

# **Tribal Sovereignty and Water:**

## ***Tribal Perspectives in the Deschutes Basin***



Bobby Brunoe



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With Guest Appearance from Leona Ike



# The Confederated Tribes of the Warm Springs Reservation of Oregon



Photo by Bobby Brunoe





Tribal fisherman at Celilo Falls on the Columbia River circa 1950s

Photo courtesy of the Columbia River Inter-Tribal Fish Commission

# Who We Are

- There are three tribes that make up the Confederated Tribes of Warm Springs - **Warm Springs, Wasco and Paiute.**
- The Warm Springs and the Wasco people are from the Columbia River.
- The Paiute people come from the plateaus to the southeast of the Columbia River.

**March 10<sup>th</sup>, 1957, Celilo Falls and part of Celilo Village was flooded.**



# Treaty

- A treaty was signed with the US Government in 1855.
- The treaty reserved the right to fish, hunt, gather foods and pasture livestock in the ceded lands, and at usual and accustomed sites.
- The US Government has a trust responsibility to protect and enhance these resources for the tribes.

## Bands of Walla Walla & Wascoes

June 25, 1855  
Articles of Agreement and Convention made and concluded at Wasco near the Falls of the Columbia river in Oregon Territory, by Joel Palmer Superintendent of Indian Affairs on the part of the United States, and the following named chiefs and head men of the Confederated Tribes and bands of Indians residing in Middle Oregon, thus being duly authorized thereto by their respective bands, to wit:  
Symbatso, Nekequo-sa, Shick-a-me and Nekeke, Chiefs of the Tribes, or Upper the Chutes Band of Walla Wallas; Shickley and Iso, Chief of the Myam, or Lower the Chutes Band of Walla Wallas; Alexis and Talkish, Chiefs of the Tenino Band of Walla Wallas; Vice Chief of the Klickapuan of the Snake River Band of Walla Wallas; Mack, William Chinook and Cash Ketta, Chiefs of the Kalus Band of the Wascoes; Tah-sing Chief of the Negat Walla Band of Wascoes, and Wallachin Chief of the Mog River Band of Wascoes.

Article 1st. The above named Confederated bands of Indians cede to the United States all their right title claim to all and every part of the country claimed by them included in the following boundaries to wit: Commencing in the middle of the Columbia River, at the Cascade falls, and running thence southerly to the Summit of the Cascade Mountains; thence along said summit to the 44<sup>th</sup> Parallel of North Latitude; thence east on that parallel to the Summit of the Blue Mountains, or the Western boundary of the Shoshone or Snake Country; thence southerly along the summit to a point due east from the head waters of Willamette; thence west to the headwaters of Lewis Creek; thence down said stream to its junction with the Columbia river; and thence down the



# Our Culture



## Resources important to the tribes:

- Water
- Fish
- Wildlife
- Roots
- Berries

These are in order that was given to the tribes by the Creator.

## Why is this important?

These are what guide our way of life, spiritually, gives our connection to the lands and is what helps us with how we manage our lands.



## Ceded Lands & Water Map

Access to Clean, Plentiful Water for All.

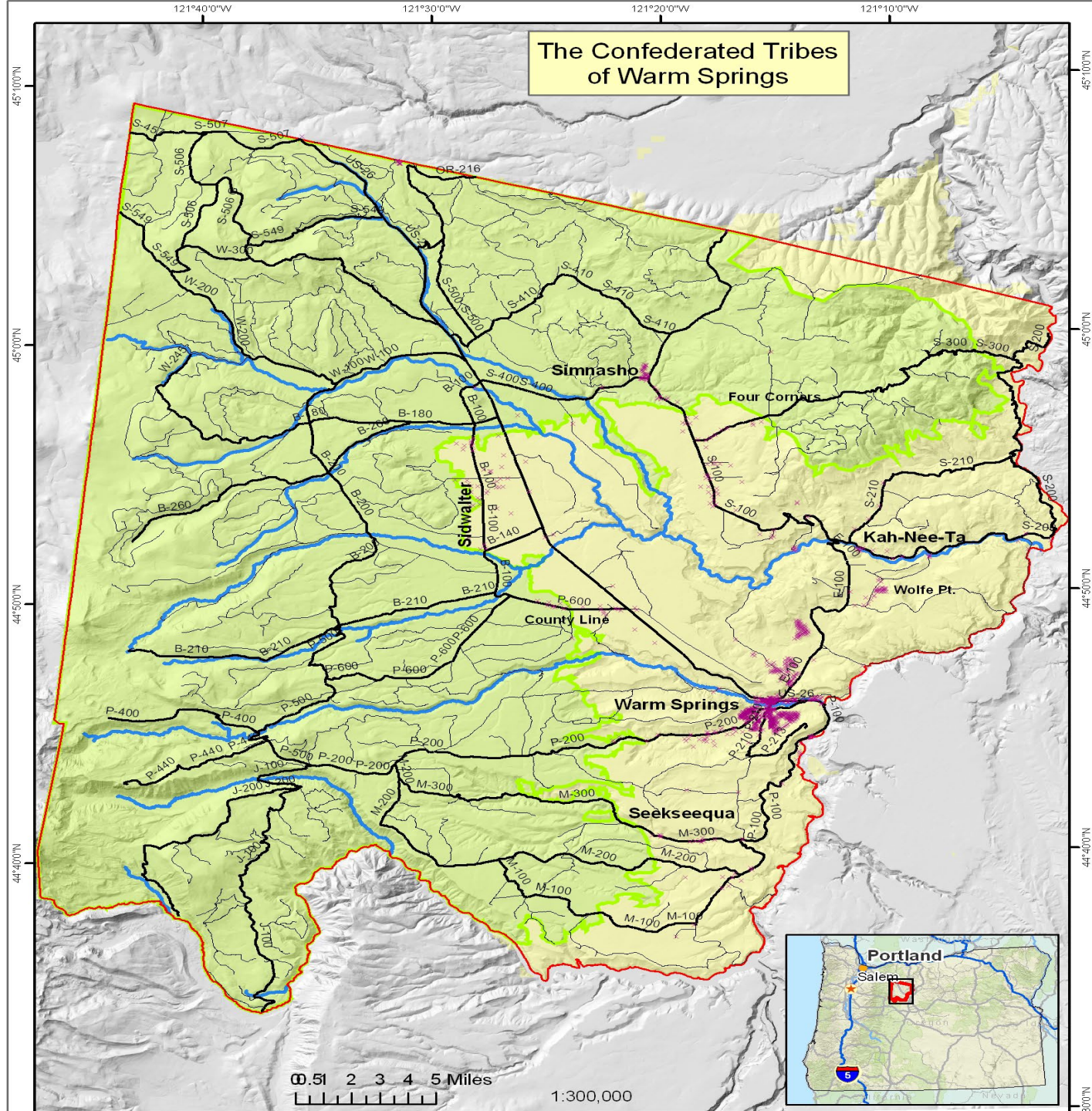
### LEGEND

- Warm Springs Indian Reservation
- Ceded Lands
- Deschutes Basin
- Rivers

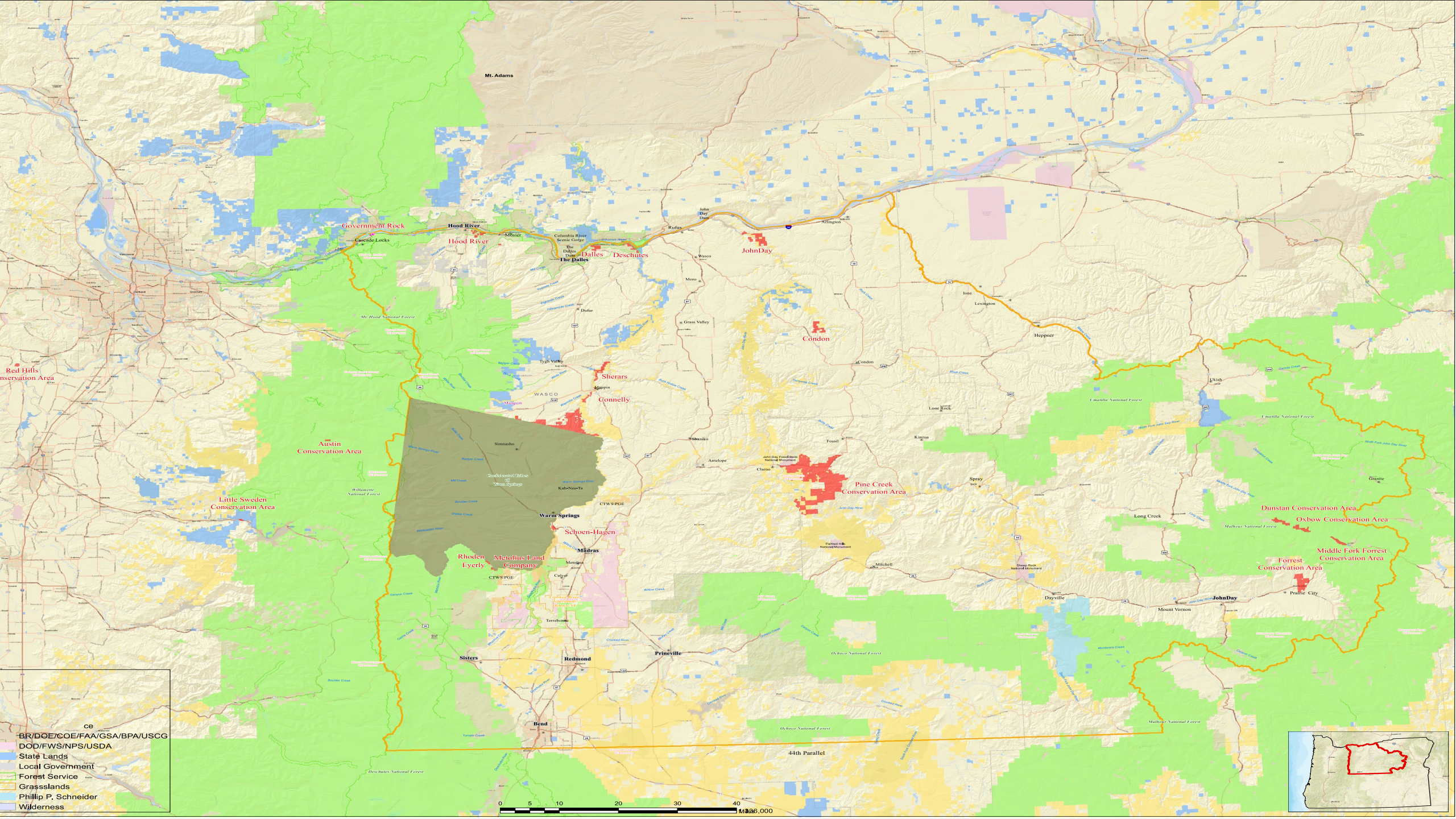




## The Confederated Tribes of Warm Springs

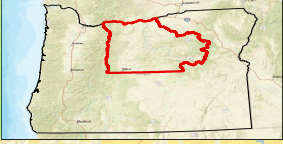






Legend:

- BR/DOE/COE/FAA/GSA/BPA/USCG
- DOD/FWS/NPS/USDA
- State Lands
- Local Government
- Forest Service
- Grasslands
- Phillip P. Schneider
- Wilderness





# Treaty of 1855 & Sovereignty

The Treaty of 1855 **preserved the sovereignty** of the Tribes, except to the extent it was specifically relinquished and subject to the "plenary power" of the United States.

Treaty's reservation of the "exclusive use" tribal homeland affirmed the Tribe's inherent sovereign power to govern its land and people. ("Inherent sovereignty" doctrine). *Worcester v. Georgia*, (1831).



# **1992 Declaration of Sovereignty**

Each of the three tribes, which make up the Confederated Tribes, sent out a statement of its inherent and retained sovereignty.

Drafted by Tribal Council with the assistance of late law Professor Charles Wilkinson of U. of Colorado (and formally of U. of Oregon).



# **From the Tribal Declaration of Sovereignty**

At the time of creation, the Creator placed us in this land and gave us the voice of this land and that is our law.

Ultimate sovereignty is vested in the people, who received their sovereign authority in the form of laws given by the Creator and by the land itself.

We shall, as we always have, live in balance with the land and never use more of our precious natural resources than can be sustained forever.



# **From the Tribal Declaration of Sovereignty**

Our people have exercised inherent sovereignty, as nations, on the Columbia Plateau for thousands upon thousands of years, since time immemorial.

Our sovereignty is permeated by the spiritual and the sacred, which are, and always have been, inseparable parts of our lives, for the Creator leads us in all aspect of our existence.



# **From the Tribal Declaration of Sovereignty**

Ultimate sovereignty is vested in the people, who received that sovereign authority in the form of laws given by the Creator and by the land itself.

Our people have delegated only limited authority to the tribal council and have reserved the rest of our national sovereignty to ourselves.



# **From the Tribal Declaration of Sovereignty**

Today, the people of the Confederated Tribes continue to assert and exercise sovereign authority over:

- the tribal reservation
- other territory within tribal jurisdiction
- territory that may come under tribal jurisdiction in the future
- the protection of our rights
- our people and their welfare in all places.

# Co-Management with the State

CTWS are recognized as co-managers in Natural Resources

Example of co-management are Columbia River Fisheries and tributaries.

Bull trout in Shitike Creek



# **Restoration Projects: Deschutes Basin**

# Water





**Pools and  
side  
channels**



# **Shitike Creek**



# Uplands Habitat Work: Deschutes Basin





# Uplands Habitat Work: Fuels and Prescribe Burning





# Aerial Application of Seed and Pesticides

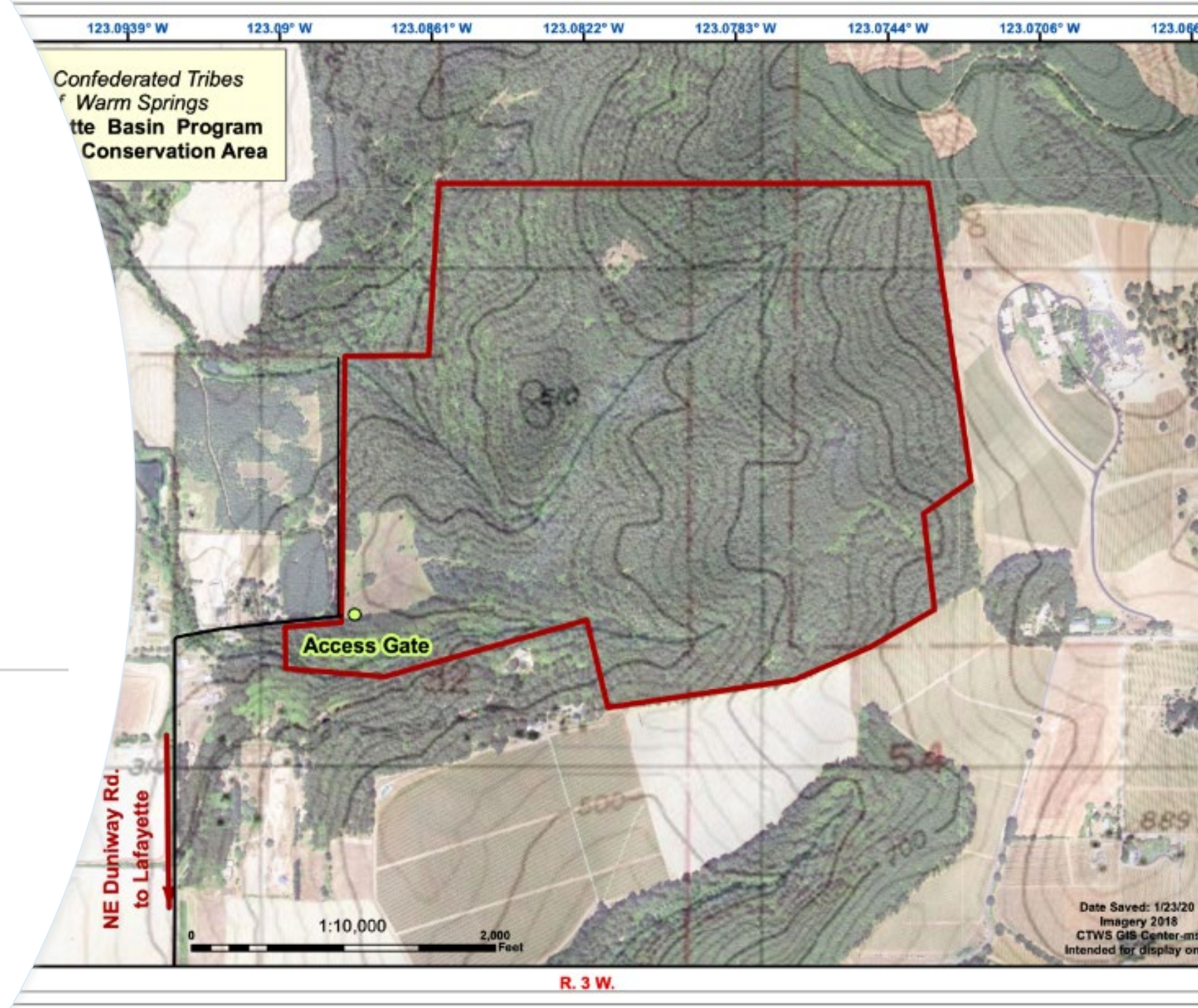




**Other  
Watershed  
Work: John Day  
& Hood River,  
Willamette**

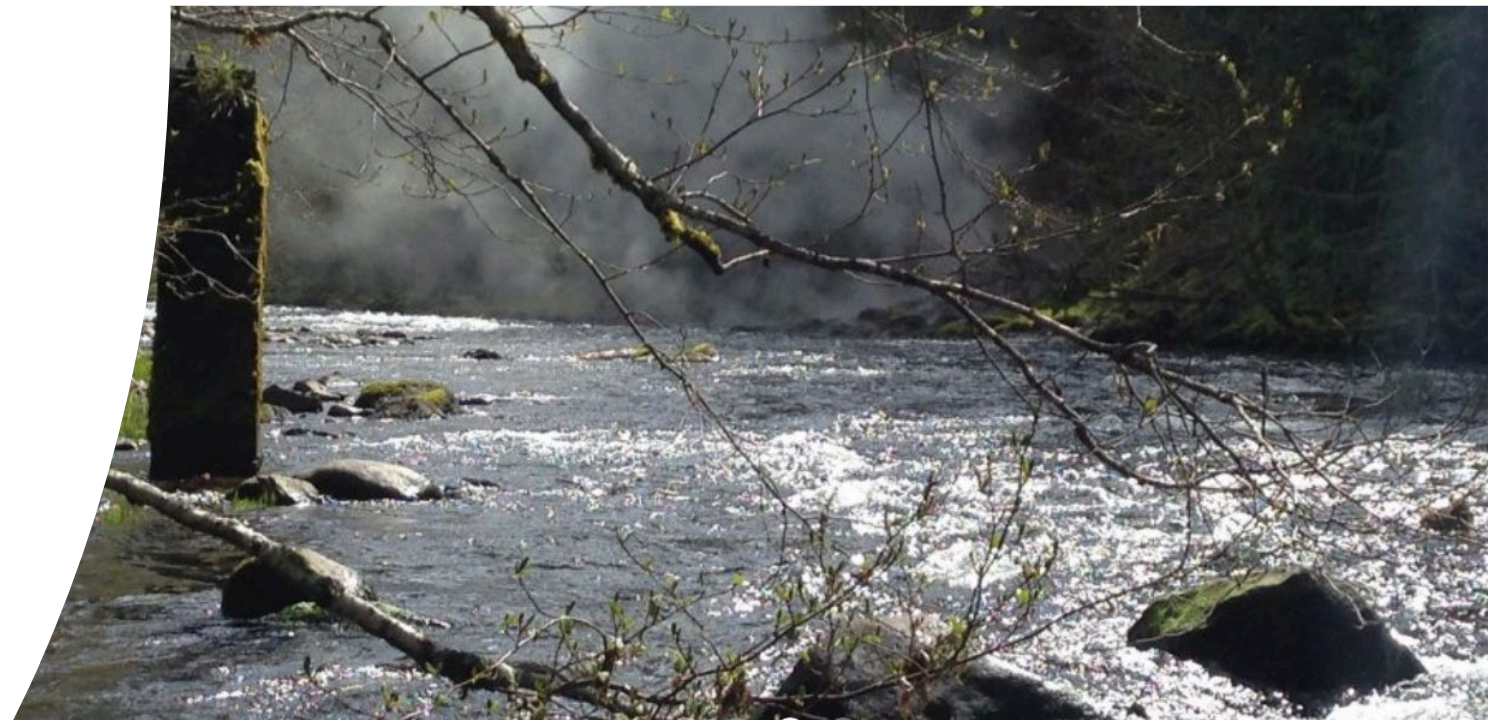
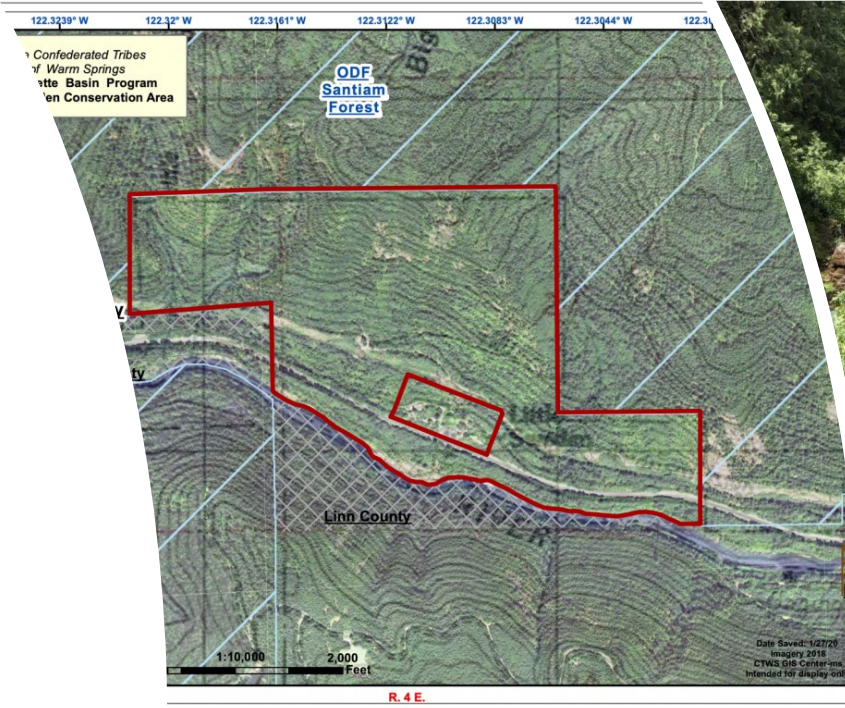


# Restoration Redhills





# Little Sweden & Austin Hot Springs



## **Speakers:**

**Bobby Brunoe**, Senior Environmental and Water Manager,  
Warm Springs Power and DRC Board Chair

**Austin Smith, Jr.** – General Manager of the Branch of Natural  
Resources for the Confederated Tribes of Warm Springs.

**Leona Ike**, Warm Springs Tribal Elder and Masters Student in  
Public Policy at Oregon State University.

**Moderated by Lisa Seales**, PhD and Senior Program Manager  
for DRC will facilitate the discussion.