



Indian Country THIS WEEK FROM

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

A Letter from the Publisher

Shekóli. As you may know, the Oneida Indian Nation recently celebrated a hard-fought victory decades in the making to regain control of traditional homelands that had been chiseled away from us over two centuries of injustice. In this issue, Indian Country Today Media Network is pleased to report another land victory, this time to the benefit of the Confederate Salish and Kootenai Tribes. CSKT is now the first nation of Turtle Island to own a major hydroelectric facility—what is currently known as the Kerr Dam on the Flathead River, right in the heart of the tribe’s territory. “Our ancestors had the vision that we’d recapture the resources surrounding the dam,” Ronald Trahan, CSKT Council Chairman told Indian Country Today Media Network. “Moving a step closer to that vision has been good for my heart and everyone else on Council. It’s been a long time coming. A lot of hard work and sacrifices brought us here. Through it all we must honor the ancestors who held the original vision to bring us this success.”



ment with Montana Power nine years later. The terms of that deal included an opportunity to purchase the dam at the end of deal, and so paved the way for more rounds of arbitration in recent years. The purchase will take place in September 2015. Operation of the facility and the sale of the electricity it generates will be handled by Energy Keepers, a corporation wholly owned by CSKT.

It is a fascinating and uplifting story involving many factors and facets, from land payments to arbitration hearings. Suffice it to say, a new era for the tribes will begin in September 2015. Their people will reap the benefits not only of the sale of clean electricity in high demand, but also the vision and lessons of their elders,

which they will surely pass on to generations to come.

Na ki' wa,

Ray Halbritter

As this week’s feature relates, the fortitude and patience of the tribal citizens can be traced back to the 541-foot-tall dam’s construction in the 1920’s and completion in 1938. In anticipation of the expiration of the first operating license in 1980, the tribes took action in 1976 and eventually negotiated a lucrative settle-

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Putting the Kibosh on Bottled Water

San Francisco has recently banned the sale of single-use bottled water at all events held on city property. Darla Antoine, an enrolled member of the Okanagan Indian Band in British Columbia, calls this a step in the right direction:

In the United States it's been estimated that we throw away 2.5 million plastic water bottles every hour. That's 40 million bottles a day. Those bottles are clogging up our landfills and even our oceans, rivers and streams. And for no reason. Bottled water is not healthier than tap water and in fact, 40 percent of the time,

it is tap water.

Most bottled water sits in large warehouses for several days to several months before it is shipped to your local store. These warehouses are most certainly not heat controlled and in the summer months can reach extremely high temperatures inside. When the water and the plastic heat up the chemicals in the plastic begin to leach into your water and then it doesn't matter how many times your tap, or even spring, water has been filtered: now it's plastic soup. The worst of these chemicals is bisphenol A, which

you probably know as BPA. Studies have proven that it is a toxic chemical that can cause health problems and wreak havoc on the hormone level.

Another reason to avoid buying bottled water is that it puts more money in the pockets of big business. It's one thing for big corporations to create a product and then make us believe we need it. It's another thing to take a basic human need (in this case, water) and make it into a product. Not only do these corporations own the bottled water they are selling us, but they also gobble up water rights when and wherever they can. And that is scary. <http://bit.ly/1hUNBVb> ☞

Ignoring the Assaults

Hon. Carolyn Bennett, a member of Canada's House of Commons since 1997 and the Liberal Critic for Aboriginal Affairs and Northern Development, protests Parliament's recent tabling of a comprehensive report on the attacks and disappearances perpetrated on the nation's indigenous women:

The urgency of this issue requires the immediate development and implementation of a national action plan. That national action plan must be developed in close partnership with victims' families, aboriginal governments and representative organizations, and provinces and territories, to provide for the coordination

and accountability of government bodies charged with preventing and responding to the violence.

As Assembly of First Nations National Chief Shawn Atleo said, "Indigenous communities, organizations, provinces and territories, are advancing strategies to end violence, but without clearly articulated national goals and coordinated efforts led by the federal government these initiatives will not fully address the magnitude of response required to prevent and end violence against Indigenous women and girls and bring accountability to the families of those who are missing and murdered."

This issue is about real people, both the victims of these unspeakable crimes and the families left behind. Families are seeking justice for their loved ones and a commitment that no one else will have to experience the profound pain of their loss or go through the terrible cycle of violence that so many Indigenous women and girls face. The inadequate committee recommendations must be worn by every single member of the Conservative majority on the Committee who chose not to honor what we heard or show the courage to stand up to the Prime Minister's appalling refusal to take this issue seriously. They have let the victims and their families down yet again. <http://bit.ly/1rBU3ad> ☞

Good Words From The White House

In his State of the Union address, President Obama renewed his commitment to protecting the country's "air, our water, and our communities." This statement, says Holly Houghten, tribal historic preservation officer of the Mescalero Apache Tribe, constitutes the latest entry in an ongoing pledge of support to Native Americans:

In 2012, President Obama used the Antiquities Act to protect tribal heritage at Chimney Rock National Monument in Colorado at the behest of local tribes, small businesses, community leaders and a bipartisan congressional delegation. In March 2013, the president protected Rio Grande del Norte National Monument

near Taos, New Mexico, which was celebrated by the people of Taos Pueblo, as well as local civic, business and congressional leaders.

And in March, the president protected the Point Arena-Stornetta Public Lands as part of the California Coastal National Monument. Tribal chairwoman of the Manchester-Point Arena Band of Pomo Indians Eloisa Oropeza was at the White House when the president signed an executive order protecting the public lands. "It's been amazing," she told the local media. "I keep wanting to pinch myself and ask myself, 'Is this real or am I dreaming this?'"

Some in Congress would propose to

limit the president's authority to protect our nation's rich heritage, and are sponsoring controversial legislation (H.R. 1459)—the "Preventing New Parks" bill—which would gut our nation's most important conservation tool, the Antiquities Act. Fortunately, President Obama is undeterred by this show of partisanship. In his State of the Union address he said, "While we're at it, I'll use my authority to protect more of our pristine federal lands for future generations." For too long, American Indians suffered at the hands of the U.S. government. In President Obama we have a partner who is willing to collaborate to protect what is best about our shared country. <http://bit.ly/1dNZE4c> ☞

North Dakota Oil Spills Highlight Gaps in Regulation and Oversight

Officials are mopping up a 34,000-gallon oil spill near Alexander, North Dakota. The March 20 breach was in a pipeline owned by Enid, Oklahoma-based Highland Crude LLC, the Associated Press reported. It occurred when a gasket failed near a compressor station.

The oil flowed into a dry drainage area that was then “diked off, contained and boomed,” North Dakota Water Quality Director Dennis Fewless told the Associated Press. The cleanup was slated to take a few days, he said.

The Alexander spill occurred about 75 miles southwest of a far more severe spill that was discovered by a wheat farmer in his fields in September 2013. In that incident, a pipeline owned by Tesoro Logistics ruptured and sent more than 865,000 gallons of oil oozing onto seven acres of a farm owned by Steven Jensen.

Oil companies are coming under increased scrutiny from the federal government as a lack of leak-detection equipment and practices comes to light. Similar concern arose when 1,400 gallons were spilled into floodwaters southwest of Williston, about halfway between Alexander and Tioga. The spill came from a well owned by Denver-based Zavanna LLC, and it overflowed into floodwaters near where the Yellowstone and Missouri rivers meet, the Associated Press reported March 17. Zavanna faces potential fines, said Kris Roberts, an environmental geologist who headed up the state’s investigation into the spill.

Federal regulations focus on protecting environmentally sensitive or highly populated areas, “leaving more isolated sections of pipeline monitored less stringently,” *The New York Times* noted, citing a 2012 study by the federal Pipeline and Hazardous Materials Safety Administration. <http://bit.ly/1nYAytg> 📱

\$58 Million Available for Native American Employment and Training Programs

Approximately \$58 million in grant funding through the Workforce Investment Act Section 166 Indian and Native American Program is now available for eligible recipients, the Department of Labor announced on March 24. The purpose of the grants is to improve the academic, occupational and literacy skills of Indian, Alaska Native and Native Hawaiian adults and youth, thereby making them more competitive in the workforce.

“Increasing access to job-driven education and training opportunities will help more Indians and Native Americans find their path to the middle class,” said Secretary of Labor Thomas E. Perez.

Approximately 170 grants will be awarded, with some \$46 million designated for assistance to unemployed and low-income Native American, Alaska Native and Native Hawaiian adults, and \$12 million designated for Native American youth living on or near Indian reservations. Grantees will provide participants with work experience, summer jobs and support services to help individuals gain the skill sets required for jobs

in their community.

The entities that are potentially eligible to apply for WIA Section 166 funds under this solicitation are federally recognized Indian Tribes; tribal organizations as defined in 25 U.S.C. §450b; Alaskan Native-controlled organizations representing regional or village areas, as defined in the 1971 Alaska Native Claims Settlement Act; Native Hawaiian-controlled entities; Native American-controlled organizations serving Indians; and state-recognized tribal organizations serving individuals eligible to participate under Section 401 of the Job Training Partnership Act.

Congress has directed that the Indian and Native American Program be administered consistent with the principles of the Indian Self-Determination and Education Assistance Act. To that end, the department administers Indian and Native American programs to maximize the federal commitment to support the growth and development of Native American people and communities as determined by representatives of such communities.

Any organization that meets the requirements of the solicitation may apply. Grant applications will be accepted until April 23. <http://bit.ly/1ixTM3j> 📱

Cherokees Mark 175th Anniversary of the Conclusion of the ‘Trail of Tears’

It was 175 years ago that the final group of Cherokees ended its journey across the Trail of Tears, arriving on March 24, 1839, in Indian Territory near present-day Tahlequah, Oklahoma. The Tribe memorialized the conclusion of the forced removal with a proclamation that declared March 24 as “Cherokee Nation Remembrance Day.”

“We will remember and honor the sacrifices made by our ancestors. The Cherokees on the trip gave up so much—homes, lands and local family traditions. They endured unfathomable hardships and tragedy,” said

Cherokee Nation Principal Chief Bill John Baker. “Collectively, they never gave up and never relinquished the fortitude to continue another day’s travel, one step at a time, on the trail to modern-day Oklahoma.”

The first detachment of Cherokees was forcibly removed from their homelands in the southeast beginning in 1838. The anniversary was marked by ceremonies in Tahlequah.

“Our people were stripped of everything, withstood generations of termination policies, and yet that fire to live and thrive would not be extinguished,” Baker said at the ceremonies. “We should all be proud the Cherokee Nation is now a national

model for economic, political and cultural sustainability. As Cherokee people, we are stronger today than ever before.”

The remembrance event was held at the Cherokee Heritage Center, where museum officials publicly displayed for the first time a petition by Principal Chief John Ross asking the U.S. government not to proceed with the forced removal of his people. Cherokee artist Dorothy Sullivan also unveiled the third of a series of paintings depicting scenes from the Trail of Tears. All three paintings were commissioned by the National Parks Service and will be on display at the Cherokee Heritage Center. <http://bit.ly/1hWDiQh> 📱

Hopewell Earthworks Site in Ohio Saved at Auction

A winning bid of \$650,000 by a conservancy group was enough to save the last privately owned Hopewell earthworks site in Ohio from development.

The conservancy organization, Arc of Appalachia, started raising money two weeks before the auction was held on March 18. The group was able to secure the 89.74-acre tract of land—beneath which lies the Native American earthwork complex the Junction Group—with its \$350,000 bid. The rest of the money will come from a grant the group expects to receive.

“Obviously, we’re confident, or otherwise, we wouldn’t be bidding tonight,” Arc of Appalachia director Nancy Stranahan told the *Chillicothe Gazette*. “This is a dream come true ... but our love is to put earthworks and nature preserves together.”

Though not visible from the surface, Chillicothe’s Junction Group—named for its location at the junction of the Paint and North Fork Creeks—can be seen using ground-penetrating technology.

“They’re still there,” National Park Service Park Ranger Tom Engberg told WBNS-10TV. “And it’s pretty amazing stuff to be able to see that below the surface. Because if you go out there and you look, you’re not going to see anything with the naked eye. But if you look at the magnetometry and all the other data, it shows that they’re still there and they’re actually pretty perfect when you look at them.”

Engberg added, “These earthworks, they were geometric enclosures, huge circles, squares and octagons. We know that these were gathering places.” <http://bit.ly/1fbqpA3> 🌐

Mashantuckets Give \$40,000 to Help Stop Diabetes

BY GALE COUREY TOENSING

The Mashantucket Pequot Tribal Nation has donated \$40,000 to local organizations to help fight diabetes. On March 20, Tribal Nation Chairman Rodney Butler and tribal member Richard E. Sebastian presented a check for \$20,000 to the state chapter of the American Diabetes Association and the Joslin Diabetes Center, an internationally recognized diabetes treatment, research and education institution founded more than 100 years ago, and another \$20,000 check to Lawrence + Memorial Hospital in New London, Connecticut. The hospital is an affiliate of the Joslin Center. This is the fifth year that proceeds have been donated to the American Diabetes Association and the fourth year to the Joslin Diabetes Center.

The \$40,000 was raised during the Nation’s 8th Annual “Drive for Diabetes” Golf Tournament, which took place at the Lake of Isles last September. Butler and Sebastian are founders and co-chairs of the event. This is the fifth year that proceeds have been donated to the American Diabetes Association and the fourth year to the Joslin Diabetes Center. The tournament so far has raised approximately \$600,000 to support diabetes and healthy living programs.

“The Mashantucket Pequot Tribal Nation is proud to continue to support the American Diabetes Association and Joslin Diabetes Center in our efforts to raise awareness and educate the general public about diabetes and the effect it has on many Americans,” Butler said. “Diabetes is a disease that affects Native Americans at a rate twice that of any other ethnicity. The proceeds from this event will help establish programs, educate people on healthy living, and provide educational material.” <http://bit.ly/1jn2JQC> 🌐

A Renewed Focus on Water

World Water Day on March 22 was marked by renewed calls on several fronts for attention to be paid to this precious natural resource.

“I am launching a yearlong conversation on domestic and international water issues,” wrote Sen. Jeff Flake (R-Arizona) in an opinion piece in the *Arizona Republic*. “This project will focus on bringing attention to water-security challenges with an eye toward identifying effective policies that could inform water-management decisions.”

Arizona’s 22 federally recognized tribes also are part of the dialogue, Flake said. “Because we are home to 22 federally recognized American Indian tribes, we have also had the opportunity to work on mutually beneficial water settlements,” he wrote. “Our location along the border has enabled

us to be a part of water treaty negotiations with Mexico. This diverse set of water challenges, and Arizona’s know-how in addressing them, will serve as a valuable resource for the rest of the United States and the world.”

In Canada, the Assembly of First Nations (AFN) tied water and water rights to implementation of the U.N. Declaration on the Rights of Indigenous Peoples. “Many First Nations continually face a lack of access to safe and adequate supplies of potable water for daily needs and sanitation purposes,” the AFN said in a statement. “Long term drinking water advisories continue to persist in many communities, affecting health outcomes for First Nations people and families. The AFN continues to advocate and support First Nations rights to safe water, adequate sanitation and to protect waters for today and for future generations.” <http://bit.ly/1dHmhHz> 🌐

Quinault Nation Declare Emergency

Flooding breaches Taholah seawall

The Quinault Indian Nation has declared a state of emergency in the wake of flooding that breached the seawall at Taholah, the tribe announced March 26. Quinault President Fawn Sharp declared the emergency after “high waves and intense winds” destroyed a smokehouse, other outbuildings and properties in the lower village. In addition, Sharp issued a voluntary evacuation order and requested assistance from the Federal Emergency Management Agency (FEMA) to declare the portion of Taholah that is in jeopardy a federal disaster area so it could receive aid. The Quinault Indian Nation has long been aware of the potential for coastal flooding, with its reservation squarely inside the Pacific Northwest’s official tsunami hazard zone. <http://bit.ly/1hZB6rl>

NPR Comes Out Against ‘Redskins’

Ombudsman issues major report

In a 5,000-word report on the National Public Radio website, NPR ombudsman Edward Schumacher-Matos said it is time for his organization to “purposefully dissociate” itself from using the word “Redskins” on-air and online. Schumacher-Matos said that his first reaction was to agree with the newsroom and continue to use the name of the Washington, D.C. NFL franchise in its news reports. But he eventually came to the conclusion that the name should change and that NPR should stop using it. “Every diction-

ary I could find describes the word today as derogatory,” he wrote. “The word ‘redskins’ is a racial slur. No doubt about it.” <http://bit.ly/1eUfpue>

State Artifact For Tennessee

Statue from the Mississippian Period

An 18-inch sandstone statue of a kneeling male figure that was carved between 1000 and 1350 A.D. during the Mississippian Period, and nicknamed “Sandy,” on permanent display at the University of Tennessee McClung Museum of Natural History and Culture, has been designated the official state artifact of Tennessee. Sandy was found in 1939 along with a companion female statue at a farm in Wilson County; the museum purchased both statues in 1940. “Similar stone statuary pairs have been found across the South and Midwest at large Mississippian period town sites,” said the museum, “but the [ones at the] McClung are particularly noted for their realism and workmanship.” <http://bit.ly/1jSDG3K>

Three Dozen College Scholarships Are Awarded

Partnership between AICF and Coca-Cola

The Coca-Cola Foundation and the American Indian College Fund honored 36 American Indian scholarship recipients at its 2013-14 Coca-Cola First Generation Scholarship banquet at the 33rd annual American Indian Higher Education Consortium Student Conference in Billings, Montana on March 16. The scholarship was established to fund unmet

need for a Native American student’s first year in college with a \$5,000 scholarship. If students maintain at least a 3.0 grade point average and show strong participation in campus and community life, their scholarships are renewed every year throughout the students’ tribal college career. <http://bit.ly/1l79zqI>

Adolph Coors Scholarships Are Presented

\$1,000 apiece to 34 undergraduates

In addition to awarding 36 Coca-Cola First Generation Scholarships at this year’s American Indian Higher Education Consortium Student Conference (see above), the American Indian College Fund honored 34 American Indian Student of the Year scholarship recipients. Under the program, sponsored by the Adolph Coors Foundation, each recipient was given a \$1,000 scholarship. “Each year in partnership with Adolph Coors Foundation, tribal colleges and universities recognize students who represent the best of their institutions,” said AICF President and CEO Cheryl Crazy Bull. “Being the best means being culturally rooted, committed to achievement, and representing the opportunities that tribal colleges and tribal communities offer.” <http://bit.ly/1iDHkit>

Vigils For Murdered Inuit Student

‘We will not stand silent’

Vigils took place in 17 cities on March 27 for Loretta Saunders, an Inuk university student murdered in Febru-

ary and left beside a snowy highway in New Brunswick. The vigils also doubled as a renewed call for an inquiry into why indigenous Canadian women suffer violence at a rate much higher than the population at large. “People are really up in arms, we’re not standing for it anymore,” said Carmen Adams, co-organizer of the vigil at Halifax, to the Cape Breton Post. “We don’t know who’s next. It could be anybody.” On the event’s Facebook page, the organizers stated, “In her honour, let’s send a strong and loud message to governmental officials and all Canadians that we will not stand silent and allow this violence to continue.” <http://bit.ly/1pAo3PX>

Cook Returns To St. Regis Tribe

New Director of Health Services

The Saint Regis Mohawk Tribe welcomed Michael Cook back as the tribe’s new Director of Health Services, starting March 31. Cook previously led the tribal organization for ten years from 1980-1990. He returns most recently from Syracuse, where he has been responsible for oversight of Contract Health Services programs for the Nashville Area Offices of Indian Health Service. He has served as the Executive Director of the United South and Eastern Tribes (USET), been the Director of Governmental Programs and Services of the Oneida Indian Nation, the Health Administrator of the Oneida Indian Health Program, and the Deputy Director of the Robert Wood Johnson Foundation at Oklahoma University in Oklahoma. <http://bit.ly/1dRyolf>

Measuring the Borders

Collaboration between tribes and Census Bureau **BY ROB CAPRICCIOSO**

Bottom Line: *The accurate measurement of reservation boundaries can help determine everything from federal funding decisions to the resolution of legal issues. A new agreement is now helping the process.*

Accurate measurements of tribal boundaries help the federal government know the size and scope of reservations, as well as how many Indians reside on them. The executive and legislative branches often use such data to make funding decisions related to tribes. Tribes also sometimes use the data when legal issues arise surrounding their borders.

Therein lies the significance of a memorandum of understanding that was signed February 26 by the National American Indian Housing Council (NAIHC) and the U.S. Census Bureau.

The memo is aimed at increasing response rates to the Tribal Boundary and Annexation Survey (BAS), an annual Census Bureau survey that collects and maintains information about legal boundaries, as well as the names and official status of federally recognized American Indian reservations.

“The crux of [the agreement] is to ensure that tribes have accurate boundaries,” said Shawn Pensoneau, a governmental affairs specialist with NAIHC. “That has been a problem over the years—some communities have been left out, so the Census does not have an accurate picture of those reservations.”

When tribal boundaries are not surveyed correctly, Pensoneau said, the number of tribal citizens may be undercounted, thus resulting in reduced funding for tribes. He also said it is important for there to be “consistency” between what tribes and the federal government consider to be Indian country in order to reduce legal issues and other

tensions between tribes and the federal government.

As part of the agreement, NAIHC plans to assist the Census Bureau in developing and disseminating educational and outreach products to tribes concerning the survey. The Census Bureau will in turn provide training to tribal housing directors on how to respond to survey questions and how to use mapping technology involved with the survey’s data collection process. The open-ended agreement does not have a


committed to hiring Native Americans to be counters within the agency, and that Census officials have already been attending more tribal meetings, locally and nationally, to attempt to improve relations. A NAIHC official also sits on the Census’s Board of Directors.

“The Census numbers are used to divvy up money for almost all federal tribal programs right now,” Causley said. “If they don’t have an accurate count, the tribes are undercounted and therefore are underserved.”

In 2013, the National Congress of American Indians (NCAI) passed a resolution supporting the Census Bureau’s work to ensure the maximum tribal participation in the survey through agreeing that tribal housing authorities act as a secondary contact for the Tribal BAS mailings at the discretion of each tribe. The NCAI also encouraged tribes to participate in the survey as part of that resolution.

“The Census still goes to the elected tribal chair first to gather the information they are looking for,” said David Sanborn, executive director of NAIHC. “We are just another avenue for them. Many of the executive directors of housing authorities know how to get the information the Census needs.”

Sanborn said the agreement would be measured as a success if tribal response rates increase. “But the other thing, on a higher level, we will be able to paint a better tribal picture of our stories, what is really going on in Indian country—not only in housing, but in community development, education, homelessness, income,” Sanborn said. “It will help us be able to tell our stories to our legislators, to our federal partners, and to the public.”

“Any time that we can get a more accurate count of our lands and our people,” said Causley, “it’s a victory.” <http://bit.ly/1drhteF> 

‘Any time that we can get a more accurate count of our lands and our people, it’s a victory.’

termination date.

For many years the Census Bureau has had problems establishing consistent contacts with tribes to gather information for the Tribal BAS, said NAIHC Chairwoman Cheryl Causley in an interview after the agreement was signed. She noted a wariness of many tribes to work with the federal government because of historical strains.

“The Census is actually critical to the proper counting of our people,” Causley said. “But they aren’t too wanted on the reservations.”

Causley sees the Census Bureau-NAIHC agreement as giving the Census Bureau a sense of credibility for tribal leaders and citizens who may be cautious of taking part in such a survey. She also said the Census Bureau is

A Cobell Setback

Judge denies class representatives \$8.2 million in fees **BY ROB CAPRICCIOSO**

Bottom Line: *The landmark Cobell case may have been decided in 2011, but for the second time, a request for associated debts has been turned down.*

A federal judge has denied class representatives involved in the *Cobell* class action trust lawsuit \$8.2 million in fees.

Senior D.C. District Court Judge Thomas Hogan's ruling, issued on March 20, rejected the *Cobell* class representatives' second request since 2011 to receive incentive awards and reimbursements for litigation-support debts that their lawyers say they incurred during the long-running lawsuit focused on federal mismanagement of tribal trust lands.

Hogan approved a \$3.4 billion settlement to the case in August 2011, and class members are in the process of receiving payments as a result of that settlement. The tribe-focused land buy-back portion of the agreement, which accounts for \$1.9 billion of the settlement, is ongoing as well.

The issues involved in Hogan's latest ruling apply only to a select few class representatives involved in the case. In January 2011, lead plaintiff Louise Cobell and other class representatives—Louise Larose, Thomas Maulson, and Peggy Cleghorn—petitioned the court for \$10.5 million in combined incentive awards and cost reimbursements. Cobell, the lead class representative, passed away in October 2011; her family continues to monitor the case's proceedings.

Hogan denied their petition in June 2011. He upheld the denial in his most recent ruling, saying that the new motion advanced arguments and evidence that could have been raised by the plaintiffs before the court originally ruled and entered judgment on the matter. He said that the new arguments were flawed in a variety of ways, specifically referring at length to arguments made by Cobell lawyer Keith Harper during the previous hearing on the matter.

Hogan noted in his ruling that the

motion to reconsider asked for \$8.2 million, as opposed to the original \$10.5 million. He also expressed concern that “the only explanation the plaintiffs proffered for the difference in expense amounts sought in the incentive-award petition versus those sought in the motion for reconsideration was that the ‘plaintiffs, with reluctance, seek reconsideration only of those amounts necessary to pay outstanding loans, repayable grants and plaintiffs’ experts to which they remain in arrears.’”


The *Cobell* lawyers argued that class representatives personally owe the Lan-

pleadings to the court. He added that because of legal assignments previously presented before the court, “any repayment obligation guaranteed by the Class Representatives and incurred by the Blackfeet Reservation Development Fund could be satisfied from the plaintiffs’ \$99 million attorneys’ fee award rather than the remainder of the common fund benefitting the class plaintiffs.” The amount, he said, “would be decreased by more than \$10 million if the Court followed the approach advocated by the plaintiffs for reimbursing the expenses of third-party organizations that supported the litigation.”

Hogan added that “if any dispute about the claimed assignments had arisen at the time the Court was considering the incentive-award petition [in 2011], the Court would have questioned whether a conflict of interest existed between class counsel and the plaintiffs with respect to the interpretation of the assignments as they relate to the \$99 million attorney’s-fee award.”

The *Cobell* class counsel has not said whether it will appeal Hogan’s latest decision.

Several lawyers who have monitored the case say the ruling may cause a dilemma for the class counsel in terms of whether they should file an appeal. If they choose to appeal, a large chunk of their own fees could be held up. But if they choose not to file an appeal, the issue of whether they are serving the best interests of their clients could be called into question.

The Cobell lawyers have to date requested approximately \$12 million in post-settlement fees in addition to the \$99 million they have already been awarded. There is currently \$14 million escrowed with the court that the Cobell lawyers, the Native American Rights Fund and lawyer Mark Brown are claiming. The court has not yet decided how the \$14 million should be divided. <http://bit.ly/1gYks9l> 

A sizeable denial, but the ruling applies only to a select few representatives involved in the case.

nan Foundation \$4.5 million for its financial assistance during the case, and that the Blackfeet Reservation Development Fund, which Cobell directed, owes another \$500,000 to the Lannan Foundation. They further said that \$600,000 is owed to the Otto Bremer Foundation—“which also was never mentioned in the incentive-award petition or during the fairness hearing,” Hogan wrote—as well as \$1.2 million to PricewaterhouseCoopers, \$704,000 to Charles River Associates, and \$130,000 to RSH Consulting.

Hogan said the Cobell lawyers “offered no hint that the Class Representatives were personally liable for such or similar obligations” in their initial

Salish and Kootenai Tribes Acquire Kerr Dam

Purchase price is set at more than \$18 million **BY JACK MCNEEL**

Bottom Line: *Montana's Confederated Salish and Kootenai Tribes (CSKT) are set to become the first tribes in the nation to own a major hydroelectric facility—and what a facility it is.*

Montana's Confederated Salish and Kootenai Tribes (CSKT) will become the first tribes in the nation to own a major hydroelectric facility, having recently completed arbitration meetings that will allow them to purchase Kerr Dam on the Flathead River. The price tag for this purchase was set at \$18,289,798, and the sale will officially take place in September 2015.

The dam itself is 541 feet long and 205 feet high, or 54 feet higher than Niagara Falls. It is located on the Flathead River about five miles from Polson, Montana, and Flathead Lake, the largest natural lake west of the Mississippi.

Energy Keepers, Inc., a corporation wholly owned by CSKT, was established to acquire, operate and sell power from the Kerr hydropower dam, which is located within the reservation.

"Our ancestors had the vision that we'd recapture the resources surrounding the dam," CSKT Council Chairman Ronald Trahan said. "Moving a step closer to that vision has been good for my heart and everyone else on Council. It's been a long time coming. A lot of hard work and sacrifices brought us here. Through it all we must honor the ancestors who held the original vision to bring us this success."

The dam was begun in 1929 but a lack of money delayed its completion until 1938. "It was built at a time when the reservation was in the process of being

allotted to plat an Indian reservation," Energy Keepers CEO Brian Lipscomb said. "They built an irrigation allotment on top of that allotment. In the process of constructing the irrigation project they needed power to run the pumps so they developed an electric site where Kerr dam sits now."



Kerr Dam with all gates flowing

Montana Power arrived, determined the site was large enough to build a dam and agreed to provide power to run the pumps, and they would keep the rest of the power.

The initial license by the Federal Energy Regulatory Commission (FERC) expired in 1980. The tribes filed a competing license application in 1976 and after nine years of negotiating reached a settlement with Montana Power Company.

"We would receive \$9.5 million for land rental payment and have the opportunity to acquire the facility at the original cost of construction, less depreciation for the last 20 years of the license," Lipscomb explained. That opportunity would occur after 30 years, or 2015. "The \$9.5 million

was to escalate at the CPI [Consumer Price Index] over the life of the ownership of Montana Power Company."

That began in 1985 and has escalated upward since. In 1999 Montana Power Company sold to Pennsylvania Power and Light, the entity with whom the Confederated Tribes have been mediating to effect the purchase price. Lipscomb pointed out that the \$9.5 million annual payment in the first year has now reached about \$19 million and will approach \$20 million when the tribes acquire the property.

When arbitration meetings began, PPL-Montana was asking \$49.4 million for the dam. CSKT was offering \$14.7 million. "It took years of discussion and even arbitration" to reach the agreed-upon price of \$18,289,798 Chairman Trahan said.

The dam raised the level of Flathead Lake about 10 feet.

Lipscomb explained, "It doesn't fill the lake fuller than it ever did, it just holds it full longer, so there's been quite an impact around the shoreline."

"The land payment will continue and there will be additional revenue above that which will come back to the tribe," Lipscomb added.

Actual projections on how much this will benefit the tribe are confidential at this point. However, Lipscomb said, "Kerr generates about 1.1 million megawatt hours of electricity on average per year. The current market price we project when we take over is about \$32 per megawatt hour. That gives a sense of the gross revenues." Altogether, enough power will be generated to supply the needs of upward of 145,000 homes. <http://bit.ly/1lgZcDv> ☞

A Judge Sums Up

Reflections on a legal life **BY HEATHER STEINBERGER**

Bottom Line: *In 1974, Yurok tribal member Abby Abinanti became the first Native American woman to be admitted to the State Bar of California. Today, she is the tribal court's chief justice—and in a position to look back with satisfaction.*

Abby Abinanti never dreamed of donning a judge's robe. Yet today she is the Yurok tribal court's chief justice. Hers has been an impressive 40-year odyssey.

Born in San Francisco in 1947 and raised on the Yurok Indian Reservation, which lies 45 miles from the Pacific Coast along California's Klamath River, Abinanti originally wanted to be a journalist.

"I developed that interest in high school," said Abinanti, 66. "The journalism teacher befriended me and worked with me during a difficult time in my life, and he gave me a scholarship." With a laugh, she added, "I think he sort of made it up so he could give it to me."

While Abinanti was studying journalism at Humboldt State University in Arcata, California, she came across a flyer for the University of New Mexico School of Law. It addressed programming specifically for Native American students. "UNM was the home school for the Indian law program," Abinanti recalled. "I never really wanted to go into law, but I was told that we needed lawyers more than journalists. So I pursued it."

After passing the bar exam in 1974, Abinanti dove into her work. What would become her lifelong specialties, family court and juvenile dependency, took shape in the wake of the 1978 Indian Child Welfare Act. In the late 1970s and throughout the 1980s, she also became involved in training tribal court personnel. She focused on lay judges who hadn't been to law school, teaching them about process and how to set up appropriate systems.

In 1978, Abinanti returned to the Yurok Tribe, California's largest Native group, to help set up its fishing court. She returned again in 1993 when the tribe

earned federal recognition. The official Yurok Tribal Court was launched three years later, and she became its chief judge in 2007.

Appointed to the San Francisco bench in the 1990s, she continues to serve as a San Francisco Superior Court commissioner in a part-time capacity. She travels to the city every other week. But she remains committed to serving her community in a way that best meets its unique needs.

According to its mission statement, the Yurok Tribal Court is dedicated to supporting the traditional values of the peo-

Abinanti originally wanted to be a journalist. 'But I was told we needed lawyers more than journalists. So I pursued it.'

ple and having those values inform the development of the court as a modern institution. Its statement also notes that the court's role "is to protect the values of the people, to support the development of those values within each member of the community, and to ensure that our responsibility to protect our traditions and traditional lands are carried out."

In keeping with that mission, Abinanti spearheaded important innovations that are making a difference in the daily lives of tribal members. One is California's first tribal child support program. This allows tribal members to provide non-monetary forms of support rather than traditional

cash payments. For example, food and labor are acceptable alternatives.

"This is a key issue for our sovereignty," Abinanti said. "We're in a better position than the state government to set up a fair support system, and we value different kinds of support. It's more in our interest to handle it ourselves. I'm very pleased with the program."


Abinanti also has had a significant impact on the Yurok community through the tribe's wellness court, which has been part of the Yurok Tribal Court since its inception. Its target: offenders who are suffering from addiction to drugs and alcohol.

"Our purpose is to help them get treatment, refocus and return to their path," the judge said. "We've had a lot of individual successes. Our solutions are one by one. We have to keep going—from case management, to inpatient/outpatient treatment, to follow-up—and make sure these people right themselves."

And then there is her newest effort: Abinanti currently is working on a tribal council-approved pilot project, brokered with online Concord Law School-Kaplan University, that will help 10 tribal members pass the bar exam. Fundraising is necessary for program tuition, but Abinanti said the effort is worth it.

"The employees will participate in an online program and graduate with a law degree," she said. "Those who pass the bar will commit to five years with the tribe, if the jobs are available. We're creating a professional class of lawyers and advocates."

Abinanti is beginning to contemplate retirement and a quieter life at her Klamath home. Yet she worries about the future of the court and her carefully tended programs, and she wonders how their ongoing management will affect the Yurok Tribe.

"What's our transition plan?" she asked rhetorically. "Who will do all this? Of course I'm concerned." <http://bit.ly/1p7ozXk> 



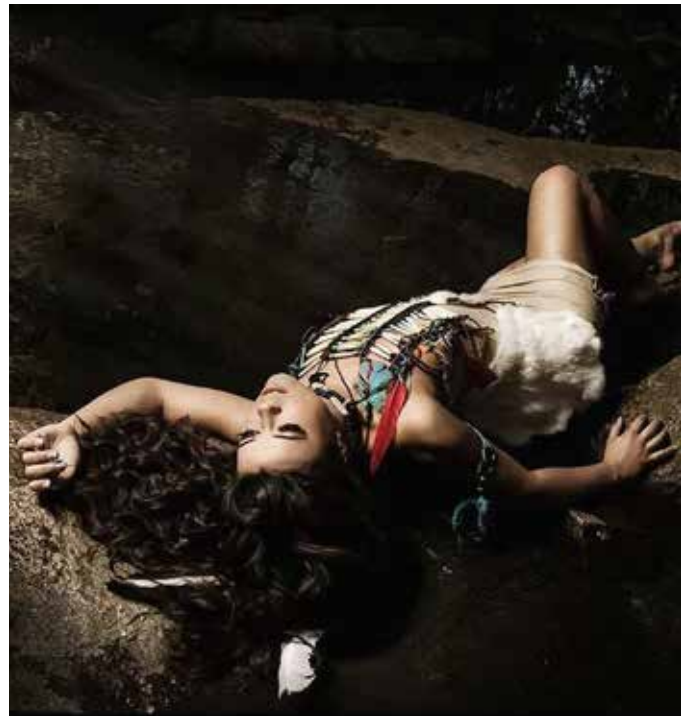
Sunrise at dawn over the Mound City Group at Hopewell Culture National Historic Park in Chillicothe, Ohio.



Davi Kopenawa, a Yanomami shaman, will be in California this month to speak about protecting the rainforest.



Siammon First Nation activist, actress and singer Ta'Kaiya Blaney, age 12, makes an eloquent plea for the waters on World Water Day 2014.



Johna Edmonds, Miss North Carolina and Lumbee, was criticized for posting several photos of herself as a glamorized version of Pocahontas.

NATIONAL PARK SERVICE/TOM ENGBERG; SURVIVAL INTERNATIONAL; WWW.UNIFY.ORG; SERDARDESIGN.COM

REQUEST FOR PROPOSALS

Closes: April 18, 2014

The **Colville Confederated Tribes** Human Resources Department is issuing a RFP for revisions to the existing Employee Policy Manual (EMP).

- Minimum of 10 years' experience practicing HR consulting.
- Knowledge of Indian Employment Law.
- Three references from clients that demonstrate a favorable reputation.

To apply or to get a complete list of requirements, please go to:

http://www.colvilletribes.com/rfp_rfb.php

The Executive Director is the Chief Executive Officer of ITCA and reports to the Executive Board.

The Executive Director is responsible for ITCA's consistent achievement of its mission and objectives through the management and operation of ITCA, protection of ITCA's financial assets and compliance with all applicable laws and funding requirements. This position requires a person to be an independent worker that is able to develop and foster positive working relationships with tribal leaders, state leaders, federal leaders, funding agencies and ITCA employees and consultants.

To obtain an application, please call (602) 258-4822 or email ITCA's Human Resources Department through the website at www.itcaonline.com



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<http://alj.am/1imiZ0F>

SASKATCHEWAN FIRST NATIONS GROUP CUTTING AFTER FUNDING SHORTFALL

<http://bit.ly/1g5mlkp>

RED CROSS PROVIDING WATER FOR SPIRIT LAKE NATION

<http://bit.ly/1eWLKR2>

SENTENCING COMMISSION TO CONSIDER INDIAN COUNTRY DISPARITIES

<http://bit.ly/OZkLKU>

NAVAJOS LEAVE FOOTPRINT ON THE DIAMOND

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

COLVILLE TRIBES PLAN \$40 MILLION CASINO AT OMAK

<http://bit.ly/O1I9Gy>

Upcoming Events

TRIBAL CONSTITUTIONS: REBUILDING NATIVE GOVERNMENTS APRIL 2-3

This seminar is designed to assist Native nation leaders and key decision makers in developing the governance tools needed to achieve their nations' strategic goals. Leaders and governance experts will share information and lessons that Native nations have learned from constitutional reform on such topics as "The Why of Remaking Governance Systems"; "Who Are We and How Do We Know?"; "How Do We Choose Our Leaders and Maintain Quality Leadership?"; "The Process of Constitutional Reform: The Challenge of Citizen Engagement"; and "The Legal Process of Constitutional Reform".

Location: Casino Del Sol Resort, Spa and Conference Center, Tucson, Arizona

PUBLIC SAFETY IN INDIAN COUNTRY: TRIBAL, FEDERAL & STATE RESPONSES APRIL 2-4

The biennial law symposium of the University of South Dakota School of Law invites students, practitioners, judges,

scholars and the general public to join this year's events and focus on public safety, the protection of women and the recent federal Tribal Law & Order Act. The keynote address will be delivered by Brendan Johnson, U.S. Attorney for the State of South Dakota.

Location: University of South Dakota, Vermillion, South Dakota

CRIMES AGAINST CHILDREN IN INDIAN COUNTRY APRIL 8-10

Sponsored by the National Criminal Justice Training Center, this conference will provide attendees with the knowledge and resources to address issues related to substance use and the latest drug trends, sex offender registration and monitoring, Internet crimes, and cyber bullying. A major goal is to strengthen relationships between various agencies, tribes, and states to promote a multidisciplinary, multijurisdictional approach to serving tribal youth and families.

Location: Ho-Chunk Casino, Hotel & Convention Center, Baraboo, Wisconsin

2014 TRIBAL UTILITY SUMMIT APRIL 8-10

The Tribal Utility Summit is a collaborative effort among the United South and Eastern Tribes, Inc. (USET), the U.S. Environmental Protection Agency (EPA) and the Indian Health Service (IHS). The USET will be offering continuing education units toward certification in drinking water treatment; wastewater treatment; distribution and collection; solid waste; and utility management. Hosted by the Mashantucket Pequot Tribal Nation.

Location: Foxwoods Resort and Casino, Mashantucket, Connecticut

AMERICAN INDIAN AIR QUALITY TRAINING PROGRAM APRIL 8-11

"Reviewing New Source Review (NSR) and Title V Permits", sponsored by the Institute for Tribal Environmental Professionals, will offer presentations with visual aids, tribal case studies, discussions and a variety of exercises. Topics will include permit issuance process; air quality impacts analysis; monitoring, recordkeeping and reporting; and permit review.

Location: Denver Marriott Tech Center, Denver, Colorado

LETTERS TO THE EDITOR

Re the casting of non-Native actress Rooney Mara as Tiger Lily in the forthcoming *Pan*, a live-action prequel to the story of Peter Pan (March 13):

I would suggest that "She is not a Native American" messages be put out there by bloggers. Also, I would suggest contacting the people who are making

this movie and demand that they discontinue this farce.

I would also suggest that Native Americans make their own cartoons and/or movies. They don't have to be anti-Caucasian. And they should contact the richer tribes for investment, the eligible Native American people for the creative process:

actors, directors and anyone who can make a movie or cartoon. Bloggers and writers should address the issue of using non-Native Americans in show business. It is only right that Native Americans speak out; in fact, it is imperative.

— Al Manook
San Diego, California

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



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

SNYDER FOUNDATION IS WIDELY DERIDED

Washington Redskins owner Dan Snyder's recent announcement of an "Original Americans Foundation" to help Indian Country address diabetes, poverty and other issues is being widely derided by those who are pressing him to change his team's name. The National Congress of American Indians called the initiative a "publicity stunt, while Rep. Betty McCollum (D-Minnesota), co-chair of the Congressional Native American Caucus, said Snyder was trying to "buy the silence" of his opponents. "Snyder's sudden philanthropy," wrote Chris Strauss in *USA Today*, "doesn't alter the fact that many people still consider Redskins to be an epithet."

CHILD SAFETY BILL INTRODUCED

The Native American Children's

Safety Act, designed to implement rigorous minimum protections and background checks for Native American youth placed by tribal courts into the tribal foster care system, was formally introduced to Congress on March 27 by Sens. John Hoeven (R-North Dakota) and Jon Tester (D-Montana). "The safety of children on or off the reservation must be a priority for all of us," said Hoeven. "The legislation is a necessary step to prevent abuse and its impacts on the long-term development of Indian children," Tester added.

HOUSE REAUTHORIZES DIABETES PROGRAM

The House of Representatives on March 27 passed a one-year reauthorization of the Special Diabetes Programs for Indians. Proponents were pushing for a five-year reauthorization of the program instead of the

yearly reauthorization that has occurred in recent times. However, in order to avoid stirring up any controversy or debate on the other items contained in the bill, the House opted to pass a one-year extension to all provisions by voice vote, under a suspension of the rules which required a two-thirds vote. The Senate version, introduced March 11, contains a five-year reauthorization.

KEETOOWAHS ASSISTANT CHIEF CHARLES LOCUST DIES

Charles Locust, assistant chief of the United Keetoowah Band of Cherokee Indians, died on March 22 after a lengthy illness. He had served as assistant chief since 2005 and spent 20 years working in three tribal governments; among his posts were tribal executive director, tribal administrator, director of

Social Services, and president, general manager and executive director of Gaming Commission. He also served for two terms as vice president alternate for the Eastern Region of Oklahoma for the National Congress of American Indians.

SHANNON WINS KEY SENATE ENDORSEMENT

Chickasaw Nation member T.W. Shannon has been endorsed by the Senate Conservatives Fund in his campaign for the open U.S. Senate seat from Oklahoma. The SFC said that Shannon, a former speaker of the Oklahoma State House, "will stand up to the big spenders in both parties to balance the budget and stop Obamacare." If elected, Shannon would be the third enrolled tribal member of Congress as well as the second Chickasaw, having been preceded by his fellow Oklahoman Tom Cole.

UPCOMING POW WOWS

39th Annual Northwest Indian Youth Conference

3/31/14 – 4/4/14

CenterPlace Event Center
2426 N. Discovery Place
Spokane Valley, WA
509-458-6569paure@nooksack-nsn.govSpokaneTribe.com/userfiles/file/NWIYC%202014%20Information.pdf**Cherokee of Georgia Spring Pow Wow**

4/3/14 – 4/5/14

Cherokee of Georgia Tribal Grounds, 110 Cherokee Way
St. George, GA
904-446-7223cherokeefga@att.netCherokeefGeorgia.us**46th Annual Montana State University Billings Pow Wow**

4/4/14 – 4/5/14

Montana State University-Billings, Alterowitz Gym 1500 University Drive
Billings, MT
406-657-2144rcharrette@msubillings.eduMSUBillings.edu/americanindian/powwow/htm**5th Annual Catawba Pow Wow**

4/4/14 – 4/6/14

Winthrop Coliseum
1162 Eden Terrace
Rock Hill, SC
803-328-2427 ext 230catawbapowwow@gmail.comCatawbaPowWow.com**Fort McDowell Casino Pow Wow**

4/4/14 – 4/6/14

Fort McDowell Casino
Fort McDowell, AZ
480-789-4773powwowcontestants@fmcasino.comFortMcDowellCasino.com/pow_wow.php**Creighton University All Nations Pow Wow**

4/5/14

Creighton University Kiewit Fitness Center 2500 California Plaza
Omaha, NE

402-280-2459

kerritr@gmail.comcalendar.Creighton.edu/event?id=41631**30th Annual Circle of Nations Indigenous Association Pow Wow**

4/5/14

University of Minnesota-Morris, 600 East 4th St.
Morris, MN
952-992-9813ummcnia@morris.umn.edustudentorgs.morris.UMN.edu/cnia/powwow.htm**Chemawa Spring Pow Wow**

4/5/14

Chemawa Indian School 3700 Chemawa Road NE
Salem, OR
503-399-5721, x225karen.serna@bie.educhemawa.BIE.edu**8th Annual Oklahoma City University's Spring Contest Pow Wow**

4/5/14

Freede Wellness Center
NW 27th Florida Ave.
Oklahoma City, OK
405-512-9958dparker@my.okcu.edu**24th Annual Washington University in St. Louis Pow Wow**

4/5/14

Washington University St. Louis Field House
330 North Big Bend Blvd.
St. Louis, MO
314-935-4510bcais@wustl.edubuder.WUStL.edu**7th Annual Benefit Pow Wow**

4/5/14

V. Sue Cleveland High School
4800 Laban Road Northeast
Rio Rancho, NM
505-896-0667, ext. 127federal-bilingual-and-native-america.RRPS.net**Humboldt University Big Time Pow Wow**

4/5/14

Humboldt University
Arcata, CA
707-826-3364canez@humboldt.eduFacebook.com/events/1431004233796033**43rd Annual San Diego State University lipay Mateyum Pow Wow**

4/5/14

San Diego State University
1897 Aztec Walk
San Diego, CA**2nd Annual Dobson High School's Social Pow Wow**

4/5/14

Dobson High School Football Field, 1501 West Guadalupe Road
Mesa, AZ
480-334-5458mlwillis@mpsaz.org**University of Science and Arts Oklahoma Intertribal Heritage Club Spring Pow Wow**

4/5/14

University of Science and Arts Oklahoma
1727 West Alabama Ave.
Chickasha, OK**North Carolina State University Pow Wow**

4/5/14

North Carolina State University
2611 Cates Ave.
Raleigh, NC
919-513-3480itstroud@ncsu.edusites.Google.com/a/ncsu.edu/ncsupowwow/home**Rio Rancho Pow Wow**

4/5/14

Rio Rancho High School 301 Loma Colorado Blvd.
Rio Rancho, NMFacebook.com/RioRanchoPowwow**Anadagisi**

4/5/14

University of Tennessee-Knoxville
1331 Circle Park Drive
Knoxville, TN
931-302-3699 or 828-734-5727tdonner@utk.edushicks17@utk.edu<https://www.facebook.com/groups/80588568624/>**Louisiana State University Native American Student Organization Spring Pow Wow**

4/5/14

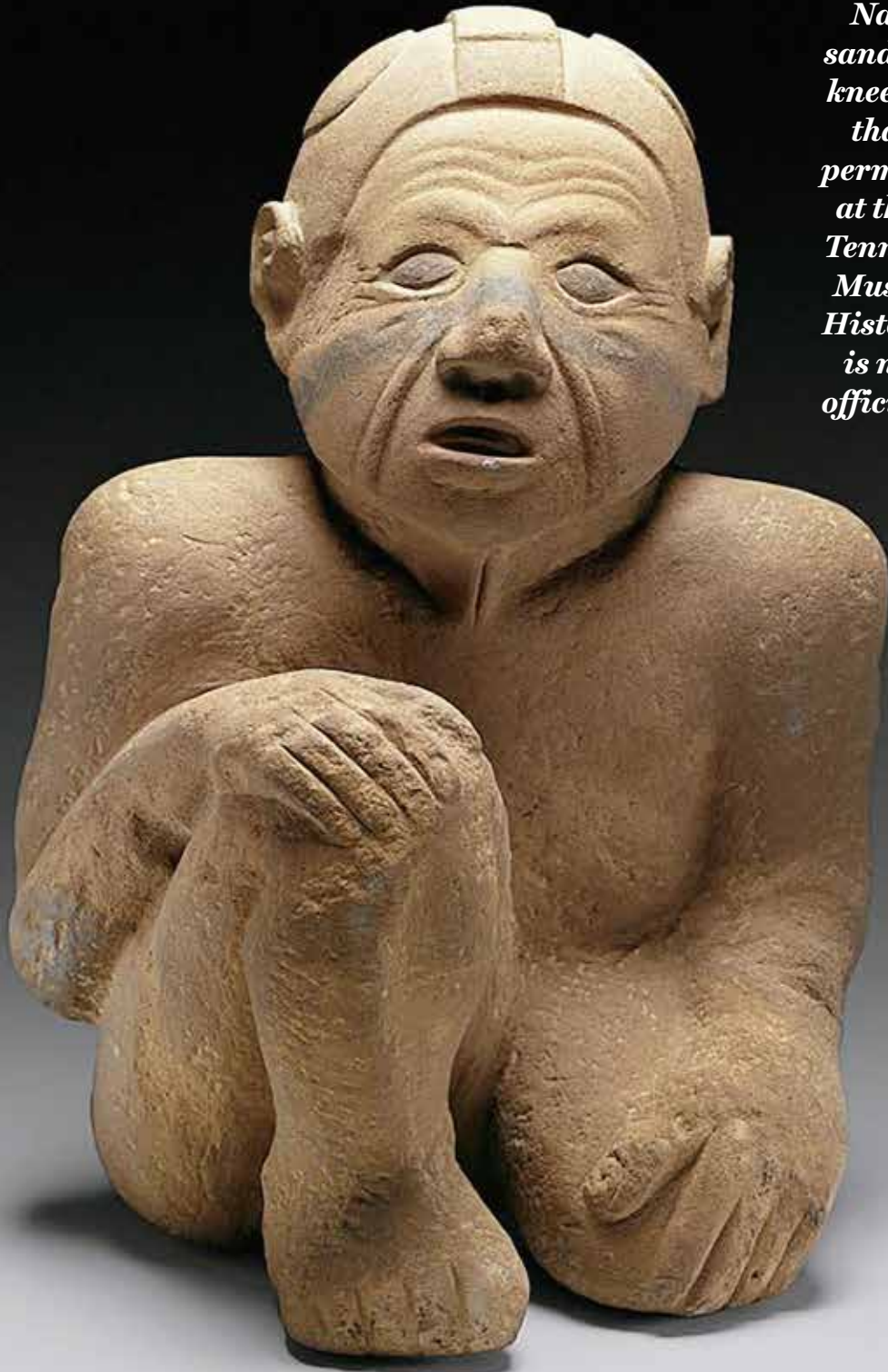
Louisiana State University
Parade Grounds
Baton Rouge, LApbloom@lsu.eduFacebook.com/events/1381653948770334**Honoring the Elements Pow Wow & Drum Contest**

4/5/14

Pomona College
295 East First St.
Claremont, CA
909-706-5948lcovarru@students.pitzer.eduFacebook.com/events/226650374183216/**Chattanooga Pow Wow on the River**

4/5/14 – 4/6/14

First Tennessee Pavilion
1826 Reggie White Blvd.
Chattanooga, TN
423-240-7270NAServices.org@gmail.comNAServices.org



“Sandy,” a prehistoric Native American sandstone statue of a kneeling male figure that is part of the permanent collection at the University of Tennessee’s McClung Museum of Natural History and Culture, is now Tennessee’s official state artifact.

THE BIG PICTURE