**

**Klamath River Tribes Participating: Hoopa Valley Tribes \* Yurok Tribe \* Karuk Tribes \* Klamath Tribes**



**If the Salmon cannot make the journey Physically, it is the responsibility of people to lead the way Spiritually**

**Run Begins May 29, 2015 - Ends June 1, 2015 in Chiloquin, Oregon (around noon)**

CHILOQUIN, ORE. — Tribes are tracing the migration route of Klamath Basin salmon with a 260-mile relay run from the ocean to a tributary that has not seen a salmon in a century.

Runners start May 29 at the mouth of the Klamath River in Northern California near the Hoopa Valley Tribes, travel the Klamath River thru the Yurok and Karuk Tribes homeland, and finish June 1st, 2015 in Chiloquin, Oregon, on the Sprague River (at the former Chiloquin Dam Site) home of the Klamath Tribes of Oregon. This is the 1st year the Klamath Tribes have participated and 5th annual run. Previously the 3 lower river tribes have lead the run to the Iron Gate Dam, but this year, after discussions with all four tribes on the river, the Klamath Tribes have joined to complete the spiritual journey.

Runners will pass dams slated for removal years ago (Iron Gate, JC Boyle, Copco I, and Copco II) to allow (c'iyaaals) salmon to reach their historical spawning grounds, but which remain in place due to political opposition.

The Klamath, Karuk, Yurok and Hoopa Valley tribes are inviting the public to the run and a salmon bake at the end.

**Open to the Public! Salmon Bake June 1 at Chiloquin Community Center!**

**If you are Interested in Running please contact: Crispen McAllister (Karuk) at: ckarukc@gmail.com**

**Klamath Runners should contact: Mary Gentry at (541) 783-2219 ext. 195 or mary.gentry@klamathtribes.com**

**All Help and Runners Welcome! All Ages! All Participants! Community Welcome!**

**Salmon Bake to Follow Race!**

Run Begins May 29, 2015 - FINISHES June 1, 2015, (around noon) in Chiloquin, Oregon at former Chiloquin Dam Site past the Chiloquin High School! Traditional Salmon Bake to follow the run in Chiloquin! Hope to see you There!