

APPENDIX C: PUBLIC INVOLVEMENT

This appendix includes letters of support and Tribal resolutions from the four Columbia River Treaty Tribes, and letters of support from the Bureau of Indian Affairs, Wasco County, the Oregon State legislature, and members of Oregon's congressional delegation. Additional public involvement information is located in Appendix H, which contains the transcript of the public meeting held in the Dalles regarding Celilo Village redevelopment, and in Appendix F, which contains the comments received at the meeting and the Corps' responses to these comments.



GENERAL COUNCIL
and
BOARD OF TRUSTEES

CONFEDERATED TRIBES
of the

Umatilla Indian Reservation

73239 Confederated Way
P.O. Box 638
PENDLETON, OREGON 97801
Area code 541 Phone 276-3165 FAX 276-3095

November 30, 2001

General Robert Flowers, Chief of Engineers
US Army Corps of Engineers
441 G St NW
Washington DC 20314

Dear General Flowers:

This letter is written to request your support for a change to the ongoing Columbia River Treaty Fishing Access Sites project, in Oregon and Washington. This project was authorized in 1988 to mitigate for Columbia River dams impacts on treaty fishing rights of four Pacific Northwest Indian Tribes. The project is proceeding under the Corps Construction General program and the tribes are generally pleased with progress to date.

Recently, Tribal Governments requested that the Corps consider a project change that would modify the boundary and extend facility improvements at one of the thirty one authorized treaty fishing access sites. The boundary would be extended to include Celilo Village, Oregon. Celilo Village is located on Federal land administered by the Department of Interior held in trust for the Umatilla, Warm Springs, Yakama Tribes and other Columbia River Indians. The land was purchased to support use by river Indians and designated tribes who were displaced from the Celilo Falls fishery by the Dalles Dam construction. Residents of Celilo Village are directly dependent on the treaty fishery for their livelihood. The site also supports a large increase in seasonal use during the treaty fishing seasons. In our view it is reasonable for the Corps to exercise its discretion and extend this remedial legislation to improve the facilities at the Celilo Village location.

Celilo Village is the surviving remnant of the historic Celilo Falls. In Pre-Dalles Dam days, the area supported 5000 tribal members' fishing activities. Corps activities encroached on this treaty fishing site many times without compensation. In 1894 and 1902, Corps construction activities associated with a portage railroad and the Celilo canal occupied tribal riparian fishing lands without compensation. In 1938, the Bonneville

tpo/jwb/sdj/12-06-01

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TREATY JUNE 9, 1855 ♦ CAYUSE, UMATILLA AND WALLA WALLA TRIBES

Dam flooded riparian areas below Celilo Falls - with no compensation until the 1948 in lieu sites act (1945 Rivers and Harbors Act provision). In 1948, in response to the forthcoming Dalles Dam construction, additional lands were acquired and the Corps provided deteriorated World War II surplus Army prefab housing for a few families on the site. In House Document 531, the Columbia River Basin Corps Project document, incorporated by reference and enacted into the May 17, 1950 Flood Control Act, the Corps recommended and Congress authorized the replacement of the Celilo, Oregon and Spearfish, Washington Indian fishing villages. At that time the Villages were home to 1000 permanent tribal residents and 4000 fishing-season "temporary" residents as documented in the Corps' own reports. These authorizations were never fully carried out because of the Eisenhower administration's policies of terminating tribal reservations and programs. In 1955 the Corps took additional land at Celilo for project purposes and relocated 26 additional families 4 of those families into houses in Celilo village, while forcing most of the other tribal fisher families to move away from Celilo Village and Spearfish, Washington. Since this series of Federal relocations, the entire village has been allowed by the Federal Government to deteriorate to third-world conditions, with water and sanitary conditions that violate federal statutes and endanger the health and safety of Native American residents at the site.

Under the proposed change to the Columbia River Treaty Fishing Access Sites (CRTFAS) program, the existing Celilo Village would be added to the Columbia River Treaty Fishing Access Sites project and rehabilitated like other sites under the program. The water and sewer systems would be updated, residences rebuilt and additional support facilities would be provided. About 20 additional temporary fishing campsites would be provided also. This is important because the two existing CRTFAS sites within 30 miles of the historic Celilo Falls fishery only have a total of 5 fishing camp sites now - for an area where over 5000 Native Americans have recognized treaty fishing rights.

The Portland District staff analyzed the proposed project change of this scope and concluded it can be accomplished within existing authorities. Further, after review of applicable regulations pertaining to Post-Authorization Change reports, the District concluded that the change falls within the discretionary approval of the Division Commander. The District elevated their recommendations to the Northwestern Division office in May of 2001 and concurrently proceeded with planning for the project change. At that time, the Division office was supportive of the initiative. Now after nearly five months of review, that the Northwestern Division office appears to be withdrawing their support.

We understand that there appears to be a dispute over the Celilo Village proposal among the Corps' lawyers and policy staff. The District lawyers have supported the proposal, we understand, recognizing that the Columbia River Treaty Fishing Access Sites statute, a purposeful remedial statute for injuries to tribal treaty fishing rights by the Corps in the Columbia River dam reservoirs in Portland District, is entitled to broad interpretation in favor of the treaty fishing tribes, in compliance with Supreme Court case law. Apparently, the Northwest Division lawyers have taken a much narrower, restrictive

view of the CRTFAS statute and oppose the project, contrary to what we understand Supreme Court case law requires.

After five (5) years of intensive efforts and meetings with Celilo Village residents, Tribal Leaders, Oregon Congressional Representatives, top level Corps of Engineers and Bureau of Indian Affairs officials, State of Oregon Legislators, Wasco County Commissioners and the Columbia River Gorge Commission, substantial documentation has been developed in support of Celilo Village redevelopment and implementation of the Columbia River Treaty Fishing Access Sites Legislation at the Village site.

The following documents are attached to this letter as evidence of the overwhelming need and local support for Celilo Redevelopment and Corps assistance with the project;

- 1.) Exhibit "A" - Celilo Redevelopment Study;
- 2.) Exhibit "B" - CTUIR Resolution #00-67; and Corps Support Letter
- 3.) Exhibit "C" - Yakama Indian Nation Resolution #T-166-01; and Corps Support Letter
- 4.) Exhibit "D" - Warm Springs' Tribes Resolution #10093
- 5.) Exhibit "E" - Nez Perce Letter of December 13, 2000 to Colonel Butler;
- 6.) Exhibit "F" - NWRO/BIA Stan Speaks Area Director Letter to Colonel Butler;
- 7.) Exhibit "G" - Oregon Legislative Assembly House Joint Memorial Resolution #12;
- 8.) Exhibit "H" - Wasco County Commissioner's Resolution of July 21, 1999;
- 9.) Exhibit "I" - October 12, 2001 Letter - Senator Smith and Wyden and Congressman Walden.

In addition the Tribes have had considerable interaction and consultation with the Corps of Engineers Portland District and Division staffs regarding Celilo Redevelopment. In August 2000 I traveled to Portland and met with Colonel Mogren and other Corps staff to request assistance ranging from process facilitation to design and construction.

On October 2, 2000, at the Umatilla Indian Reservation, General Strock, Division Commander, Colonel Butler of the Portland District, Colonel Waggaener of the Walla Walla District and members of their support staffs met with the Umatilla Tribes' Board of Trustees and discussed in detail the Corps involvement at Celilo Village.

George Miller of the Portland District staff has traveled to the Yakama, Umatilla and Warm Springs Reservations and made presentations to the Tribal Councils to obtain input on the redevelopment project and use of In-lieu Site funds for the project.

The BIA, Corps, Tribes and Village residents are continuing to meet to work out site plan, residency, governance and long-term maintenance and operations issues. It is extremely important that we not lose the momentum and confidence of the Village people and Tribal Councils because of bureaucratic delays and posturing.

The need for your action on this matter should be considered a high priority and urgent by the Army. You see Celilo Village is an Army legacy dating back to October 22-23, 1805 when Lewis and Clark, in their pursuit of the Pacific, stopped at the Village. Here they entered into their Journals a description of the historic community and gathering place, the Indian fishery operations and a detailed map of the "Great Falls" and traded for provisions with the ancestors of the current residents. In the year 2003 hundreds of thousands people from all over the world visiting Celilo during the National Lewis and Clark Bicentennial Observance will now find at the Village site a beautifully improved and maintained Corps Park in sharp contrast to the deteriorated and impoverished relocated Celilo Village across the freeway left behind by Corps dam projects. The Celilo Village Redevelopment Project provides the Corps with a unique opportunity to showcase a new Corps legacy in Government to Government relations with native people in time for the Bicentennial Observance.

In this regard I am requesting your assistance in persuading the Division Commander to use his authority and act immediately in support of local resolve to design and construct improvements at Celilo Village without further delay.

Sincerely,



Antone Minthorn, Chairman
Confederated Tribes of the Umatilla Indian Reservation

Pc: Stan Speaks, Area Director, Portland Area Office
Colonel David A. Fastabend, Division Commander
Colonel Randall Butler, District Commander
Olney Patt, Chairman, WSIR
Lonnie Selam, Chairman, Yakama Nation
Phil Sanchez, Superintendent, Umatilla Agency
Clarence Holford, Superintendent YIN Agency
Gerald Henrikson, Superintendent WSR agency
Senator Gordon Smith
Senator Ron Wyden
Greg Walden, U.S. Congressman
Mark Phillips, Tribal Lobbyist
Marlene White, YIN
Louie Pitt, WSIR
Randy Settler, YIN
George Miller, USACOE

CELILO VILLAGE

REDEVELOPMENT STUDY



Photo credit to Wilma Roberts from Celilo Falls: Remembering Thunder, pg #29.

Document Preparation:

Confederated Tribes of the Umatilla Indian Reservation
Tribal Planning Office
September 1998

**Contents of EXHIBIT A:
Celilo Village Redevelopment Study
Available Upon Request**

EXHIBIT B

RESOLUTION NO. 00-67

CERTIFICATE

The undersigned, Antone C. Minthorn and Rose Mary Narcisse, hereby certify that they are the Chairman and Secretary, respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation and that a regular held meeting of said Board of Trustees in the Board Room of the Tribal Office building, Pendleton (Mission), Oregon, on the 24TH day of July, 2000, a quorum of said Board was present and the following Resolution was regularly moved, seconded, and adopted by a vote of 6 to 0, and 1 abstaining.

RESOLUTION

- WHEREAS,** the Board of Trustees is the duly constituted governing body of the Confederated Tribes of the Umatilla Indian Reservation, Pendleton (Mission) Oregon by authority of the 1949 Constitution and By-laws of the Confederated Tribes of the Umatilla Indian Reservation, **AND**
- WHEREAS,** the Confederated Tribes of the Umatilla Indian Reservation, Warm Springs and Yakama Nation have had a presence at Celilo Falls from time immemorial, **AND**
- WHEREAS,** Celilo Village has been a seasonal fishing grounds, gathering, market and spiritual place for the three Tribes, **AND**
- WHEREAS,** in 1957 the Dalles Dam destroyed the single most productive salmon fishing site in the world, **AND**
- WHEREAS,** in 1947 the Federal Government acquired the relocated Village site to be managed for the use and benefit of all members of the three Tribes, **AND**
- WHEREAS,** loss of the salmon fishery, lack of Federal support and BIA Agency mismanagement have resulted in poverty and unhealthy and unsafe living conditions at the Village, **AND**
- WHEREAS,** a responsive and legally constituted entity is needed now to accept financial responsibility for development and long term management of the Village site and improvements, **AND**
- WHEREAS,** Celilo Village is still a significant cultural and historic place to all Indian people of the region that must be restored and preserved. **AND**

WHEREAS, The Celilo Falls area is certain to be a popular attraction to people from all over the world during the upcoming **Lewis and Clark Bicentennial Observance** and the Village should be restored and showcased as an example of the survival of the Indian people's cultural heritage on the River, **AND**

WHEREAS, a Joint Resolution was passed by the Oregon State Legislature on May 3, 1999 urging Congress to appropriate funds to restore and redevelop Celilo Village, **AND**

WHEREAS, Wasco County Commissioners approved a Resolution on July 21, 1999 supporting Congressional action for a special appropriation to restore Celilo Village to its original purpose and uses, **AND**

WHEREAS, the three Tribes must develop a unified approach to accomplish restoration and preservation of the Village, **NOW THEREFORE BE IT**

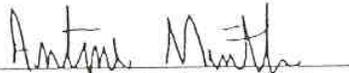
RESOLVED, the Board of Trustees adopts and forwards to the Yakama and Warm Springs Tribes for their consideration and adoption, the following policies as their approach to restoring Celilo Village. ""

- 1) The Wy-Am Board be structured and empowered to provide recommendations to the three Tribal Governing bodies and the BIA on development plans and management policies; and
- 2) A Comprehensive Redevelopment Plan be adopted that includes at a minimum all the uses and facilities of the original community; and
- 3) A plan for maintenance, operation, and advisory governance of the community be developed; and
- 4) A legal entity be established to be financial responsible for the development and long term management of the Village, and
- 5) Celilo Village redevelopment be used as a model in approach and form to accommodate the needs of other Indian people and communities in the area; and

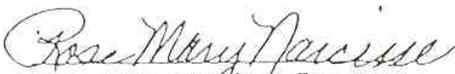
- 6) Each of the three (3) tribes referenced herein provide housing opportunities for the residential overflow needs from the Village for their own tribal members either along the River on potential land surpluses of the Corps of Engineers or at their respective Reservation.

And, that said Resolution has not been modified, amended or repealed and is still in full force and effect.

Dated this 24th day of July, 2000.


Antone C. Minthorn, Chairman
Board of Trustees

ATTEST:


Rose Mary Nacisse, Secretary
Board of Trustees



GENERAL COUNCIL
and
BOARD OF TRUSTEES

CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code 541 Phone 276-3165 FAX 276-3095

November 13, 2000

Colonel Randall J. Butler
District Engineer
USACOE
PO Box 2946
Portland, OR 97208

Dear Colonel Butler:

In response to your letter regarding assistance with Celilo Village, we are generally in concurrence with your approach but want to clarify our understanding of your intent.

When you talk about studying the "residential infrastructure needs" that includes housing and other community facilities in addition to essential services as well as management systems needed to operate, maintain and govern the Village.

We appreciate the need for the Corps to conduct a broad review of its relocation records in view of a continuing role to address unfinished business on the River. It appears to be a necessary first step in servicing our request. We also recognize that the overflow needs of Celilo Village may need to be met at other locations along the River. This initial effort is acceptable as long as Celilo Village Redevelopment is the first priority of the Post Authorization Change Report scope of work. We would, however, like to see as much of the preliminary work on the Village as possible be conducted concurrent with this first step.

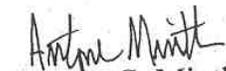
tpo/jwb 11-13-00

TREATY JUNE 9, 1855 ♦ CAYUSE, UMATILLA AND WALLA WALLA TRIBES

We will continue to work with the other two tribal councils to create an environment and “framework for consultation” involving all interested parties. We will also encourage the other two tribes to respond immediately to your letter giving their concurrence and terms to your study approach.

We hope these comments will move your efforts forward and we are committed, as you know to restoring Celilo Village with your assistance. If you have questions, please contact me at 541-966-2015 or Jim Beard, Planning Director at 541-966-2599 or jimbeard@ctuir.com.

Sincerely,



Antone C. Minthorn, Chairman
CTUIR

Pc: Mr. Stanley Speaks, Area Director, BIA
Mr. Olney Patt, Sr. Chairman Warm Springs Tribal Council
Mr. Lonnie Selam, Chairman Yakama Tribal Council



Confederated Tribes and Bands
of the Yakama Nation

EXHIBIT C

Established by the
Treaty of June 9, 1855

RESOLUTION

T-166 -01

WHEREAS, the Confederated Tribes and Bands of the Yakama Nation is a federally recognized Nation pursuant to the Treaty of 1855 (12 Stat. 951), and

WHEREAS, the Yakama Tribal Council is the governing body of the Confederated Tribes and Bands of the Yakama Nation of the Yakama Reservation, Toppenish, Washington by the authority delegated by Resolution T-38-56, and

WHEREAS, the Yakama Tribal Council has the duty and responsibility according to Resolution T-38-56 and T-10-61 to protect and preserve the Treaty Rights of the Yakama Nation, and

WHEREAS, the federal government through the United States Army Corps of Engineers (USACOE) has built four dams resulting in the inundation of these usual and accustomed fishing places and fishing villages; and

WHEREAS, Public Law 100-581, Title IV, Nov. 1, 1988, Columbia River Treaty Fishing Access Sites, was adopted by Congress to be administered to provide access to usual and accustomed fishing areas and ancillary fishing facilities for members of the Yakama Nation and

WHEREAS, the USACOE, governed by P.L. 100-581, Title IV, Columbia River Treaty Fishing Access Sites and the Treaty of 1855, is under current and on-going commitments/obligations to the Yakama Nation to undertake and analyze, review and recommend remediation/mitigation aspects of infrastructure development, cultural, environmental and religious rights and traditional practices lost to Tribes by hydroelectric development; and

WHEREAS, the Columbia River Treaty Fishing Access Sites Project is nearing completion and the Yakama Nation recommends the USACOE to make the addition of the Celilo Village Redevelopment Project to the USACOE Post Authorization Change (PAC) report. The PAC Report shall identify the changes in project purpose, scope, cost, location and other parameters necessary to address the infrastructure needs at these locations under P.L. 100-581, the Columbia River Treaty Fishing Access Sites Project. The PAC Report shall then be submitted to the proper USACOE headquarters office for final review and approval; and

WHEREAS, the Yakama Nation recognizes that many descendants of the original Federal relocatees living on lands provided by the Department of the Army near the Bonneville and The Dalles pools live in unsuitable housing with inadequate water, sanitation, utilities and sewage systems (this includes Celilo Village). A study for changes is incomplete; and

WHEREAS, the Fish, Wildlife, Law and Order Committee, through the Tribal Council, presently has oversight and through the delegation of Randy Settler met and discussed the issues and resolutions with USACOE. The USACOE understands and will develop a final report and will be presented to the full tribal council for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Yakama Tribal Council meeting in regular session at the Governmental Offices of the Confederated Tribes and Bands of the Yakama Nation, Toppenish, Washington, with a quorum being present, recognizes that the construction of

Post Office Box 151, Fort Hood, Toppenish, WA 98948 (509) 865-5121

the dams on the Columbia River by the USACOE has created severe economic hardships to the Indian fishery and the Indian fisherman and that there exists authorized funds under the current authorization for P.L. 100-581, the Columbia River Treaty Fishing Access Sites Project, and adopts and forwards to the USACOE the following to be considered in the final PAC Report:

1. The immediate redevelopment and restoration of the Celilo Village to reasonable health and safety standards; and
2. Transfer of additional lands owned by the USACOE adjacent to the Celilo Village to expand and meet the overflowing residential infrastructure needs for the Yakama Nation; and
3. Transfer of additional lands owned by the USACOE or the purchase of lands to replace tribal fishing villages inundated by the hydroelectric development to the Yakama Nation; and
4. Assist in the Development/Construction of the residential, religious and economic infrastructure to assist the needs of the Columbia River people along or near the ceded, usual and accustomed areas of the Yakama Nation; and
5. Assist in the development of the operation and maintenance plans for each site that is considered.

BE IT FURTHER RESOLVED, the Yakama Nation concurs with the USACOE that immediate funding is available and gives consent to the USACOE to begin the Celilo Village Redevelopment Project as soon as possible.

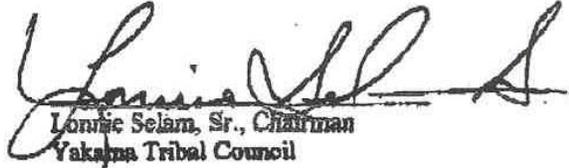
BE IT FURTHER RESOLVED, the Yakama Nation will continue to work with the USACOE with the "infrastructure needs" and the development of "framework for consultation".

BE IT FINALLY RESOLVED, that the Yakama Nation does not waive, alter, or otherwise diminish its Sovereign Immunity, whether expressed or implied, by virtue of this contract for any and all administrative or legal action which may arise directly or indirectly from the same, nor does the Yakama Nation waive, alter, or otherwise diminish its rights, privileges, remedies or services guaranteed by the Treaty of 1855.

DONE AND DATED on this 13th day of July, 2001, by the Yakama Tribal Council by a vote of 7 for, 2 against, 1 abstention.

ATTEST:


Patricia Martin, Secretary
Yakama Tribal Council


Lonnie Selam, Sr., Chairman
Yakama Tribal Council



Confederated Tribes and Bands
of the Yakama Indian Nation

Established by the
Treaty of June 9, 1855

Colonel Randall J. Butler
District Engineer
USACOE
PO Box 2946
Portland, OR 97208

Dear Colonel Butler:

In response to your letter regarding assistance with Celilo Village, the Yakama Nation is generally in concurrence with your approach but wish to clarify our understanding of the United States Corps of Engineers (USACOE) intent. The Yakama Nation is in agreement with the USACOE that the Celilo Village Redevelopment should be first priority and the first step to be taken.

Although we agree to utilize PL100-581 Columbia River Treaty Fishing Access Sites funding to initiate the engineering and feasibility study related to Celilo Village, we believe obligations are still owing to Columbia River treaty tribes for dislocation of usual and accustomed fishing villages vacated by hydroelectric development.

There is, as stated in your letter dated October 27, 2000, a need to address the "infrastructure needs" of Columbia River Treaty Fishing Access Sites. However, the Yakama Nation believes a historical review of records of the USACOE will show that the USACOE made commitments to provide and adequately fund the replacement and relocation of structures, villages and housing for members of the Columbia River treaty tribes, including land acquisitions for these purposes. The Yakama Nation believes the record will show these obligations are still owing today and are firm commitments that were not conditioned upon any study or needs analysis.

The Yakama Nation urges the USACOE to fully review Public Law 100-581 and note that section (3) make improvements at existing sites, including but not limited to dredging at the site at Wind River, Washington has not been completed. Other concerns prior to any Post Authorization Change (PAC) Report's scope of work should include:

- (1) Acquisition of additional or transfer of COE lands to meeting the housing needs adjacent to Celilo Village
- (2) Acquisition or transfer of COE lands in Washington State to meet the "infrastructure needs"; of additional housing development.

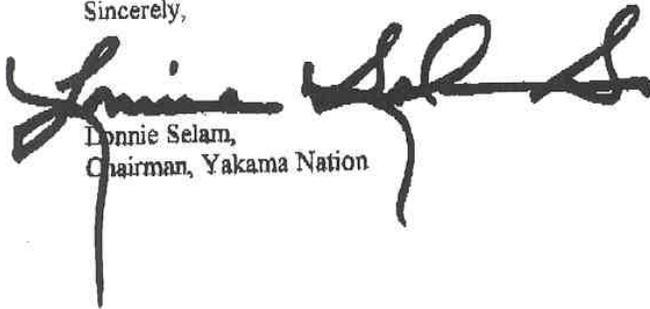
The Yakama Nation will continue to work with the other tribes to create an environment and "framework for consultation" involving all interested parties. We will also encourage the other tribes to respond immediately to your letter giving their concurrence and terms to your study approach.

Post Office Box 151, Fort Road, Toppenish, WA 98948 (509) 865-5121

The Yakama Nation hopes these comments will move the USACOE's efforts forward and together our commitment will result in the restoration of Celilo Village in a timely manner and address our other concerns.

If you have any questions, please contact Mr. Randy Settler, the Yakama Nation's In-Lieu Task Force representative at 509-865-7260.

Sincerely,

A handwritten signature in black ink, appearing to read "Donnie Selam". The signature is stylized and cursive, with a long vertical line extending downwards from the end of the name.

Donnie Selam,
Chairman, Yakama Nation

EXHIBIT D

RESOLUTION NO. 10093

WHEREAS, The Confederated tribes of the Warm Springs Reservation of Oregon is a federally recognized tribal entity pursuant to the Treaty of 1855 with the Tribes and Bands of Middle Oregon; and,

WHEREAS, The Tribal Council is the duly constituted governing body of the Confederated Tribes of the Warm Springs Reservation of Oregon by the authority of the Constitution and By-Laws as approved and amended to fulfill purposes that include a duty and obligation to protect and preserve the sovereign, Treaty and reserved rights of its members in perpetuity; and,

WHEREAS, The people of the Warm Springs Reservation of Oregon maintain a rich and vibrant cultural and spiritual heritage that has been inextricably linked to land and resources of the mid-Columbia River region and beyond since the immemorial; and,

WHEREAS, The Celilo Village is a vital element of our ageless spiritual, ceremonial, social, economic and political existence and whose presence inspires an awareness and respect for the common bonds of kinship present among the original inhabitants of this region from the time of beginning; and,

WHEREAS, The federal government through the U.S. Army Corps of Engineers built a series of dams that inundate many important usual and accustomed fishing sites and villages; and,

WHEREAS, The U.S. Congress enacted P.L. 100-581, with the intent of addressing Columbia River Treaty Fishing Access Sites to ensure access to usual and accustomed fishing sites and facilities for the members of the Confederated Tribes of the Warm Springs Reservation; and,

WHEREAS, The Army Corps of Engineer have undertaken a substantial effort to implement the intent and provisions of P.L. 100-158 which include a proposed change to add a project for the re-development of the Celilo Village to correct the severely unsafe and inadequate living conditions with appropriate infrastructure and facilities; and,

WHEREAS, The implementation and completion of this project will require full and active consultation and concurrence of the effected Tribes consistence with their sovereign and lawful treaty status and territories to protect their rights as successors in interest; now, therefore

RESOLUTION NO. 10093
PAGE TWO OF THREE

BE IT RESOLVED, By the (Twenty-Second) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to the Constitution and By-Laws, Article V, Section 1 (a) (d) and (1) do hereby reaffirm a need and a call for the Federal Government to undertake more timely and deliberation action for the implementation of the Columbia River Treaty Fishing Access Sites Legislation, P.L. 100-581; and,

BE IT FURTHER RESOLVED, The Tribal Council generally concurs with and supports the expeditious re-development of Celilo Village in accordance with the concepts recently presented by representatives of the USACOE; and,

BE IT FURTHER RESOLVED, The Tribal Council endorses the following Guidelines to be forwarded to the USACOE for the re-development and restoration of the Celilo Village:

1. The Wy-Am Board be reconstituted and authorized to make recommendations to their respective Tribal Governments and the BIA for on-going development needs and management policies.
2. A Celilo Village Master plan be completed for reviewed and concurrence by the affected Tribes to preserve traditional and historic values while accommodating compatible uses and facilities that preserve its unique ceremonial character.
3. A plan and budget be created for the operation, maintenance and expansion of facilities, infrastructure and alternate levels of use or development.
4. Establish and/or designate a legal entity that can be delegated the necessary fiscal responsibility and operational management of the Village and surrounding area, consistent with Tribal review and oversight.
5. Seek to enhance the unique heritage, character and values associated with the Celilo Village as an endearing tribute to the ageless belief in the unwritten laws, visions, wisdom, honor and perseverance that guided our elders and ancestors which we are obligated to pass onto our successive generations.

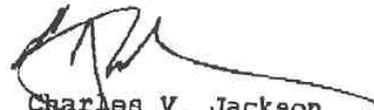
RESOLUTION NO. 10093
PAGE THREE OF THREE

BE IT FURTHER RESOLVED, That the Tribal Council seeks and expects active participation with the USACOE to develop additional infrastructure needs and a consultation framework.

CERTIFICATION

The undersigned as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Tribal Council is composed of 11 members of whom 9, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held this 3rd day of October, 2001; and that the foregoing resolution was passed by the affirmative vote of 8 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

APPROVED: OCT 12 2001


Charles V. Jackson
Secretary-Treasurer


Gerald Henrikson
Acting Superintendent

cc: Secretary-Treasurer
Superintendent
Administrative Services Center



Nez Perce

EXHIBIT E

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

December 13, 2000

Colonel Randall J. Butler
District Engineer
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, Oregon 97208

DEC 18 2000

RECEIVED

RE: Celilo Village

Dear Colonel Butler:

The Nez Perce Tribe has received a copy the October 10, 2000 letter from Antone Minthorn, Chairman of the Confederated Tribes of the Umatilla Reservation, to you regarding assistance at Celilo Village. A copy of this letter is attached.

Contrary to the impression that Chairman Minthorn's letter may give, the Nez Perce Tribe is very interested in playing a direct role in the management of issues of Celilo Village. By virtue of the Treaty of 1855, the Nez Perce Tribe reserved the right to fish at all usual and accustomed fishing places. This includes the right to fish on the mainstem of the Columbia River at and near Celilo. Members of the Nez Perce Tribe have and continue to exercise these rights to this day.

We hope as management decisions are made at Celilo that the Corps continues to include all of the Columbia River Treaty Tribes, including the Nez Perce. We appreciate your attention to this matter. Thank you.

Sincerely,

Samuel N. Penney

Samuel N. Penney
Chairman

cc: Antone C. Minthorn, Chairman, CTUIR
Olney Patt, Sr., Chairman, Warm Springs
Lonnie Selam, Chairman, Yakama

Attachment (1)



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169



FEB 20 2001

Colonel Randall Butler
Department of the Army
Portland District Engineers
P.O. Box 2946
Portland, OR. 97208-2946

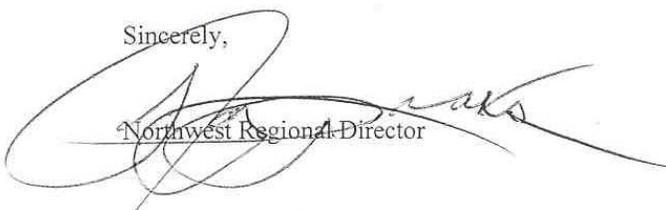
Dear Colonel Butler:

In response to your letter of October 27, 2000 regarding the redevelopment of Celilo Village, while we support the initiative your agency and the treaty tribes have demonstrated, we also have concerns regarding the expenditure of funds from the In-Lieu/Treaty Fishing Access Site legislation, they are as follow:

- If you are to use construction funds for the planning process for the redevelopment of Celilo Village we support this issue. However, we would suggest the operation and maintenance funds not be used, as we are finding some shortfalls in the money we receive from the COE for O&M expenses.
- While we understand that any excess construction funds will be used for the purpose of redevelopment of Celilo Village, we would first like to see any excess construction funds aid in completing needed constructions improvements for the existing In-Lieu/Treaty Fishing Access Sites.
- Inclusion of the Nez Perce Tribe becomes paramount when decisions are being made relative to PL100-581 legislation.
- We must consider concurrent annual operation and maintenance funds for any improvements that are made to the Village.

We look forward to working with your agency and the tribes in developing a "consultation framework" for redevelopment of Celilo Village. If you have questions, please contact me directly or contact Mr. Lee Skenandore, Regional Facilities Manager on 503/231-6278.

Sincerely,


Northwest Regional Director

Cc: Antone Minthorn, Chairman, CTUIR Board of Trustees
Lonnie Selam, Chairman, Yakama Nation
Samuel N. Penney, Nez Perce Tribal Executive Committee
Olney Patt, Chairman, CUTSIR

70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

Enrolled
House Joint Memorial 12

Sponsored by Representative SIMMONS, Senator NELSON (at the request of Confederated Tribes of the Umatilla Indian Reservation)

To the Senate and House of Representatives of the United States of America, in Congress assembled: We, your memorialists, the Seventieth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas the historic Celilo Village has twice been moved or altered by projects of the United States Government; and

Whereas Celilo Village is one of the most visible Indian communities in the nation with thousands of visitors per day; and

Whereas the once prosperous center of fishing and trade has been lost to neglect, deterioration and poverty; and

Whereas the Confederated Tribes of the Umatilla Indian Reservation have committed to assist the "River People" and have prepared a detailed inventory of existing buildings and a preliminary plan for replacement and refurbishing; and

Whereas the land, infrastructure and five of the remaining houses from 1947 are held in trust by the Bureau of Indian Affairs for use by the Umatilla, Warm Springs, Yakima and other Columbia River Indians; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is urged to appropriate the necessary funds to restore and redevelop Celilo Village.

(2) A copy of this resolution shall be sent to each member of the Oregon Congressional Delegation.

Adopted by House May 3, 1999

Ramona J. Henady
Chief Clerk of House

Spencer Probst
Speaker of House

Adopted by Senate May 24, 1999

Brody Johnson
President of Senate

FILED: June 15, 1999
AT 4:50 O'CLOCK P.M.
Paul Uhly
Secretary of State

EXHIBIT H

IN THE COUNTY OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

RECEIVED
JUL 29 1999
TRIBAL PLANNING OFFICE

A RESOLUTION IN SUPPORT OF A }
CONGRESSIONAL APPROPRIATION TO} RESOLUTION
RESTORE CELILO VILLAGE. }
}

WHEREAS, Celilo Village is built on federally owned land in Wasco County and not under the jurisdiction of the county government; and

WHEREAS, the Wasco County Court is concerned with the health, safety and welfare of all people who live in the County; and

WHEREAS, the Village site has deteriorated over the years to a blighted, unsightly and apparently unsafe and unhealthy condition that is highly visible from Interstate 84; and

WHEREAS, the Umatilla, Warm Springs and Yakama Indian Tribes in concert with Bureau of Indian Affairs have developed a plan to restore the Village to its original purpose; and

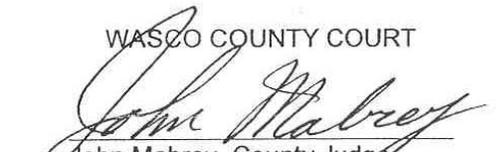
WHEREAS, the Celilo Legacy is a cultural and historic treasure that belongs to the people of Wasco County and all the region; and

WHEREAS, during the Lewis and Clark Bicentennial years of 2005 and 2006 people from all over the world will be in Wasco County visiting the Celilo site; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COURT OF WASCO COUNTY, OREGON, AS FOLLOWS: That they support the Tribes' efforts to restore the community to its original purpose and uses and support a special congressional appropriation in the amount of \$6.5 million to fund the Redevelopment Plan.

Dated this 21st day of July, 1999.

WASCO COUNTY COURT



John Mabrey, County Judge

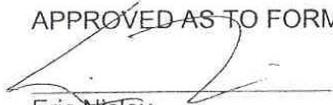


Dan Ericksen, County Commissioner



Scott McKay, County Commissioner

APPROVED AS TO FORM:



Eric Nisley
Wasco County District Attorney

*Obledo
2001 letters*

Congress of the United States
Washington, DC 20510

EXHIBIT I

October 12, 2001

The Honorable Robert C. Byrd
Chairman
Senate Appropriations Committee
Dirksen 127
Washington, DC 20510-6030

The Honorable Bill Young
Chairman
House Appropriations Committee
2362 Rayburn HOB
Washington, D.C. 20515-6020

Dear Chairmen Byrd and Young:

We are writing to urge that language be added to the Conference Report on the Fiscal Year 2002 Energy and Water Development Appropriations.

The ancient and famous Native American fishing and trading site of Celilo Falls on the Columbia River was submerged by the reservoir created with the 1957 construction of the Dalles Dam. At that time, the Native American village at Celilo was re-established at a nearby site just off Highway I-84, the major route through the Columbia Gorge. About 100 members from the Umatilla, Yakama, and Warm Springs Tribes reside in the Village – held in trust by the Bureau of Indian Affairs – which over the years has become overcrowded and very decrepit. Immediately adjacent to I-84, Celilo Village is the single most visible Native American community in the Northwest along the Lewis and Clark Trail, which is being heralded during the Lewis and Clark Bicentennial Observance.

When the Dalles and other federal dams were built by the Corps of Engineers on the lower Columbia River in Oregon and Washington, the regional Tribes were promised new fishing access sites on the edge on the new reservoirs for the Tribes' continued exercise of their treaty-protected fishing rights. Although 400 acres of sites were promised, only a few were developed, which also became overcrowded and decrepit. To rectify this, in 1988 Congress passed Title IV of PL 100-581, authorizing the Corps of Engineers to rehabilitate existing access sites and develop specific new sites. Those specified sites did not include Celilo Village, which is not on the water's edge.

The Corps of Engineers is now well into the process of developing the new and rehabilitated fishing access sites. The process is on schedule and well within the amount

budgeted in the fishing sites account. Working with the Tribes, the Corps has determined it can rehabilitate Celilo Village within the budgeted amount for the fishing sites. The Corps is fully prepared and very willing to undertake this needed and worthwhile effort, which requires Congressional language to add Celilo Village to the specified list of eligible sites.

In order to get the redevelopment underway in time for the Lewis and Clark Bicentennial, that authority is needed almost immediately. We feel that the FY 2002 Energy and Water Development Appropriations bill, H.R. 2311, is the most appropriate vehicle to accomplish this.

We therefore request that the following bill language be included:

Funds appropriated herein and subsequently appropriated for Title IV of P.L. 100-581 are available for redevelopment of Celilo Village, Oregon.

We would also request that the following committee report language be included:

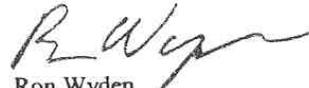
The Flood Control Act of 1950 authorized the construction of a replacement treaty fishing village for Celilo Village, Oregon. The Columbia River Treaty Fishing Access Sites Act, Title IV, P.L. 100-581, November 1, 1988, was enacted to remedy this and other Indian compensation deficiencies from the construction and operation of the Bonneville, the Dalles, and John Day dams. Funds are available to rehabilitate Celilo Village using plans developed by the Portland District and in consultation with the affected Indian Tribes and the Department of the Interior, Bureau of Indian Affairs.

Thank you in advance for your consideration of our request. Please contact Matt Hill (224-8319) of Senator Smith's staff or Sarah Bittleman of Senator Wyden's staff at 224-3163 if we can be of any assistance to you.

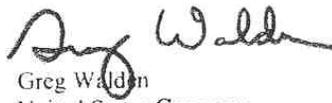
Sincerely,



Gordon H. Smith
United States Senate



Ron Wyden
United States Senate



Greg Walden
United States Congress