



# Indian Country THIS WEEK FROM

**TODAY** THE PREMIER E-NEWSLETTER SERVING THE NATIONS, CELEBRATING THE PEOPLE

## *A Letter from the Publisher*

*Shekóli.* Held last week, the 5th Annual White House Tribal Nations Conference is a testament to President Obama's fulfillment of a promise for the federal government to pay more heed to its relationship with our Nations. While the effectiveness and courses charted by Washington, DC can be endlessly debated (one need to look no further than the pages of This Week From Indian Country Today for a sampling of the ups and downs of contemporary governance), the event can be seen as an open door for opportunity—if for no other reason than the chance to share ideas and experiences with tribes in similar situations.

The day before the conference proper, I had the honor of meeting with several heads of government at the White House, all of whom deserve mention. In attendance were Bill Anoatubby, governor Chickasaw Nation; Melanie Benjamin, chief executive Mille Lacs Band of Ojibwe; Leonard Forsman, chairman Suquamish Tribe; Joe Garcia, governor Ohkay Owingeh; Carole Lankford, vice chairwoman Confederated Salish and Kootenai Tribes; Rex Lee Jim, vice president Navajo Nation; Chris McNeil, CEO Sealaska; Rosemary Morillo, chairwoman Soboba Band of Luiseño Indians; Terri Parton, president Wichita and Affiliated Tribes; Terry Rambler, chairman San Carlos Apache Tribe; and Robert Shepherd, chairman Sisseton-Wahpeton Oyate.

We spoke with the President on topics to which many people could



relate, such as job creation, taking advantage of opportunities for renewable energy on tribal lands, ensuring access to capital markets—both here and abroad—for direct investment in Indian country, improving and enhancing educational programs and outcomes, ironing out jurisdiction and law enforcement, and building on the successes of self-determination. That last piece, of course, is the crux of the matter. Individuals do not want to rely on government as a caretaker, but merely to create a solid and safe footing for prosperity. Similarly, we expect the same from our relationship with a government that was once our historic antagonist.

Freed from the shackles of paternalism and budgetary inconstancy, our nations can be strong economic partners and allies to Washington and local communities. Receptivity to proper principles on both sides of the table is a good beginning. Now we must work together to make the ideas become a reality.

*Na ki' wa,*

Ray Halbritter

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### A Question of Identity

*Chief Judge of the Spirit Lake Nation Ruth Hopkins takes issue with “academics, bloggers and keyboard philosophers” who would try to determine who qualifies as an Indian, using herself as an example:*

I was born and raised on the rez, and I still live here. I’m enrolled in a federally recognized tribe. I go to ceremony, know my heritage, and do my best to keep our sacred ways. I’ve dedicated my life to the service of the Oyate (the People). Heck, I even make bomb tangia and frybread and I’ve never dated a non-Native man in my life. But . . . I

am not fluent in my Native language (although I’m trying). I have degrees from Western institutions of higher education. Also, my mother is white (despite her thick rez accent) and in the middle of winter, wow, I’m pale. Despite identifying as Native, there are a few who would say I don’t meet the test. Today, Natives lie all along this continuum, positioned at various levels on the ‘Indianness’ scale.

What of those who don’t meet particular litmus tests of what someone has deemed a true Indian? If someone has blonde highlights, watches Bad Girls Club, or shops at Victoria’s Secret, are we

supposed to pull their card? Some Natives have lost their way through no fault of their own. Assimilation swept through Indian country like a plague. Urban relocation programs and military service moved entire Native family groups away from their homelands. Others were adopted out to non-Native homes. Do we reject the survivors who only want to come home?

I don’t decide who is Indian. I am not the Creator. All I’m saying is perhaps instead of focusing on exclusion, we should work on changing hearts and minds. Decolonize the world, starting with you. <http://bit.ly/1akeorH> ☞

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### A Double Standard on Sacred Sites

*Joe Sexton, of counsel to Galanda Broadman, PLLC, assails the wording of Section 106 of the National Historic Preservation Act, which mandates would-be developers of sacred tribal sites with finding alternatives that would “mitigate adverse effects” on those sites:*

Imagine the American outcry that would result if a highway was constructed through part of Arlington National Cemetery and the government contractor tossed bulldozed human remains into piles marked “free dirt.” Imagine if a company could build a wind farm on the

site of the Battle of Gettysburg, and was required by the Department of the Interior to do nothing more than mitigate for the “adverse impacts” to the national landmark—perhaps by putting up a sign to advertise the historic significance of that site or funding a video recounting the battle that was fought there. Unfortunately, these are the sorts of “mitigation” efforts that are contrived in exchange for damages to Indian country’s sacred cemeteries and landmarks.

The disparate legal protections afforded to official national monuments and those aimed to protect sites sacred to American Indians will not end without a significant change to relevant laws.

Under the current state of the law, those who target areas for development requiring damage to or destruction of the few sites of indigenous cultural significance remaining face nothing more than minor regulatory speed bumps. And these speed bumps do nothing substantive to prevent the wholesale destruction of Indian country’s monuments.

Sacred Indian sites deserve, at the very least, as much protection and reverence as we afford to America’s officially recognized national monuments. To accomplish such a goal, we need a law protecting Indian country’s monuments with more than hollow procedural requirements. We need laws with teeth. <http://bit.ly/1j4WXgJ> ☞

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### Why Obamacare Makes Sense

*Robyn Sunday-Allen, CEO of the Oklahoma City Indian Clinic, urges Natives to enroll in the Affordable Care Act (ACA) Marketplace:*

Despite American Indian and Alaska Natives being covered by Indian health care systems, which will continue when Marketplace enrollment starts, the new program offers new options for health coverage, helps increase information to decrease health disparities and supplies organizations more money to invest in additional health care programs. It is another way that the federal government meets its responsibility to provide health care for American Indians and Alaska Natives.

New benefits mean more services for individuals and the communities we serve, and new rights and protections make coverage fair and easier to understand. The Act provides families and individuals security in their health coverage in many ways. It prohibits insurance companies from dropping coverage if you get sick, it removes lifetime or annual limits, it covers preventive care like mammograms and it ends discrimination against anyone with a pre-existing condition.

Additionally, under the new health care law, American Indians and Alaska Natives joining new insurance plans have the freedom to choose from any primary care provider and OB-GYN in their health plan’s network, without

a referral. The new health care law also invests in increased data collection and research about health disparities to better understand and ultimately eliminate health disparities.

Overall, the Indian health system experiences high vacancy rates in health care providers at a rate of 26 percent for nurses, 24 percent for dentists and 21 percent for physicians. The new law also includes new resources that will boost the number of health care providers in communities where they are needed most, as well as diversify the workforce, so racial and ethnic minorities are better represented.

Enrolling in the ACA Marketplace makes sense not only for Oklahoma’s Native community but also the community at large. <http://bit.ly/1bErZcH> ☞

## Justice Announces Task Force on Violence Against Children

The Justice Department has announced the first public hearing of a new task force to examine the impact of exposure to violence on American Indian and Alaska Native children. Joining President Obama and other officials at the Department of the Interior for the White House Tribal Nations Conference last week, Attorney General Holder shared the announcement with leaders from the 566 federally recognized tribes and emphasized the Justice Department's longstanding collaboration with leaders in American Indian and Alaska Native communities to improve public safety.

"We must not accept the shameful reality that American Indians and Alaska Natives are disproportionately likely to be exposed to crime and violence—and that many who suffer exposure are children," said Holder. "By bringing together federal officials, tribal leaders, and local partners to focus on the unique challenges that Indian children face, this task force will enhance public safety. And these leaders will strengthen our communities by ensuring that every child can have the opportunity to learn, to grow, and to thrive—free from violence and fear."

The task force will convene four public hearings across the country beginning in Bismarck, North Dakota on December 9. It will be anchored by a federal working group that includes U.S. Attorneys and officials from the Departments of the Interior and Justice, and by an advisory committee of experts appointed to examine the scope and impact of violence facing American Indian and Alaska Native children. The task force will make policy recommendations to Attorney General Holder on ways to address the problem.

The advisory committee will be co-chaired by former U.S. Senator Byron Dorgan and Iroquois composer and singer Joanne Shenandoah. Associate Attorney General Tony West will join the

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task force at the hearing in Bismarck; the other hearings will be held in Phoenix, Arizona, Fort Lauderdale, Florida, and Anchorage, Alaska early in 2014. <http://bit.ly/1e3O0E9> 

## President Obama Pledges to Visit Indian Country in 2014

BY ROB CAPRICCIOSO


President Barack Obama pledged at the 2013 White House Tribal Nations Conference to visit Indian country sometime in 2014. "Next year, I'll make my first trip to Indian country as president," Obama promised tribal leaders from 300 Indian nations gathered in Washington, D.C. at the Department of the Interior on November 13. He made the pledge as part of his discussion of "being good stewards of Native homelands."

Obama noted that he "saw the beauty of Crow Agency, Montana, when I was a candidate for this office" in 2008. It

was during a campaign stop that year where the then-candidate was adopted as a member of the Crow Nation, and the president has proudly recalled that moment several times since. Tribal citizens have long been asking the president to visit Indian country again to see with his own eyes the plight of many Indian nations to fully understand the relief that is needed.

The president of the United South and Eastern Tribes (USET), one of the largest regional Indian and tribally focused organizations in the country, told Indian Country Today Media Network

in February that a visit from the President of the United States to a tribe or reservation would brightly shine a spotlight on the political, economic, and cultural realities facing tribes today.

"I would be so grateful if the president would show the initiative," USET President Brian Patterson said during a February interview. "While the president so far has a report card of progress, we have yet to begin a dialogue on a variety of unmet and unidentified needs in Indian country. That is a crucial conversation we must have." <http://bit.ly/18wG3me> 

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## Environmental Coalition Objects to Navajo Generating Station Proposal

Nearly four months after last summer's historic agreement to reduce emissions from the Navajo Generating Station, the plant continues to belch pollutants and compromise health, a group of local community leaders and public health experts has charged.

"For decades this plant has emitted massive amounts of preventable pollution into the skies above our national parks like the Grand Canyon, Petrified Forest and Mesa Verde, as well as into the lungs of hundreds of thousands of local residents and visitors to these magnificent places," said the Arizona Program Manager for the National Parks Conservation Association, Kevin Dahl, in a statement on November 11. "The pollution from this plant must be substantially reduced as soon as possible, for the sake of our lungs and our parks." The group released its statement ahead of last week's Environmental Protection Agency (EPA) hearings on a few variations of proposals that would address the problem.

The agreement—signed in July by the Interior Department, the Central Arizona Water Conservation District, the Navajo Nation, and the Environmental Defense Fund among other parties—enabled the station to continue providing electricity, while laying out a plan for significantly reducing emissions over the next several years. At about the same time, the Navajo Nation signed an extension to the station's lease.

The EPA is working on how and when to achieve major emissions reductions from the station, one of the country's largest sources of nitrogen oxide (NOx), among other harmful gases, in the atmosphere. On September 25 the agency announced a potential plan "that establishes a lifetime cap in NOx emissions, accommodates different future ownership scenarios, and ensures greater emission reductions than EPA's initial proposal," the agency said.

But the alternative proposal "could delay air quality improvements required under EPA's plan by 11 or more years," the Parks Conservation Association said, and "would delay much needed pollution reduction." <http://bit.ly/HUc1me>



## Begich Presses Obama on Plan to Cheat Tribal Health Costs

BY ROB CAPRICCIOSO


Following the lead of other Democratic senators, Mark Begich of Alaska is pressuring the White House to live up to the federal trust responsibility to tribes by paying full contract support costs (CSC) owed to tribes for health services.

In a November 8 letter to President Obama, Begich said the White House Office of Management and Budget (OMB) should stop pushing a budget proposal that would authorize the Indian Health Service and the Bureau of Indian Affairs to limit how much each tribe would be paid for CSC reimbursement.

Begich further asked the president to convene a meeting between tribal officials and the OMB to consider ways “to fully fund these costs.” He also requested a settlement process for resolving millions of dollars in unpaid past CSCs to tribes. And he is proposing an amendment to the Indian Self-Determination and Education Assistance Act that would facilitate a CSC settlement process and appoint a special master to oversee it.

“America’s tribes are frustrated with the lack of resolution of this issue and both they and I have written numerous letters to your administration seeking a solution,” Begich wrote. “Some of these claims extend back more than 20 years.”

Dozens of tribal leaders have made similar requests to the administration. But federal agencies defending the plan that potentially avoids paying millions in CSC to tribes, despite a 2012 Supreme Court decision that says such reimbursement is necessary. “The U.S. Supreme Court has ruled several times, most recently last summer, that the federal government must fulfill all contracts with tribal governments providing necessary medical and other social services to their members,” Begich noted.

Begich’s plea follows a September 30 letter from nine Senate Democrats, including himself, and two Senate Republicans, to Office of Management and Budget Director Sylvia Mathews Burwell that asked for her agency to reverse course on plans to avoid paying CSCs owed to tribes. Burwell has not publically changed her position. <http://bit.ly/1dpwnO8> 


## Justice Grants Muscogee Creek Nation \$3.78 Million for Ex-Prisoner Program

The Muscogee Creek Nation has received \$3.78 million from the Department of Justice for the tribe’s Reintegration Program (RIP), which assists tribal citizens who have served time in a correctional facility and are ready to be welcomed back into society. The grant will go toward the construction and renovation of a transitional living facility for these citizens based in Henryetta, Oklahoma, as well as facilities for clients to receive educational and vocational training.

“Here at the Reintegration Program, we believe every citizen is important—even an ex prisoner,” Program Director Tony Fish said. “We believe every citizen is capable of change and through our efforts we can reclaim our citizens back into an atmosphere of healing and forgiveness. We strengthen our sovereignty by addressing the needs of a

population that often times are denied basic services because of a felony conviction.”

Construction of the transitional facility is projected to begin by mid-2014. It will feature on-site apartment style living for clients, a new administration building/multi-purpose center and vocational training facility. The program will offer on-site housing to 27 male and nine female clients. Clients who are sex offenders will be housed elsewhere.

The new administration building and multi-purpose center will provide a kitchen, conference room and office space for RIP staff, classrooms to train and educate clients and a security area, laundry facility, fitness room and lobby, as well as much needed storage space. The vocational training facility will include two training areas where clients can participate in hands-on learning experiences that will enhance their ability to find viable careers. <http://bit.ly/1eEvYuO> 

## Native Women Suffer From HPV at Alarming Rates

BY CHARLOTTE HOFER


“In American Indian women, the prevalence of HPV is up to three times higher than that of the general U.S. population,” said Dr. Delf Schmidt-Grimminger, a senior scientist with Avera Research Institute, Sioux Falls, South Dakota. “In the Northern Plains region, about 70 out of every 100 American Indian women between the ages of 18 to 24 carry the HPV virus.”

Schmidt-Grimminger made his grim announcement to 75 Cheyenne River Health Care providers, health department officials and others on November 5 in Eagle Butte, South Dakota at a symposium on the sexually transmitted Human Papilloma Virus (HPV) and related cancers. Native Americans in the Northern Plains suffer a disproportionate burden of cancer; they have more cancer cases and deaths, compared to whites in the same region and

Native Americans in other regions.

Dr. Delf Schmidt-Grimminger, who has conducted cancer research in tribal communities on HPV, discussed not only the prevalence of the virus but the benefit of the new HPV vaccine and cultural specific education. His research was conducted at Cheyenne River and funded in part by the American Cancer Society.

At the symposium Ann LeBeau, a Cheyenne River Sioux Tribe member who works in behavioral health counseling, addressed the need to get more information on prevention into the community. “In my opinion,” LeBeau said, “people don’t know enough. All people within the community need to be educated, and health care providers in particular need to be kept up-to-date.”

Another obstacle brought up at the meeting is the reluctance of patients to share personal information on their medical history with their provider. “Many have a problem trusting others with what they share,” LeBeau said. <http://bit.ly/1bpmkfg> 

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## Wampanoag Get Class II Approvals

*Last step in federal process*

The Wampanoag Tribe of Gay Head (Aquinnah) has secured the federal approvals necessary to open a Class II gaming facility on the Tribe's existing Indian lands on Martha's Vineyard. The process was completed on October 25 when the National Indian Gaming Commission (NIGC) concluded that the existing trust lands qualify for gaming under the federal Indian Gaming Regulatory Act. Class II gaming is regulated solely by the Tribe and the NIGC and includes a variety of machine games, bingo and poker. The Tribe has renewed its request to negotiate a Class III gaming compact with the administration of Gov. Deval Patrick. <http://bit.ly/1buVWOo> 📍

## Menominee Receive Sacred Objects

*Returned from a museum in Ohio*

The Athens County Historical Society & Museum in Athens, Ohio recently returned several sacred items, notably two eagle feather headdresses, to the Menominee Indian Tribe in Wisconsin. The collection had been donated to the museum in 1999, but the current staff discovered portions only recently. Accompanying documents state the pieces were purchased in the 1920s at a Wisconsin trading post from Reginald Oshkosh, a Menominee tribal chief. Along with the headdresses, three moccasins and one pipe or bandolier bag were returned. Lynne Newell, in charge of special projects for

the museum, said the pieces were from "a very large collection of Native American and natural history items," reported The Athens News. <http://bit.ly/1dmY1eC> 📍

## Senate Designates Tribal Colleges Week

*Bipartisan tribute to Native schools*

The U.S. Senate has designated the week of November 18 as National Tribal Colleges and Universities Week, in honor of the tribal colleges and universities that operate on more than 75 campuses and in 15 states, serving students from more than 230 federally recognized Indian tribes. The resolution was introduced by Senators Heidi Heitkamp (D) and John Hoeven (R) of North Dakota and co-sponsored by a bipartisan coalition of 17 senators. "We are pleased the Senate came together," they said. "Tribal colleges and universities provide crucial higher education opportunities to Native Americans, preparing them to succeed in a wide range of careers." <http://bit.ly/1e65wHT> 📍

## Basketball Teams Go Turquoise

*A Native tribute on the court*

Five college basketball teams from four schools will wear turquoise uniforms as a tribute to Natives for Native American Heritage Month. The men's basketball squads from Oregon State, New Mexico, and Florida State will wear the stylish garb provided by Nike N7, as will both the men's and women's teams from the University of Nevada. The dates on which

the teams will wear the special uniforms are as follows: November 17, Florida State (M); November 22, Nevada (M); November 26, Oregon State (M); November 29, Nevada (W); November 30, New Mexico (M). "The annual Nike N7 game has had a significant impact on the Oregon State community," said Craig Robinson, head coach at Oregon State, the school that started the tradition in 2010. <http://bit.ly/1aGGPg7> 📍

## USET Opposes Exclusivity Agreements

*Resolution affects Class III gaming*

The United South and Eastern Tribes resolved at their annual meeting on October 31 to oppose any geographic exclusivity agreements a tribe signs with a state or government that could affect a neighboring Indian nation's interest in conducting Class III gaming on their tribal lands. The resolution calls upon the Bureau of Indian Affairs (BIA) and the National Indian Gaming Commission (NIGC) to "oppose, and withhold approval of" any such agreement. The resolution also urges the BIA and NIGC "to formally adopt policies and procedures barring such agreements and arrangements and take all steps necessary to preserve each Indian nation's ability to exercise exclusive jurisdiction over its lands and conduct any lawful activity thereon." <http://bit.ly/1dhZG56> 📍

## An Apology From Wesleyan

*University will repatriate artifacts*

Wesleyan University in Mid-

dletown, Connecticut has formally apologized to Native nations and Indigenous Peoples for its historic acquisition of human remains and cultural items and will begin the process of repatriation. The artifacts were part of the university's Museum of Natural History, which opened in 1871; the objects were put into storage when it closed in 1957 but were brought out again in the 1970s and became a part of the university's Archaeology and Anthropology Collection. "We welcome Native Nations to campus for tribal consultations and commit to having an ongoing dialogue with Indigenous Peoples about repatriation," the school said in a statement on November 8. <http://bit.ly/17VSAVP> 📍

## Graton Casino Draws Huge Crowd

*Opening is a major success*

Skilled gamblers, amateur fortune seekers and just regular folks swarmed in from all over Northern California to attend the opening of the \$800 million Graton Resort & Casino in Rohnert on its opening day of November 5. So popular was the 340,000-square-foot-gaming establishment that within 40 minutes of the doors being thrown up, it had been declared "over capacity"; the Highway Patrol in Rohnert Park estimated the turnout at more than 10,000. "I heard we broke all major casino records as far as openings and intake," said Greg Sarris, tribal chairman of the 1,300-member Federated Indians of Graton Rancheria, who won federal recognition for his tribe in 2000. <http://bit.ly/188hkrT> 📍



# Which path will you choose to manage your type 2 diabetes?

Both Anna and Mary are recently diagnosed with type 2 diabetes. Everyone's diabetes journey is different. Here are their stories.



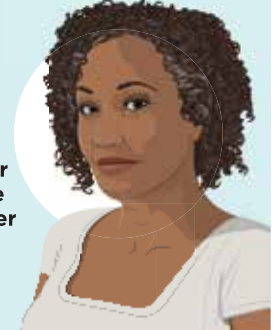
## ANNA

Anna has difficulties accepting her diagnosis. She has too much going on in her life.

- Sense of loss
- Fear
- Shock
- Anger
- Stress
- Sense of control

## MARY

Mary talks to her family and close friends about her diagnosis and next steps.



Anna takes her medicine when she can and sometimes misses her health care provider's appointments. She did not make any healthy changes.

TIME PASSES



Mary joins a type 2 diabetes program, works with her health care provider, and starts to make small, healthy changes.



Anna starts having trouble seeing because her blood glucose is high. She starts to worry.

TIME PASSES



Mary knows that change is tough, sometimes she makes unhealthy choices but works hard to stay on track. She's feeling healthier.



Anna runs the risk of developing complications:

- Heart disease and stroke
- High blood pressure
- Kidney disease
- Amputation
- Blindness

TIME PASSES



Mary continues to learn how to live well with diabetes. She and her family are making healthier choices together.

Learn more about living with type 2 diabetes.

[diabetes.org/type2program](https://diabetes.org/type2program)

1-800-DIABETES (342-2383)



# Airing Concerns

Progress of a sort at presidential summit **BY ROB CAPRICCIOSO**

**Bottom Line:** “We’ve heard loud and clear your frustrations,” President Obama told the White House Tribal Nations Conference last week. But will the administration respond?

The true potential of the Obama administration’s White House Tribal Nations Conference, now in its fifth year, was on display November 13 when tribal leaders were finally invited to publicly criticize and question federal agency shortcomings on decisions affecting American Indian citizens.

At past conferences, tribal leaders often felt frustrated that their concerns were only allowed to be offered behind closed doors and were sometimes limited to being communicated in writing because of time constraints. Those realities led to less accountability and transparency from the administration on tribal matters, several leaders at the most recent conference said, resulting in negative budget consequences for tribes and harm to tribal sovereignty.

Some tribal leaders have felt so stifled and controlled at previous Obama administration meetings that some who attended in the past chose not to attend this year. Edward Thomas, president of the Central Council of Tlingit and Haida Indian Tribes of Alaska, cancelled his plans to attend because he said he was concerned this conference would turn into another “photo op and publicity staged event as opposed to one where we have the opportunity to tell [the president] directly that his team is not carrying out his promises to Native Americans.” Several tribal leaders have expressed distress to the administration about the costs of travelling to Washington, D.C. for events where Indian objectives receive little attention beyond lip service.

Tribal leaders say there have been very real consequences to the past tight administrative control of these conferences. American Indian nations have



President Barack Obama delivers remarks at the 2013 Tribal Nations Conference held at the Department of Interior Building on November 13, 2013 in Washington, DC.

often been portrayed in mainstream press reports about these conferences as mindless cheerleaders of the administration’s policies, with their criticism left

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*‘We need our trustee to be worthy of our trust.’*

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without widespread attention. In reality, many Democratic tribal leaders strongly support the president and his team, but there is a wide divergence in the beliefs

of even Democratic tribal leaders when it comes to how the administration has treated tribes.

Diane Enos, president of the Salt River Pima-Maricopa Indian Community, noted in a rare public question-and-answer session with agency officials this year that historical injustices have bred a deep mistrust of the federal government among Indian citizens. Hence, she said, it is “scary for tribal nations to be asked to cooperate with the federal government,” even given an administration that has done some positive things for tribes, including achieving a stronger tribal Violence Against Women Act and a permanently reauthorized Indian Health Care Improvement Act.

Throughout the daylong conference this year, both in closed sessions and in ones open to the press, tribal leaders pummeled administration officials with concerns. They were especially persistent regarding a plan by the administration

to cap contract support cost (CSC) reimbursements to tribes, despite Supreme Court rulings calling for reimbursement. Tribal leaders said the Departments of Health and Human Services and Interior have both shirked responsibility on paying CSC settlements owed to tribes.

Beyond CSCs, tribal leader balked at lacking federal support for Indian education, initiatives by the IRS to unjustly tax tribes, and the administration's support of budgetary sequestration on tribal money that is supposed to be protected as part of the trust and treaty responsibilities the federal government has committed to tribes.

"We need our trustee to be worthy of our trust," Brian Cladoosby, newly elected President of the National Congress of American Indian and chairman of the Swinomish Indian Tribal Community, told agency officials sitting on the new White House Council on Native American Affairs at one point. Other tribal leaders lamented publicly that the council needs an Indian-focused director to guide its often unwieldy work. They also said they wished the council included Native Americans because their lack of presence seems paternalistic.

If agency leaders were unaware that tribes have multiple problems with the administration's decisions on tribal matters before the event, they were quite clear by the end of the day. "Today was some tough love, but families need to have those conversations," Environmental Protection Agency Administrator Gina McCarthy told tribal leaders after hearing their concerns throughout the early portion of the conference.

In response to tough budget and sequestration questions publicly raised by Juana Majel Dixon, a longtime leader with the Pauma Band, Cecilia Muñoz, director of the White House Domestic Policy Council, said the next budget process is under way now, and "everybody has their eye on what's happening in Indian country." Dixon responded that Indian country needs to have a Native American leader at the Office of Management and Budget's table to ensure that serious errors like the CSC cap budget proposal do not happen again.

In all over 300 tribal leaders, some elect-

ed and some leaders of tribal organizations, attended the conference, which President Barack Obama said in an afternoon speech was the most ever for this event.

Obama in the past has used the conference to personally present new tribal initiatives, including an executive order calling for increased agency consultation with tribes and one on Indian education.

frustrations when it comes to the problem of being fully reimbursed by the federal government for the contracted services you provide, so we're going to keep working with you and Congress to find a solution," the president said to major tribal applause. "That's all going to be part of making sure that we're respecting the nation-to-nation relationship."



*President Barack Obama shakes hands with audience members after speaking at the 2013 Tribal Nations Conference, Wednesday, Nov. 13, 2013, at the Interior Department in Washington.*

This year the major news from the president was that he planned to visit Indian country sometime in the next year. He has not visited a reservation since campaigning for president in 2008, which has disappointed many tribal citizens who feel he needs to see with his own eyes the plight of many Indian nations to fully understand the relief that is needed. White House spokesman Shin Inouye said that "more details will be released at a later date" regarding the president's planned trip.

Obama also said he was well aware of tribal concerns. "[T]here's more we can do to return more control to your communities," the president said in his speech, adding that he is urging Congress to reauthorize the Native American Housing Assistance and Self-Determination Act and to pass a long-awaited Carcieri fix on land-into-trust issues.

"[W]e've heard loud and clear your

In general, tribal leaders at the conference said they were happy to hear that the president is aware that all is not perfect on the federal-tribal relations front, and that he is willing to do more to right the wrongs.

"I recognize that no sitting United States president has ever reached out to Indian country like we have experienced since President Obama took office in 2008," said Derek Bailey, who attended the meeting as a member of the National Advisory Council on Indian Education and as a representative of the Inter-Tribal Council of Michigan. "He has never swayed from his pledge to engage Indian country and our tribal leadership and to implement positive American Indian and Alaska Native policies that have been developed through tribal consultation and interaction." <http://bit.ly/1duCEb6>

<http://bit.ly/1duCEb6>

# Tweaking Patchak

Some protection despite Supreme Court ruling **BY ROB CAPRICCIOSO**

**Bottom Line:** *The Interior Department will no longer give a head's up to those who would sue over land-into-trust cases designated for casino development.*

The Interior Department is changing its rules for taking land into trust for tribes for casino development, at the same time altering the landscape of lawsuits involving such decisions.

The new measure was issued in response to the 2012 Supreme Court decision in *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*.

The high court ruled that under the Administrative Procedure Act, a litigant can sue for up to six years even after the United States acquires title to the property. The exception is if the aggrieved party asserts an ownership interest in the land as the basis for the challenge.

*Patchak* allowed a lawsuit to challenge the opening of a tribal casino in Michigan, even though the suit was filed three years after Interior took the land into trust for the tribe. More broadly, it left the door open for costly lawsuits being brought years after tribal projects—including casinos, housing and healthcare facilities—have broken ground.

The new rule, announced November 12, partially addresses that problem by ending a 30-day waiting period for the Interior Department's assistant secretary—Indian affairs to take land into trust for tribes wanting to develop casinos on such land. This so-called “self-stay policy,” established in 1996, was meant to give parties a head's up in case they wanted to file suit. The rule clarifies that the assistant secretary's decision is final. It also allows the assistant secretary to take the land into trust with no wait-

ing period.

“The reason for staying is just not so compelling anymore,” Assistant Secretary—Indian Affairs Kevin Washburn told Indian Country Today Media Network in May when he first proposed the rule. “Our argument is that people can still bring their action if they want to after we've taken the land into trust—at least that's what Patchak says.”

The new rule also includes a 30-day appeal period for Bureau of Indian Affairs land-into-trust decisions that do not involve casinos. If parties do not file

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*“If an appeal isn't filed in 30 days, it's golden—the land is in trust, and it's secure [for tribes].”*

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an appeal within 30 days before the Interior Board of Indian Appeals, then they lose the right to ever do so.

“If they don't appeal, then they are out of luck,” Washburn told ICTMN in May. “Kind of like when the minister says, ‘Speak now or forever hold your peace.’” He added, “If an appeal isn't filed in 30 days, it's golden—the land is in trust, and it's secure [for tribes].”

Washburn previously admitted that there are shortfalls for tribes here because under the rule, Interior will be providing wider notice of its decision to acquire land. He said the benefit of the rule outweighs that risk: “If people have concerns, we need to get them out of the bushes and get them to raise their concerns within 30 days—not wait 5 years

and 11 months,” he said.


He predicted that critics of the administration's tribal land-into-trust policies, including Sen. Dianne Feinstein (D-California), will be glad that the policy codifies that his department will contact parties who are in opposition. “I think that's a change that she will appreciate,” he said.

The new rule, however, does not eliminate the threat of lawsuits altogether. Beyond the administration, tribal advocates have been asking Congress to pass a true “Patchak patch.” Such a solution would mandate that

once the U.S. takes land into trust for tribes, the decision is completely immune from lawsuits, whether the lands are intended for casinos or other uses.

“But we can't wait for Congress to do that,” Washburn said in May. “We don't know if they will. We certainly would support such legislation, but, in the meantime, we have to figure out how we protect tribes now.”

Even before the rule was finalized, it had won general approval. According to Interior, most of those who had previously commented on the rule—specifically, 38 tribes and tribal organizations, 16 state, county or local governments and organizations representing such governments, and 12 members of the public, including individuals, advocacy groups and other such organizations—viewed it favorably.

Michael Anderson, an Indian affairs lawyer with Anderson Indian Law, praised the new rule. “This is a good development and could shorten the current six-year statute of limits under the Administrative Procedure Act to challenge Interior land-into-trust decisions,” he said. <http://bit.ly/1bAM5Vt> 





*Sen. Mark Begich (D-Alaska), urges Obama's Attention on current attempts to cheat tribes on health care costs.*



*At a packed meeting on November 11, a Montana school district debated the teaching of *The Absolutely True Diary of a Part-Time Indian*.*



*Attorney General Eric Holder announced a task force to examine the impact of violence on American Indian and Alaska Native children.*



*The Valley Meat Co. has been sitting idle for more than a year, waiting for the Agriculture Department to approve its plans to slaughter horses.*

AP IMAGES (3); LARRY MAYER/BILLINGS GAZZETTE



# Valuation Plan Released

Washburn pledges 'a transparent process to provide fair market value'

**Bottom Line:** *Following some input of its own, the nation's foremost authority on appraisal standards and qualifications has given a thumb's up to the Interior Department's Land Buy-Back Valuation Plan.*

The Department of the Interior has released its revised Land Buy-Back Program Valuation Plan as a further means to support President Obama's commitment to help strengthen American Indian communities. The plan, disclosed on October 29, had been reviewed by The Appraisal Foundation (TAF), the nation's foremost authority on appraisal standards and qualifications, and it has been revised to incorporate all of TAF's recommendations.

Congress authorized TAF in 1987 as a nonprofit, nonpartisan organization to issue national appraiser standards and qualifications and guidance on valuation methods. The group found that the administration's Valuation Plan is a sound approach to meeting the appraisal demands required by the Land Buy-Back Program.

"There is no greater authority for establishing standards for appraisals and qualifications for appraisers than The Appraisal Foundation," said Kevin Washburn, Assistant Secretary—Indian Affairs. "TAF's independent analysis confirms that the steps we are taking to determine fair market value for offers to landowners are cost-effective and conform to the best practices for valuation. We are grateful for their comprehensive review and have incorporated their recommendations into the Valuation Plan we will use in the months and years ahead as

we work through a transparent process to provide fair market value to tribal landowners."

Interior expects to use the Valuation Plan as a tool "to determine the value of fractional lands held by Indian landowners to ensure that willing sellers are offered fair market value for their land interests," the department announced.

"We are honored to participate in this historic project and to lend our expertise to the Department of the In-


terior and its mission to provide Indian landowners with a fair market price for their fractional lands," said David S. Bunton, president of The Appraisal Foundation. "The Land Buy-Back Program is a massive undertaking deserving the highest quality in appraisal standards and techniques. We are pleased that the Department has incorporated all of our recommendations and we are confident that these will greatly benefit landholders for years to come."

purchase fractionated interests in trust or restricted land from willing sellers through the *Cobell* settlement. That program will be implemented in the Buy-Back Program; once tribal governments purchase land, the interest will be held in trust for its beneficial use.

The Interior Department holds about 56 million acres in trust for American Indians and the Buy-Back Program has the potential to unlock millions of acres of fractionated lands for the benefit of tribal communities. Of the 56 million acres, 10 million is held for individual American Indians and nearly 46 million acres are held for Indian tribes. The land is held in more than 200,000 tracts, with about 93,500 (on approximately 150 reservations) containing fractional ownership interests subject to purchase by the Buy-Back Program.

Due to the large amount of properties involved, the Buy-Back Program will use a mass appraisal technique that will assess values simultaneously for many properties within a particular geographic area. The mass appraisal technique was

deemed the most efficient and cost-effective means to appraise similar, non-complex, vacant lands that have comparable land sales available by TAF and the Program. Understanding that this process may not be the best case for all tracts, TAF reviewed the other appraisal methodologies identified in the Plan for such instances, including project appraisals and property-specific appraisals.

Both the Buy-Back Program and Valuation Plan were developed by the Office of Appraisal Services in the Office of the Special Trustee for American Indians. <http://bit.ly/1hA5GvW> 

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*"We are pleased that the Department has incorporated all of our recommendations and we are confident that these will greatly benefit landholders for years to come."*

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### Planning Positions

RThe Quinault Indian Nation Department of Planning and Community Development is seeking to fill the positions listed below. The positions are for a limited duration of three years, to carry out the Upper Village of Taholah Master Plan. The Upper Village of Taholah Master Plan process will include community visioning, conditions assessments, community and public space design, infrastructure engineering, public building design, financial planning, and code and policy updates.

QIN Employment applications are available at <http://www.quinaultindiannation.com/jobs.htm> and will be accepted until **COB on 11/26/13**. Please mail application, resume, and cover letter addressing the job description, experience, and how your experience will contribute to the Upper Village of Taholah Master Plan to QIN HR PO BOX 189 Taholah, WA 98587, or fax (360) 276-4191. For more information or to obtain a full job description please call (360) 276-8211 ext. 577.

- Senior Planner
- Associate Planner
- Planning Assistant

### Program/Development Officer Position

*Work for the only national, Native community foundation focused exclusively on American Indian land recovery and management!*

Indian Land Tenure Foundation is seeking a **Program/Development Officer**.

Reporting to the President of the Foundation, the Program/Development Officer will identify, cultivate, solicit and steward program initiatives in one or more of the foundation's strategic funding areas: education, economic development, cultural awareness and legal reform. The Program/Development Officer will be fully engaged in both programs and fundraising, including but not limited to: the creation and implementation of Foundation programs, grants management, provision of direct services to a variety of clients, development of communication and educational materials, leading the fundraising for each assigned program, reporting to funders of the programs, and measuring the effectiveness of the assigned programs.

Salary will depend upon qualifications. Generous benefits, including paid PTO, paid dental and health insurance and 401(k) plan. This position is located in Little Canada, Minnesota.

**DEADLINE FOR APPLICATION:** January 6, 2014 or until filled

Visit ILTF's website to learn more at [www.iltf.org/news](http://www.iltf.org/news).

Please submit your resume with a letter of interest and salary requirements via e-mail to [pchase@iltf.org](mailto:pchase@iltf.org) or mailed to the following address:

Patricia Chase  
 Indian Land Tenure Foundation  
 151 County Road B-2, East  
 Little Canada, Minnesota 55117-1523

*Indian Land Tenure Foundation is an At Will, Equal Opportunity Employer.*

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 Corita Hughes 541-902-6504

Mail cover letter, application and resume to:

Confederated Tribes of the  
 Coos-Lower Umpqua-Siuslaw  
 5647 Hwy 126  
 Florence, OR 97439



<http://ctclusi.org/jobs>



The Tule River Indian Health Center Inc. is now hiring for:

### Clinical Applications Coordinator / EHR (NextGen) Manager

Working with CRIHB staff and E.H.R staff, develop an Implementation plan for the EHR, monitor all activities listed and report all activities to the appropriate staff. Reports to management and health board updates of all activities provide written and verbal reports to departments involved and maintains communication between TRIHC (Tule River Indian Health Center, Inc) and CRIHB (California Rural Indian Health Board) to provide for continuous improvement of services and activities. For full job description please check our website: [www.trihci.org](http://www.trihci.org)

# Headlines from the Web

## TRIBAL DISPUTE PUTS ALASKA VILLAGE IN LIMBO

<http://bit.ly/1iai7fN>

## GOV TO WAMPANOAG: DON'T BET ON STATE GAMBLING LICENSE

<http://bit.ly/1a8DI4E>

## TRIBE TO ARGUE SOVEREIGNTY IN LEGAL-FEE DEMAND

<http://bit.ly/1e3XLLA>

## REPORT ADDRESSES PUBLIC SAFETY ON TRIBAL LAND

<http://bit.ly/18wv9Nn>

## CITIZENS GROUP FILES APPEAL TO SHUT DOWN SENECA BUFFALO CREEK CASINO

<http://bit.ly/1cp3jVE>

## TRIBES THANK OBAMA FOR SAYING HE'D CHANGE REDSKINS NAME

<http://bit.ly/HNhBWS>

## Upcoming Events

### SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES MEETING NOVEMBER 20

Among other measures, the Subcommittee on Public Lands, Forests, and Mining will consider S.1414, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; and S.1415, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians.

**Location:** Washington, D.C., Dirksen Building

### SENATE COMMITTEE ON INDIAN AFFAIRS OVERSIGHT HEARING NOVEMBER 20

The committee will receive testimony on "Carcieri: Bringing Certainty to Trust Land Acquisitions." In addition to the Interior Department's Assistant Secretary-Indian Affairs Kevin Washburn, witnesses are Acting Director of the Indian Health Service Yvette Roubideaux, National Congress of American Indians President Brian Cladoosby, Fond du Lac Band of Lake Superior Chippewa Chairwoman Karen Diver, Confederated Tribes of Siletz Indians Vice Chairman Alfred Lane, Mississippi Band of Choctaw Indians Chief Phyllis Anderson, Chickasaw Nation Lieutenant Governor Jefferson Keel, and Sault Ste. Marie Tribe of Chippewa Indians Chairman Aaron Payment.

**Location:** Washington, D.C., Dirksen Building

### SECRETARIAL COMMISSION ON INDIAN TRUST ADMINISTRATION AND REFORM PUBLIC MEETING NOVEMBER 20

The commission will hold what will likely be its last public meeting, which will review and approve the commission's recommendations over the past two years. The recommendations pertain to the Interior Department's management of the trust administration system; its provision of services to trust beneficiaries; and the nature and scope of necessary audits, among other areas.

**Register:** <https://www1.gotomeeting.com/register/774101625>

### INDIGENOUS PEOPLE'S DAY SUNRISE GATHERING NOVEMBER 28

Held twice a year, on Columbus Day and Thanksgiving Day, the gathering will commemorate the 1969-71 occupation of Alcatraz Island by the Indians of All Tribes. Boats depart from Pier 33 every 15 minutes from 4:45 a.m. to 6 a.m.; tickets are \$14 per person, free for children under 5.

**Location:** Alcatraz Island, San Francisco Bay

## LETTERS TO THE EDITOR

I have just recently discovered your website, and plan to return often. I have one question, however, that troubles me, and I hope you can enlighten me.

I'm wondering why you sometimes resort to the "Politically Correct?" mis-

nomer "Native Americans" to describe yourselves, rather than what seems to be preferred - "American Indians"; "First Peoples"; or even "indigenous tribes" . . . as well, of course, specific tribal names.

As far as I know, there is not an

American Indian bone in my body, but having been born in the United States, I am properly called a "native American." Must you exacerbate this confusion?

— Jerre Conder  
Wills Point, Texas

### THE EDITORS RESPOND:

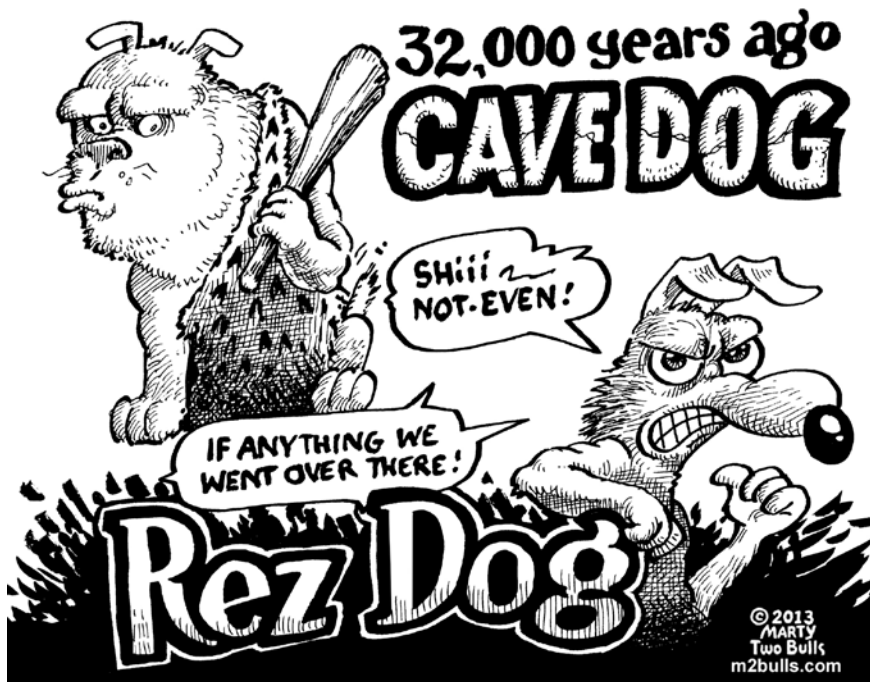
Ah words. As a publication we use Native, Native Peoples, Native American, American Indian and Indian interchangeably because--as you rightly surmise regarding

Native American—there is no term that aptly describes the collective groups of people who existed on Turtle Island prior to Columbus (First Peoples is most commonly used in reference to the nations of

Canada). Most individuals today would refer to themselves by nation (Kiowa, Mohawk, etc.), and shrug when it came to "choosing" what name to be called. Whatever gets the point across will have to do.

Let us know what you think. To have your letter to the editor considered for publication, please email us at [editor@ictmn.com](mailto:editor@ictmn.com)

# DNA study suggests dogs originated in Europe...



## TOP NEWS ALERTS

From [IndianCountryTodayMediaNetwork.com](http://IndianCountryTodayMediaNetwork.com)

### **EASTERN CHEROKEE ELECT FIRST FEMALE CHAIR**

Terri Henry has been elected Tribal Council chair of the Eastern Band of Cherokee, the first woman to hold that position. A veteran of the Indian Law Resource Center in Washington, D.C., Henry is the founder of the Qualla Women's Justice Alliance and is a member of the National Congress of American Indians Task Force on Violence Against Native Women. She also worked on the Violence Against Women Reauthorization Act of 2013.

### **TRIBES GET \$7 MILLION IN ENERGY GRANTS**

Nine tribes will receive more than \$7 million from the Department of Energy for clean-energy projects, the agency announced on November 14. The Coeur d'Alene Tribe in Idaho, the

Gwichyaa Zhee Gwich'in Tribal Government in Fort Yukon, Alaska, the Forest County Potawatomi Community in Milwaukee, Menominee Tribal Enterprises in Wisconsin, the Seneca Nation of Indians in Irving, New York, the Southern Ute Indian Tribe Growth Fund in Ignacio, Colorado, the Tonto Apache Tribe of Payson, Arizona, the White Earth Reservation Tribal Council in Minnesota and the Winnebago Tribe of Nebraska will use their funds to develop alternative energy sources involving wind, biomass and solar power.

### **MOHEGAN RECOUNT DATE IS SET**

Administrators in Palmer, Massachusetts have set November 26 as the date to recount the results of a referendum on the Mohegan Sun's proposal to build

a nearly \$1 billion resort casino in that town. Voters narrowly defeated the proposal on November 5 by a vote of 2,657 to 2,564. Kevin Conroy, lawyer for the Mohegan Sun, protested the delay in the recount, but Town Manager Charles Blanchard said that the town clerk was unavailable and that additional workers were needed for the retallying.

### **STORM HITS WESTERN ALASKA**

A storm that battered western Alaska over Veterans' Day weekend caused up to a million dollars in damages, mainly to Kotlik, a village of about 600 in the Yukon River Delta. The storm destroyed Kotlik's sewer and water distribution lines, and at least five homes were damaged. Other villages that were affected were Shaktoolik, Golovin and Un-

alakleet, where the storm broke a five-mile-long water supply pipe. No injuries were reported.

### **MICHIGAN BEGINS WOLF HUNT**

Amid considerable controversy, Michigan opened its first wolf hunt in nearly 40 years on November 15, having issued 1,200 licenses to kill 43 wolves, all in the Upper Peninsula. But animal-rights advocates, environmentalists and other groups are making efforts to bring the issue to a vote in 2014, and the Saginaw Chippewa tribe, which holds the animals as sacred, held a candle light vigil and sacred fire in protest the night before. "Let us at least share our brother's story and offer semaa (tobacco) before ma'iiganag (wolves) are senselessly slaughtered again," the tribe said.



## UPCOMING POW WOWS

### **Pahrump Pow Wow**

November 23 - November 24,  
Petrack Park, Pahrump, Nevada  
Contact: 775-209-3444  
[pahrumpowwow@yahoo.com](mailto:pahrumpowwow@yahoo.com)  
[PahrumpPowWow.org](http://PahrumpPowWow.org)

### **47th Annual Louisiana Indian Heritage Association Pow Wow**

November 23 - November 24,  
Lamar-Dixon Expo Center,  
Gonzales, Louisiana  
Contact: 985-796-5433  
[jack@writtenheritage.com](mailto:jack@writtenheritage.com)  
[LIHA.webs.com](http://LIHA.webs.com)

### **18th Annual American Indian Heritage Celebration**

November 23,  
5 East Edenton S, Raleigh,  
North Carolina  
Contact: 919-807-7900  
[NCMuseumofHistory.org/AIHC2012](http://NCMuseumofHistory.org/AIHC2012)

### **Chambers Farm 35th Annual Thanksgiving Family Pow Wow**

November 28 - December 01, 22400 NW Hwy 315, Ft.  
McCoy, Florida  
Contact: Michael Brill  
352-546-2984  
[chambersfarmpowwow@yahoo.com](mailto:chambersfarmpowwow@yahoo.com)  
[ChambersFarm.org](http://ChambersFarm.org)

### **43rd Anniversary Thanksgiving Pow Wow**

November 28 - November 29 5811 Jack Springs Road,  
Atmore, Alabama  
Contact: 251-368-9136  
[PoarchCreekIndians-NSN.gov](http://PoarchCreekIndians-NSN.gov)

### **Cabazon Indio Pow Wow**

November 29 - December 01, Cabazon Indian Reserva-  
tion Special Event Center, Indio, California  
Contact: Judy Stapp  
760-238-5770  
[jstapp@cabazonindians-nsn.gov](mailto:jstapp@cabazonindians-nsn.gov)  
[FantasySpringsResort.com](http://FantasySpringsResort.com)

### **9th Annual Choctaw Casino Resort Pow Wow**

November 29 - November 30,  
Choctaw Event Center,  
Durant, Oklahoma  
Contact: 580-920-0160  
[ChoctawCasinos.com](http://ChoctawCasinos.com)

### **Winter Gathering Pow Wow**

December 06 - December 08,  
Spotlight 29 Casino Showroom,  
Coachella, California  
Contact: Earl Thomas  
760-775-5566  
[ethomas@spotlight29.com](mailto:ethomas@spotlight29.com)  
[SpotLight29.com](http://SpotLight29.com)

### **The 9th Annual Native American Indian Pow Wow**

December 07,  
Samuel Riggs IV Alumni Center,  
College Park, Maryland  
Contact: Dottie Chicquelo  
(301) 405-5618  
[chicodh@umd.edu](mailto:chicodh@umd.edu)  
[www.omse.umd.edu](http://www.omse.umd.edu)

### **Chemawa's Craft Show**

December 07,  
Chemawa Indian School,  
Salem, Oregon  
Contact: Karen Serna  
503-399-5721 ext. 225  
[karen.serna@bie.edu](mailto:karen.serna@bie.edu)  
[Chemawa.BIE.edu](http://Chemawa.BIE.edu)

### **White River Christmas Pow Wow**

December 23 - December 25,  
Northern Cheyenne Tribal School Gym,  
Busby, Montana  
Contact: L. Jace Killsback  
406-477-4857  
[voaxaa@gmail.com](mailto:voaxaa@gmail.com)  
[CheyenneNation.com](http://CheyenneNation.com)



*'The Storyteller' (2013),  
a glass sculpture by  
Preston Singletary*

PHOTO BY RUSSELL JOHNSON, COURTESY OF PRESTON SINGLETARY INC

# THE BIG PICTURE