

Sin-Wit-Ki

Volume 5, Issue 7
July, 1999

"All life on earth"

Court strengthens hunting rights

The Washington State Supreme Court June 17 ruled unanimously that tribal hunters are exercising historic legal treaty rights when they hunt on "open and unclaimed" lands outside their reservations, but perhaps only in lands ceded by a tribal treaty under which they are enrolled tribal members.

The court also denied the state's argument that Washington statehood in 1889 constituted abrogation of these treaty rights and put tribal people on an "equal footing" with all other citizens.

Chief Justice Richard P. Guy authored the June 17 opinion. Concurring with Justice Guy's opinion were Justices, Barbara Durham, Charles Z. Smith, Charles W. Johnson, Barbara A. Madsen, Gerry L.

Alexander, Philip A. Talmadge, Richard B. Sanders and a visiting judge.

The high court ruled June 17:

The geographic scope of the Nooksack Tribe's treaty right cannot be resolved by treaty language alone, and the "reservation of right doctrine" must be applied to interpret the scope.

The court stated: "The geographic scope of the hunting right cannot be resolved from the language of the treaty alone. We hold that application of the reservation of rights doctrine is the more legally sound approach to interpreting the hunting rights provision of the Treaty of Point Elliot."

"Under such an analysis, open and unclaimed

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The justices recognized the 1978 ruling in U.S. v. Washington in which the late District Judge George A. Boldt recognized the Nooksack as a participant in the Point Elliott Treaty.

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Special points

of interest:

- Fish food poster for educators
- James international traveler
- Tribal testimony over the years
- Traditionalist and business person all in one

Tribes/state agree on hatcheries

The use of hatchery fish bred from wild stocks as a way of restoring endangered fish runs along the Columbia was agreed to by tribal and state officials.

Both parties worked out a deal to work more closely on hatchery operations on Columbia River tributaries which also halts an attempt by the four Columbia River treaty tribes, Yakama, Umatilla, Nez Perce and Warm Springs, to pass House Bill 3609 that would suspend the state's wild fish policy. Oregon's wild fish policy in some cases severely restricted the use of hatchery fish upstream of Bonneville Dam where tribes fish.

Tribal officials said they thought they could persuade the state to agree to plans in several basins that would reflect their approach to restoring native fish runs by supplementing existing runs. Some opponents of the tribes' plan believe several studies indicate hatchery fish can weaken the genetic diversity of wild fish and crowd out native runs. But tribal experts say the tribes have been able to help restore some runs by using careful hatchery policies. The deal amended into HB3609 calls for the state to work with the tribes to develop basin plans than can supersede the wild fish management policy. The plans are supposed incorporate sound science, be consistent with Endangered Species Act recovery efforts and include study of the risks to wild fish. The measure now goes to full Senate.

Discussion forum gathers many tribal fishers

The Dalles, Ore.—Yakama tribal fishers may accept a new mesh size during the upcoming fall fishery. Around 50 tribal fishers agreed if the nine-inch mesh size will allow more Endangered Species Act (ESA) listed steelhead to get back to spawning grounds then they would be willing to help the fish.

“It’s important that we address issues for the upcoming fishery this year. We take this time to implement actions like this to make sure more fish will come back,” said Yakama Nation Fish and Wildlife Committee Chair, Randy Settler.

Current regulations have tribal fishers using eight-inch mesh. “We’re looking for a percentage of reduction of the overall harvest to conserve ESA listed fish. This is considered a management tool by the tribe and will reduce the steelhead catch,” he said.

Warren Spencer, Yakama tribal fisher, questioned whether the other three Columbia River treaty tribes would follow suit. “Warm Springs agrees with us but the other two have not so far,” Settler said.

If Yakama tribal fishers decide to make the change, funding would be sought to purchase and obtain new materials for the fishers to construct themselves. “If we provide the materials this would allow fishers to build and hang their own nets instead of paying for labor. And, as we know, everyone has their secret for hanging their webbing,” he said.

Net counts were counted twice a week by either the states or tribe last year. During commercial season peaks there were 450 nets in the river. If funding is secured tribal fishers could purchase new corksline, leadline and enough webbing to make a 400 foot gillnet. Funding could amount to around \$350,000.

In other matters, chronically depressed summer chinook and sockeye suffer from loss of habitat. “The fish don’t have access to a majority of habitat because they can’t get past Chief Joseph and Hell’s Canyon dams. We need some major changes. Regionally, people will have to decide what’s more important than fish.”

When dams came in one-by-one a mitigation package was attached. Up to \$20 million was spent under the Mitchell Act. Settler said he considered the states plan for hatcheries a failure. “Funding

means fish loss. Natural runs of fish were losing, now you have protection of the last remaining species,” said Settler. “The states robbed upriver native fish and put them into production for harvest opportunities but we never got that opportunity because the states took them below Bonneville Dam where we don’t fish.” Settler explained while the states produced hatchery fish by the millions it also impacted the last remaining natural stocks.

Last year Oregon State fishery staff was videotaped killing what was deemed as ‘excess fish.’ “They were clubbing them right on the spawning grounds because too many returned.” A few years ago Oregon State wanted to kill ‘excess fish’ returning to the Imnaha River. The Umatilla Nation was successful in stopping that and using those fish as broodstock. “This is wasteful while fish suffer,” he said.

Other topics were marketing, pre-season counts and renewing the Columbia River Fish Management Plan soon to expire. “We were fortunate enough to be able to make a presentation to the tribal fishers,” said Scherri Soto-

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“We take this time to implement actions like this to make sure more fish will come back.”

Sin-Wit-Ki translated from the Yakama language means “All life on earth.” It is a monthly publication written, edited and photographed by Carol Craig, public information manager for the Fish and Wildlife Program. To receive at no cost, phone 509-865-6262, or write P.O. Box 151, Toppenish, WA. 98948 or e-mail ccraig@yakama.com. Sin-Wit-Ki is printed on recycled paper.

Tribe drops “Indian”

It began as a typo in a resolution last February which became discussion among tribal council members. The heading had Yakima Indian Nation. “Yakama was misspelled and we started asking one another how we sign in at conferences and meetings,” said Ross Sockzehigh, vice-chair Yakama Nation. “Most of us agreed we sign in by writing our names then writing Yakama Nation and that’s all.”

Further, some questioned the term ‘Indian.’ “It was Columbus who called us that and why should he put a tag as all of us being Indian?” others asked.

After much talk took place it became official! As of June 29, 1999 the word “Indian” will no longer be used in any reference for all internal as well as external correspondence and resolutions according to Yakama Tribal Council Resolution T-10-61. The Yakama Nation Tribal Council relayed word via memo to all departments and programs that the tribe would no longer use the word ‘Indian.’ Kuddos to the Yakama Tribal Council!

We are the Yakama Nation comprised of Yakama tribal members!

Treaty hunting rights upheld: retrial ahead

(Continued from page 1)

lands within the aboriginal hunting grounds of the Nooksack Tribe are reserved under the treaty for hunting by tribal members, so long as the lands remain open and unclaimed.”

“The geographic area available for hunting would certainly include the territory ceded to the United States and described in article I of the Treaty of Point Elliott, and may include other areas if those areas are proven to have been actually used for hunting and occupied by the Nooksack Tribe over an extended period of time.”

Because the tribal court did not so limit the geographic scope of the Nooksack’s treaty, we reverse the dismissal of the charges against defendant Buchanan. However, we hold that, on remand, the defendant should have the opportunity to prove that the Nooksack Tribe’s aboriginal hunting grounds include the land within the Oak Creek Wildlife Area.

The geographic scope will be argued in the upcoming retrial.

The state-zoned Oak Creek Wildlife Area constituted “open and unclaimed” lands within the meaning of the Point Elliott Treaty.

The court wrote: A general statement of the rule is that publicly-owned lands, which are not obviously occupied and which are put to a use which is compatible with hunting, are ‘open and unclaimed lands’ under the terms of the Stevens Treaties.”

Treaty provisions in Article 5 of the Point Elliott Treaty were not abrogated by Washington statehood in 1889 and its “equal footing” theory.

The court noted that the U.S. Supreme Court had just rejected the equal footing doctrine for treaty tribal people in its 1999 decision in the Mille Lacs case. “The Supreme Court rejected use of the equal footing language to find an abrogation of tribal treaty hunting and fishing rights.”

The court remanded for trial the criminal prosecution of Donald Ray Buchanan, a Nooksack enrolled tribal member of Kent, Wash. who shot two five-point bull elk in the state-owned Oak Creek Wildlife Area near Yakima on the east side of the Cascade range on Jan. 6, 1995.

Yakima County Prosecutor Jeff Sullivan, who argued the case from its beginning said he was “very pleased” with the new direction and will retry Buchanan in Yakima, Wash. in August or September.

Case History

Buchanan was stopped by officers of the Washington Department of Fish and Wildlife (WDFW). His hunting license had been revoked and the state hunting season was closed. Buchanan claimed he had a treaty right to hunt elk there unrestricted by state hunting regulations. Buchanan car-

ried tribal identification card and tribal hunting tags. He was charged with two felony counts of possessing big game during a closed season, and one misdemeanor count of hunting while his license was revoked.

The Nooksack Tribe is the beneficiary of the Treaty of Point Elliott of January 1855. The Nooksack Reservation is on the west side of the Cascade range in Whatcom County, and the eastern border of the area ceded by the treaty lies across the crest of the Cascade range.

Arguing the original felony and misdemeanor charges against Buchanan at trial court was Yakima County Prosecutor Sullivan. Arguing for Buchanan was Attorney David S. Vogel of Seattle.



Yakima county Superior Court Judge Heather Van Nuys dismissed the charges against Buchanan, ruling his treaty right extended to open and unclaimed lands anywhere in the “territory of Washington.” The trial court also ruled that application of state hunters was not necessary for conservation of the elk species.

The state appealed the trial court opinion, and the appeals court upheld the original ruling.

Oral arguments before the state supreme court took place in Olympia last Nov. 18.

Filing amicus briefs at the supreme court in support of the state were the Washington Department of Fish and Wildlife and Modern Firearms Hunters of Washington.

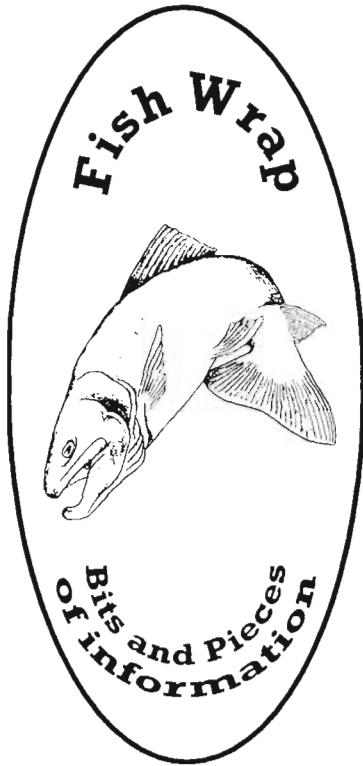
Filing amicus brief in the high court for Buchanan were Professor Ralph W. Johnson of the University of Washington School of Law, and 13 tribes including Squaxin Island, Tulalip, Nisqually, Sauk-Suiattle, Skokomish, Puyallup, Upper Skagit, Lummi, Swinomish, Suquamish, Yakama, Nooksack and Muckleshoot.

The justices denied the state’s motion that the Nooksack Tribe was not a participant in the Point Elliott Treaty, that the court lacked jurisdiction to hear the case.

The justices recognized the 1978 ruling in *U.S. v. Washington* in which the late District Judge George A. Boldt recognized the Nooksack as a participant in the Point Elliott Treaty.

Buchanan’s attorney Vogel told the *Seattle Post-Intelligencer* June 16: “The tribes may try to have this issue in federal court like the Boldt decision [on treaty fishing rights].” Vogel said

(Hunting-Continued on page 18)



Landmark hill may be renamed

A pointy hill with an old name that makes a lot of people uncomfortable will likely get a new designation from the state this fall.

Squaw Tit is a 1,845-foot-high mound in the arid landscape at the U.S. Army's Yakima Training Center. It's a landmark used by soldiers and pilots.

"Its embarrassing to hear the name...come in over the radio," said Paul McGuff, a civilian contractor who works in the Army's cultural resources office.

The state considered renaming the peak in 1977, when it changed Squaw Creek at the training center to Lmumma Creek. But the Army and the Wanapum and Yakama tribes could not reach agreement on a name.

In September, the seven-member Board on Geographic Names will consider a proposal to rename the hill "pushtay (pronounced PUSH-tee), a Wanapum word meaning "little mound." Another option is Red Rock.

Early cattlemen in the area are believed to be the first to call the hill Squaw Tit. Mapmakers used it, rather than the original Wanapum name: Luts'almaxlum.

"When are we going to get rid of this word?" asked JoAnne Meninick, Yakama Cultural Committee member. Meninick has lobbied to expunge the word squaw from place names. "It's just as offensive as any other negative racial epithet."

The word appears on more than 1,000 geographic features nationwide, primarily in the West and Midwest according to the U.S. Geographical Survey.

The Wanapum had hoped to have the original name restored to the mound, which comes to dramatic peak east of Interstate 82. "Luts'almaxlum means little hill with the red top," said tribal spokesman, Bobby Tomanawash.

Majority of voters support Makah

A statewide poll found 58 percent of the 400 registered voters surveyed felt the Makah Tribe has the right to hunt gray whale.

The poll by Elway Reserach was conducted between May 20 and May 23, a few days after a tribal whaling crew harpooned a whale off the Washington coast May 17, the first whale taken by the tribe in 70 years.

The poll had a margin of error of 4.9 percent.

"Given the publicity leading up to and surrounding the hunt, it seemed the whole world was against them, but that was not the case," Stuart Elway, president of the research firm, said of the results.

"With all the outcry from all the anti-whaling people, there's substantial numbers of people in this state that have no problem with this at all," said tribal lawyer John Arum.

Obviously the tribe would like to have public support, but the whole essence of a right is "it doesn't have to be popular," Arum said.

Scientists say 'no' to Nez Perce project

The Northwest Power Planning Council's (NPPC) Independent Scientific Review Panel (ISR) has recommended cancelling the Nez Perce Tribe's \$20.18 million project to build fish hatcheries in that part of the Northwest.

The tribe wants to build an incubation and rearing facility at the Idaho Dept. of Fish and Game's old Sweetwater Springs Hatchery near Waha and once close to the Clearwater River. The Nez Perce Nation also wanted to build other facilities to condition and acclimate fish before releasing them into the river. Known as supplementation, the method has been used

by the Yakama and Umatilla Nations as a rebuilding tool for salmon runs.

The Council's ISR team cited concerns in its annual report that the plan to build the hatcheries "is scientifically outdated and would follow in the pathway of technology that has largely failed the region."

"Scientific reviews suggest that the days of large hatchery projects are past and that this project does not merit the expenditure of public funds requested," the report said.

"Unless and until the project is better justified and it can be demonstrated that wild stocks will not be negatively affected, this project should not go forward."

The ISR panel implemented by Senator Slade Gorton (R-WA.), is charged with passing peer review on all projects proposed for funding under the NPPC. The NPPC can disregard the recommendations, but must explain why.

Poster for teachers

The Washington Department of Fish and Wildlife (WDFW) education program has an illustrated poster showing benthic macroinvertebrates (AKA "fish food") found in streams. The posters were produced by Hoosier Riverwatch in Indiana, but have the WDFW logo on them as well. They are approximately 16.5 inches wide x 21.5 inches high.

"If you're doing any kind of outreach or educational activities involving water quality monitoring, you might want to check these out," said Beverly Issenson, special assistant from the Governor's Council on Environmental Education.

Fish & wildlife staff winners

Repeat winners during the June 4 Treaty Days celebration, the Yakama Nation Fish and Wildlife programs both took first and third this year. Last year the programs received the same standing for their parade entries.

The Wildlife department was full of cheers as the staff took first in the 12 and over program division meaning more than a dozen employees assisted in

The Yakama Nation Fish & Wildlife Committee is comprised of four members appointed by the Tribal Council who serve four-year terms. Members include Randy Settler, Chair, Jack Fiander, Secretary, Clifford Moscs and Duane Clark, Members.

building the float. "We took it again!" said Tracy Hames, wildlife biologist as he proudly waved the Blue Ribbon and first place trophy. The day before the parade staff were busy transforming a huge truck bed into a tribal scene depicting salmon and eels being cooked over burning coals, all made out of cardboard. "We never know what we're going to do until the day before the parade," said Bill Bradley, wildlife program manager. "I'm amazed we took first."

The fisheries staff constructed a dam on a flatbed trailer made out of pallets covered with gray cardboard. During the parade the dam was blown up which freed the dancing salmon. Fisheries took third place in the 12 and over category. Staff received a Blue Ribbon and plaque.

This was the first time trophies were handed out to first-place winners. Both programs have their winning awards on display at the office.

James to Budapest

Completely surprised she was selected to replace another tribal member, Laurel James, wildlife tech IV, became an international traveler when she flew to the capital of Hungary on June 26.

Said James, "I laughed when my boss told me and he said 'what are you laughing about?' I asked him if he was serious and he said yes!" Bill Bradley, Wildlife Program Manager recommended James as replacement. She had two short weeks to plan the trip and get her passport.

She was one of four tribal representative panel members to speak at the Second International Wildlife Management Congress June 26-July 2 in Budapest.

She is currently working to complete her Bachelor of Science degree in Forestry Wildlife Resources at the University of Washington.

If it's not Gorton trying

to pass legislation against

Washington tribes as chair of the Senate Interior Appropriations Committee then it's usually the old tribal nemesis Barbara Lindsay, executive director of the Redmond-based United Property Owners of Washington.

Lindsay responded to Paul Van Develder's article in the 'Opinion' section of the Seattle Times May 23.

Van Develder delved into "The power of the treaty and why sovereignty is winning from Neah Bay to the Supreme Court." He outlined the United States government that ratified 380 treaties between 1790 and 1871. He also referred to the Marshall Trilogy known as the "foundational principles of Indian law" then fast-forwarded to today and why people do not understand these laws and terms tribes have survived under. He ended with saying "the future is in the hands of the court. Not, thankfully, in the hands of politicians."

In her guest column she states the supreme law of the land is the Constitution and insinuates the tribes are somehow sidestepping United States law. She worries about "American" property owners losing their land, but forgets how that same land, in most instances, was stolen. She said the tribe have not promoted the peace promised in the treaties and appears to think that casinos and cigarette sales make up for these tragedies.

Even though her and Gorton continually claim their actions are not racist neither should not use the Constitution to justify the racist actions of the past and perhaps in the future.

Views expressed in this column are solely of the editor of Sin-Wit-Ki and not the Yakama Nation or the fish and wildlife program.

In the corner with CG
In the corner with CG

Spraying budworm begins but 'take caution'

The Yakama Nation forest spruce budworm infestation was the target of aerial spraying with a biological insecticide, Bacillus Thuringiensis (Bt), which began June 19 on portions of the Garyback Logging Unit and in the vicinity of Mill Creek Guard Station.

Almost 25,000 acres have been sprayed including portions in the Buck Camp and Hell Roaring timber sales area not included in the table at right. Timing of spraying in other areas will depend on weather conditions and budworm larvae development according to Yakama Nation tribal forester Mark Petruncio. "Certain portions in the Closed Area were sprayed and this will slow down the budworm population."

Last Sept. 2, the Yakama Tribal Council declared a state-of-emergency due to epidemic levels of spruce budworm and bark beetle populations that were devouring forest lands turning once green trees into dead and decaying stands.

In 1990 over 70,000 acres were sprayed with Bacillus thuringiensis (Bt) to get the critter population down to acceptable levels. The spruce budworm is a caterpillar that defoliates Douglas and Grand fir trees.

"You can't spray once and think the problem will go away," he said. "Again the budworm and bark beetle populations are enormous and the Yakama Nation will do another spray."

Efficient forest practices consistent with forest management plans are being implemented to control the population growth of both insects. Thinning out growth will make the forest less susceptible to budworm and bark beetle outbreaks. According to Petruncio, as long as there is a food source, like thick overgrowth, they continue to multiply. "Their preferred food is the Grand and Douglas fir trees," he said.

Although Bt is considered safer than a chemical spray it is not totally harmless to humans or the environment. Bt is grown by a chemical company and contains a protein that is deadly to budworms and other caterpillars.

The protein will kill caterpillars but not humans. "Still, there are health concerns to consider," said Chris Walsh, environmental health nurse at the Indian Health Service (IHS).

Walsh urges tribal members to avoid sprayed areas. The BIA will post notices in areas that have been or will be sprayed. "We produced an informational flyer to let tribal members know more about Bt. The flyer will be placed at forest entry guard stations," she said. Bt can cause symptoms similar to food poisoning with nausea, vomiting and diarrhea.

"It can also cause respiratory problems if inhaled and if it gets on the skin, it should be washed with soap and water," said Walsh. People with respiratory problems should not be in the sprayed portions.

Some traditional foods and medicines are harvested in the

(Spraying—Continued on page 18)

Block name	Acres	Date released	Date completed
Grayback 1	474	6/18	6/19
Grayback 5	164	5/18	6/20
Mill Creek 1	704	6/18	6/19
Mill Creek 4	372	6/19	6/19
Grayback 2	592	6/19	6/20
Grayback 6	109	6/19	6/20
Signal Peak 14	1,808	6/19	6/20
Signal Peak 15	2,656	6/19	6/22
Mill Creek 2	417	6/20	6/22
Mill Creek 3	290	6/20	6/22
Grayback 3	93	6/21	6/22
Grayback 4	744	6/21	6/24
Grayback 7	101	6/21	6/22
Signal Peak 2	849	6/24	6/25
Signal Peak 7	515	6/24	6/25
Signal Peak 12	1,302	6/24	6/25
Signal Peak 17	2,545	6/24	6/25
Signal Peak 5	772	6/27	6/28
Signal Peak 11	729	6/27	6/28
Signal Peak 13	639	6/27	6/28
Signal Pk. 18 L	2,210	6/27	6/28
Signal Peak 16	508	6/28	6/29
Signal Peak 19	2,693	6/28	6/29
Signal Peak 10	2,897	6/29	6/30

Dams and the impacts on tribal culture

Tribal people provide testimony over the years

Tribal people speak passionately about how fishing areas and the salmon have almost disappeared since the building of dams that line the Columbia River.

The Columbia River Inter-Tribal Fish Commission's (CRITFC) Technical Report 99-2, completed by Roy E. Beaty, Henry J. Yuen, Philip A. Meyer and Michael A. Matylewicz cites several tribal people over the years.

Today, the tribes have lost the greatest part of the salmon they protected in the treaties with the United States. The further up-river one goes, the greater the losses have occurred. Tribal testimony offers a clear choice with respect to how the salmon decline affected tribal people. Following are excerpts of the tribal words spoken:

"My strength is from the fish; my blood is from the fish, from the roots and berries. The fish and game are the essence of my life. I was not brought from a foreign country and did not come here. I was put here by the Creator."

Yakama Chief Meninock

"What kind of foods did God set aside for you, reserve for you [non-tribal people]? Like salmon and deer meat and the roots and berries were set aside for us. That's what we still obtain yet. We still go out and get it. And that's what we eat today. And that's what we use for communion with God."

Hazel Miller, 1982 from the book *Death Stalks the Yakamas*

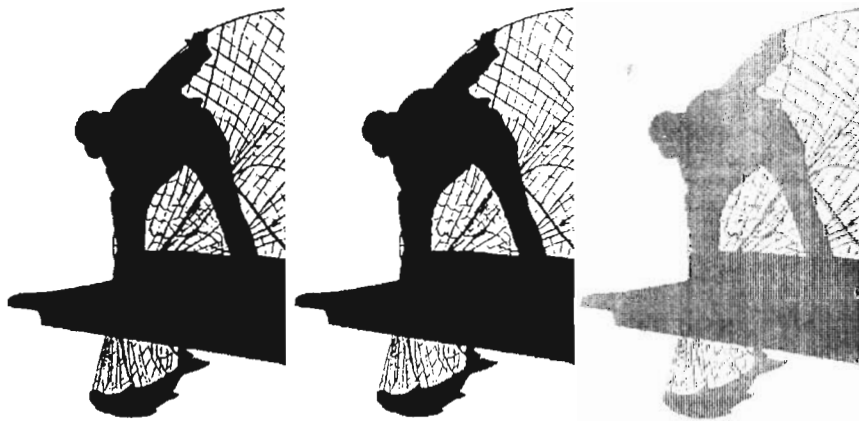
"Salmon are the centerpiece of our culture, religion, spirit, and indeed, our very existence. As tribal people, we speak solely for the salmon. We have no hidden agenda. We do not make decisions to appease special interest groups. We do not bow to the will of powerful economic interests. Our people's desire is simple—to preserve the fish, to preserve our way of life, now and for future generations."

Don Sampson, Executive Director for CRITFC

"As you come up the river, dam by dam, every dam that we look

at and talk about has done some damage to the tribal culture and the tribal tradition, has taken away something every time a dam is built...Bonneville Dam... took away Cascade Rapids from the tribal people. It took away a big fishery. And as you come up, The Dalles Dam probably did the greatest damage of all, because they inundated the ancient fishing grounds of Celilo and the rocks, and all of Spearfish and Tenino. The Dalles Dam also inundated an ancient burial ground. The John Day Dam also inundated John Day Rapids and inundated Blalock Rapids all the way up to what is usually known as Paterson."

Rudy Saluskin, Toppenish, Wash., Oct. 22, 1982



"...That damage we seen as it came along by the construction of the dams in the Columbia River... It's definite that the dams had the first and real major effect on the salmon runs...That's what our people said. They were not educated, but they knew it was going to happen, in fact, in time to come...Whenever they built a dam, they

promised us, 'We will enhance, we will enhance the fishery loused up by the dams upstream.' The government didn't do that."

Delbert Frank, Sr., Warm Springs, Oct. 6, 1982

"I don't know what we could call such a policy. Genocide? Yes, I think perhaps that is the word."

Tommy Eli at Celilo, Oct. 29, 1982

"Some of the people that have gone before made some big mistakes on this river. We tried to tell them, but they wouldn't listen. We now have an opportunity to fix those mistakes. Each generation of officials, bureaucrats, scientists and so on has a choice. We can become part of the problem—or part of the solution."

Bill Yallup, Sr.-An address to the Drawdown Regional Economic Workgroup, July 18, 1997

Traditionalist and business person all in one

Her office is a quaint little spot in the wildlife department amid hanging thank-you notes and cards from different staff and places she has visited to give informational talks.

The bright orange vest Patricia Heemsah wears out in the field rests on the back of her chair as she rushes in shortly after 7 a.m. "I was in the tech room," she explains.

Heemsah has a new addition among her office collection. Perched on one of her file cabinets is a plaque she received from a national tribal organization. The Native American Fish and Wildlife Society (NAFWS) honored her as the '1999 Biologist/Manager of the year.' "It gives you a good feeling when your profession is recognized nation wide," she said.

When Heemsah first received word of her award she did not believe it. "I remember some of the staff saying 'we're going to nominate you' and I thought they were kidding because we are always playing practical jokes on one another." Then she received a call from Ken Poytner, vice-president of NAFWS. "I couldn't believe it and thought 'it is real and they did nominate me!'" Her award was presented during the NAFWS conference May 22-27 which gathers hundreds of professional tribal staff. This year the event was held in Connecticut with the Mashantucket-Pequot Nation serving as host.

She was first hired by the Yakama Nation Wildlife Program as a field technician and placed on the Northern spotted owl survey and inventory crew in 1990. "I love working in the mountains, that's probably the best part of the job."

"It was immediately apparent that Pat was more than a little different in her orientation to the job...She literally threw herself into her work, digesting

reams of technical matter and picking the brains of every biologist on the staff," said Bill Bradley, Wildlife Program Manager in his nomination letter to NAFWS. She eventually became the Spotted Owl Crew Leader, a supervisory position, when two other supervisors went on maternity leave and another biologist took a state job. "I try to make everyone on the crew feel that they are a part of a very important job and we have to work together to get things accomplished. Being in that position also gave me the self-

claims she has six brothers and four sisters. And, they all dance and participate in local parades wearing their traditional dress.

As she talks, her soft voice is punctuated by tribal ideology and she does not hesitate to commend her mother for teaching her the Yakama tradition and culture. "It's important for us to keep and respect the animals, berries and medicine we use today. We are not to abuse them. Some are there to feed us and cloth us," she said.

She said had it not been for her mother she would not understand tribal traditions. "I know what to do. What berries to pick because my mother taught me. She always eats her tribal food and it is important she eats that because it keeps her healthy," she said.

Heemsah was already planning activities her and her mother would do.

"We're going digging Thursday [June 24] and I appreciate those who help get the elders to those digging areas." She acknowledges the Tribal Council who assure the elders they will get to the areas where edible roots abound. "It becomes especially important to do these things at their age. The elders enjoy going out, digging roots, picking berries and gathering medicine."

On June 22 she was in the closed area of the reservation with other tribal employees and Gary Jackson, United States Fish and Wildlife Service (USFWS) touring areas proposed to be cut by Champion Logging. "We were showing him where spotted owls are located." USFWS, Champion and the tribe have a cooperative agreement and are working on the Habitat Conservation Plan (HCP). "They [Champion] had a 70-page HCP which our tribal biologists were concerned about and responded to with five-pages of comments. That's the most stressful part about the job—the political things," she said. Tribal biologists consider the Champion HCP 'not up to standards.' Two staffers enter her office and take up the Champion issue and discussion begins as they exchange thoughts.



In her niche, Patricia steadies owl perched on her hand while she works with Spotted Owl Survey crew in the mountains. Photo courtesy Yakama Nation Wildlife Program.

confidence and esteem I needed."

As she took on more responsibility and furthered her technical training she became a reliable source of information not only for other tribal members but the Yakama Nation Tribal Council as well.

Last December she graduated from Yakima Valley Community College receiving an Associates Degree in Science. Currently she is preparing to continue her education to get a Bachelor of Science Degree and intends to stay with the wildlife program "unless I win the Lotto," she said while laughing.

Heemsah comes from a large family, 11 in all, and everyone in the family continues to practice the Yakama ways. She proudly ex-

Environmental and cultural awareness camp

Constructing old methods for trapping fish had Salmon Corps members diligently building willow, basket and river traps used long ago.

For one week Salmon Corps staff from the five tribes, Yakama, Nez Perce, Warm Springs, Umatilla and Shoshone-Bannock, gathered near Pilot Rock, Ore. as part of a series of symposiums on resource management in the field.

Corps members attended the Environmental and Cultural Awareness Camp held at Indian Point where teepees and tents were visible and the weather cooperated throughout the week. Except on June 24 when jawbreaker candy sized hail had everyone scramble for cover. "We all ran for cover and it hit us hard," said Yakama Nation Salmon Corps member Sam Shavehead who is Arapaho-Colville.

Presentations included wildlife, botany, geology, hydrology, environmental science, fire management, survey methodology, prehistoric and historic overviews. Tribal, federal and college presenters gave the Corps insight into aspects of resource management.

Doc Hastings visits Yakama Nation

First for the Yakama Nation, U.S. Congressman Doc Hastings, 4th District, toured certain areas of the Yakama Reservation with a full day schedule July 7.

Hastings became interested in learning more about Yakama Nation and lands after hearing about the tribe's salmon restoration plan and the spruce budworm epidemic.

"The Congressman became familiar with a wide variety of Yakama Nation issues and concerns," said Randy Settler, chair of the Fish and Wildlife Committee. "This gave us an excellent opportunity to discuss both short and long-term strategies to further the tribe's goals and objectives."

Policy hosts were Harris Teo, Jr., Jerry Meninick and Settler. Carroll Palmer, Lynn Hatcher, and Paul Ward arranged for other staff to make presentations. Hastings first viewed forest conditions via helicopter then went



Salmon Corp's Sam Shavehead shows the basket trap each tribe worked on while at camp. "We are completely done. We have to insert spikes at bottom portion so fish won't be able to escape," he said. Photo by Carol Craig.

onto the Cultural Heritage Center for lunch and presentations by the different programs.

During the Fish and Wildlife Committees recent appropriations trips to Washington, D.C. they encountered Hastings and his staff who 'exceptionally helpful' according to Settler. "We are hopeful his visit will open the door for a more productive and rewarding relationship with the Congressman," Settler said. Hastings also visited the Law and Justice, and educational facilities.

Icicle fishery set— Bounty program continues

The Yakama Nation Fish and Wildlife Committee has authorized a tribal subsistence fishery in the Icicle River on a weekly basis which began June 16 and will run through July 17, 1999.

“The Leavenworth National Fish hatchery has achieved its escapement need for the 199 Spring Chinook broodstock,” said Fish and Wildlife Committee Chair, Randy Settler.

Regulations for the Icicle fishery:

Subsistence fishing will be for traditional, non-commercial only. It is lawful to fish for chinook salmon during the spring season with legal gear at Icicle River where it borders the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth.

Legal fishing gear for chinook are dipnets, setbag nets, or rod and reel with bait or lures. Snagging of fish is unlawful. It is unlawful to place fishing platforms or to take, molest, injure, or fish for salmon and steelhead within 30 feet of any fish ladder or fishway for fish bypass pipes. Fishing is not allowed from boats or any other floating devices. Steelhead must be released unharmed.

Spring chinook fishing, both hook-and-line and dipnet, will be allowed between 9 a.m. to 6 p.m. weekly during the June 16-July 17 fishery.

Tribal members are allowed to participate in the bounty fishery for northern pikeminnows. These fish are predators on juvenile salmon. The four Columbia River Treaty Tribes and other fish management agencies instituted a predator control program to alleviate the population of pikeminnows who have voracious appetites for the baby

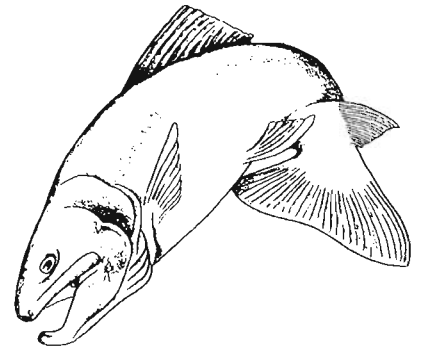


salmon. The program began last May and will be continue through September. Participants must check in daily at approved check stations. The northern pikeminnows should be greater than 11 inches in length for fishers to be eligible to receive the bounty.

For additional information about the bounty program including location of check stations call the bounty program hotline at 1-800-858-9015.

Summer season pre- view and fishery update

Preseason forecast for summer chinook will be around 16,500 fish. The five percent guideline is about 825 fish according to tribal biologists. Sockeye will be about 17,000 fish and 850 under the five percent guideline.



“In years past, these numbers of harvestable fish have been more than adequate for the tribal treaty commercial and subsistence fisheries to continue throughout the summer without any closures,” said Steve Parker, harvest manager.

As of June 24, the total sockeye count at Bonneville Dam was 4,090 fish. “Normally about 30 percent of the sockeye runs have crossed Bonneville by June 24,” said Parker. But the sockeye are tracking below the preseason forecast of 17,000 with current projections indicating a final return of about 12,00 to 15,000 fish.

Shad

From June 16-18 a shad fishery at The Dalles Dam had tribal fishers catch about 42,000 pounds of shad. Adult shad at least two pounds is the marketable size and the size caught during the fishery was slightly below the standard with that fishery ending. “This fishery is dependant upon the size of the fish harvested,” said Bill Bosch, Yakama Fisheries Program.

The tribe is still seeking a suitable market for the size and quantity of the shad harvested by tribal fishers and it is uncertain whether or not this fishery will re-open again this year. “We’re concerned about the increased numbers of sockeye and chinook migrating upstream which may not allow this fishery to continue on,” he said.

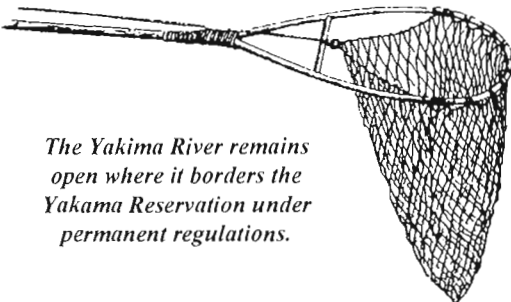
Spring runs and tributaries

Final cumulative count of adult spring chinook at Bonneville Dam was 38,574 fish. The jack count was 8,598 with only about 800 spring chinook jacks in 1998. “This is more evidence that ocean productivity has definitely improved since the El Nino years of the mid-1990s,” Parker said.

Tribal ceremonial and subsistence fisheries totaled about 1,960

spring chinook including about 1,160 in ceremonial gillnet permit fisheries, about 550 in scaffold and hook-and-line fisheries and around 250 in a troll fishery at the Wind River mouth. The *U.S. v. Oregon* harvest rate guideline for runs less than 50,000 spring chinook is five percent of the expected run size. Actual harvest rate in the 1999 ceremonial and subsistence spring chinook fisheries was about 5.1 percent for mainstem Columbia River fisheries.

In the Yakima River at Prosser Dam the count was around 2,472 adult and jack spring chinook through June 21. Preseason estimates were estimated at 1,200 adult spring chinook returning to the Yakima River. Harvest was concentrated at the upper Wapato Diversion Dam with about 175 adult and 100 jack spring chinook harvest through June 19. "While the standard spring season on the



The Yakima River remains open where it borders the Yakama Reservation under permanent regulations.

Yakima River closed June 19, the Yakima River remains open where it borders the Yakama Reservation under permanent regulations," Bosch said.

The Klickitat River harvest has

been slow with about 90 spring chinook caught through May 29. That fishery reopened June 16 with a weekly season from noon Wednesdays to 6 p.m. Saturdays through Dec. 31.

"The Little White Salmon Hatchery has achieved its escapement goal as the spring chinook return was much better than expected preseason estimates," Bosch said. A fishery using dipnet and hook-and-line gear from a boat or the bank was open until June 10. Final estimates have not been tallied yet.

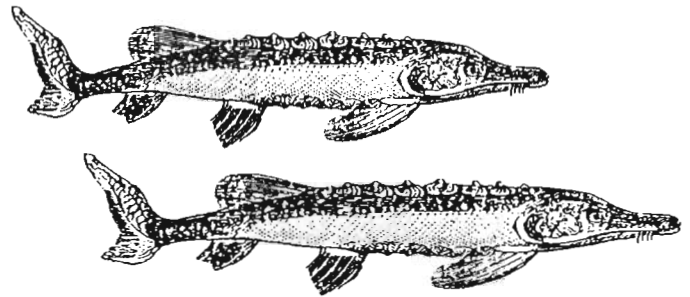
On the Wind River at Carson Hatchery that escapement goal has been reached. Currently the fishery from the river mouth to a marker 30 feet below the mouth of Tyee Springs with a safety zone around Shipperd Falls was open all week until July 3.

Escapement for Leavenworth Hatchery reached 1,000 fish June 14 in the Icicle River. Opened June 16 that fishery extends to July 17 with a weekly fishing schedule from 9 a.m. Wed. to 6 p.m. Sat.

Creeks and drains

Status Creek and its tributaries that include Logy and Dry creeks, and Marion and Harrah Drains are closed to fishing by non-tribal members until further notice. For tribal members, that fishery reopened June 15.

Other creeks, drains and ponds are open. Questions about on-reservation fishing seasons should be directed to Dave Lind at 509-865-6262, x-6687. Elderly and handicapped non-tribal members may obtain a complimentary reservation fishing permit by contacting Frances Bushman at x-6644. Other non-tribal members must purchase a reservation license.



Sturgeon fisheries

Setline fishery for sturgeon in the Bonneville Pool closed June 5. There was an estimated 1,275 fish harvested which was slightly under the 1,300 guideline. The setline fishery is expected to remain open until July 31 in the John Day Pool. Sturgeon caught from scaffolds may also be sold during this fishery. The John Day Pool may close earlier than July 31 is the annual sturgeon harvest guideline of 1,160 sturgeon is achieved according to Parker.

Yakama Museum hosts Forbes exhibit photos

Former Seattle Times photographer, Natalie Forbes did a 10-year study of salmon around the Pacific Rim with brimming results of beautiful photographs of salmon and the people who depend on it.

Her pictures along with Tom Jay, researcher and Brad Matsen, journalist collaborated on the book "Reaching Home." The final product follows the plight of the salmon. Her pictorial work extended from 1983 to 1993. Her stunning photographs chronicles the path home salmon have to take to reach their spawning grounds. Forbes said she made a connection with salmon long ago when her father took her to watch spawning salmon along the Cedar River.

The Yakama Nation Museum will be hosting Forbes's traveling exhibit from July 20 to Aug. 23. "One of our goals of the museum is to bring quality and educational exhibits to the Yakama Nation," said Marilyn Malatare, museum curator. Pictures include the late David Sohappy, Sr. and other tribal members from the Pacific Northwest.

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Spraying continues

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mountains but Walsh warns that any food gathered in the sprayed areas should be washed thoroughly several times.

When spraying takes place it is done early in the morning between 5:00 and 7:00 a.m. Usually there is no wind and it is calm so the spray won't travel further than it is suppose to according to Petruncio. "Still I would say people should be cautious," she said.

Walsh also encouraged the spraying crew to take 'strict precautionary measures' to protect the tribal people. Yakama members need to know when it is safe to re-enter the sprayed areas and time period needed before harvesting traditional foods or medicines. "The health of the environment directly affects the health of the human population we serve."

The budworm spraying project began on June 19 with 13,735 acres sprayed to date.

As spraying continues, tribal members are being advised to avoid the those areas until it is considered 'safe' to re-enter certain portions on the Yakama Reservation.

For additional information contact Petruncio at the BIA 509-865-5121, extension 178. Mike Johnson, entomologist, extension 271, Chris Walsh for health information at JHS, 509-865-2102 at extension 241 or John Evans at the White Swan Silvicultural office 509-874-8889 or his cell number 961-7837.

Hunting

(Continued from page 3)

Buchanan was disappointed by the ruling.

The Oak Creek Wildlife Area lies within the 10-million-acre area ceded by the Yakama Treaty of 1855.

The case is now *Washington v. Buchanan* NO. 66054-9.

Reprint from Yakama Nation Review by Richard Lacourse, Yakama tribal member and associate editor of the YNR.

Fishers meet

(Continued from page 2)

mish, Nez Perce tribal member and part of the CRITFC marketing team. Sotomish and Jon Matthews informed fishers of an upcoming certification workshop. "Taking the workshop will help them to sell their salmon. Being certified to sell fish takes you out of the loop for being liable. In the future it's going to be a big deal," she said.

The CRITFC marketing team is also looking into applying UPC coding for nutritional facts on fish sold by tribal members. Sotomish also encourages tribal fishers to attend the upcoming informational meetings. For more information she may be contacted at 503-238-0667.