



Confederated Tribes of Warm Springs, Oregon
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September 7, 2022

VIA E-MAIL: RICHARD.WHITMAN@DEQ.OREGON.GOV

Richard Whitman
Director
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Re: Petition to Designate the Metolius River as an Outstanding Resource
Water of Oregon

Dear Director Whitman:

As chairman of the Twenty-Ninth Tribal Council of The Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”), I am in receipt of your July 28, 2022 letter to my predecessor, Raymond Tsumpti, Sr., seeking the Tribe’s input on the petition for rulemaking from Friends of the Metolius and the Northwest Environmental Defense Center, requesting that the Environmental Quality Commission Designate the Metolius River as an Outstanding Resource Water of Oregon, from its headwaters downstream to Monty Campground in Jefferson County, dated June 27, 2022 (“Petition”). We accept your invitation for a government to government meeting to discuss the Petition. Our Secretary-Treasurer/CEO, Robert A. Brunoe, will be in touch soon to schedule the meeting. In the meantime, I am writing to advise you of the Tribe’s initial and significant concerns about the Petition. Without knowing more, the Tribe opposes the Petition and requests that it be denied.

The Tribe is a federally-recognized, sovereign Indian tribe and is the legal successor-in-interest to the Indian signatories of the Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963 (“Treaty of 1855”). The Treaty of 1855 reserves the Warm Springs Reservation for the Tribe’s exclusive use and occupation. The south bank of the Metolius River forms much of the southern boundary of the Warm Springs Reservation. The State of Oregon does not have the constitutional authority to regulate the Metolius River within the exterior boundary of the Warm Springs Reservation, yet that is what the Petition seeks to do, at least in part. In addition, the entire Metolius River is located within the Tribe’s Treaty of 1855 ceded area where it holds substantial off-reservation treaty-reserved rights, interests, and management authority. The Tribe has already designated the entire Metolius River as a “protected area” pursuant to the Warm Springs Wild and Scenic Rivers Act. And, Congress has recognized the Tribe’s substantial sovereign interests in the Metolius River in the Oregon Omnibus Wild and Scenic Rivers Act of 1988, Pub. L. 100-557, 102 Stat. 2791.

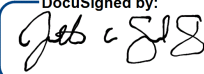
A full analysis of the Petition is beyond the scope of this letter. My intent is simply to apprise you of our interests and concerns in advance the Environmental Quality Commission meeting in September. I also seek to provide some support for our opposition to the Petition. I look forward to a more fulsome discussion of this important issue.



Richard Whitman
September 7, 2022
Page 2

If you have any questions, please feel free to reach out to Mr. Brunoe directly. Thank you.

Sincerely,

DocuSigned by:


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Jonathan Smith, Sr.
Chairman, Tribal Council

cc: Annalisa Bhatia
Tribal Council
Robert Brunoe, CTWS Secretary-Treasurer/CEO
Raymond Tsumpti, Sr.
Austin Smith, Jr., CTWS, General Manager, Branch of Natural Resources
Josh Newton
Ellen Grover
Howard Arnett

