

Intertribal court moves to Rincon

By Edward Sifuentes
North County Times

RINCON INDIAN RESERVATION — The fledgling Intertribal Court of Southern California has a new home at the Rincon Indian Reservation.

The 3-year-old court deals with legal issues that arise on local American Indian reservations, such as civil disputes and land use, housing and family matters. It serves as an appeals court, mediator and arbitrator for 10 San Diego County tribes.

Until earlier this month, the court was housed in an office building in Escondido. The Rincon tribe offered to remodel a building at its reservation on Golsh Road. The building was formerly occupied by the Indian Health Council, a clinic serving local tribal communities.

Rincon will lease the building to the court for \$1 a year, said Temet Aguilar, the court's administrator.

On Wednesday, construction workers were at work remodeling the 4,000-square-foot building, half of which will be used by the court. The space includes a reception area, administrative offices, a library, a conference room and a courtroom.

The building is more than just a new home for the fledgling court, Aguilar said.

"What this represents is the tribes entering into the modern era of their development by exercising their sovereignty," Aguilar said.

In 2006, retired Superior Court Commissioner Anthony Brandenburg was sworn in as the intertribal court's judge.

Brandenburg said the intertribal court fills a judicial gap that was created by the federal government in the 1950s.

In California and several other states, law enforcement agencies, such as the sheriff's department, have jurisdiction over criminal matters under a federal law called Public Law 280.

However, sheriff's deputies cannot enforce laws enacted by tribal governments, such as land use, hunting and illegal dumping ordinances. And outside courts don't have authority to settle disputes among tribal members, such as trespassing, evictions and other minor infractions.

Federal courts handle felony cases on the reservations.

On local reservations, tribal councils, usually made up of five elected officials, serve as "judges" over disputes that occur in their reservations. They also are sometimes called upon to settle patron disputes in their casinos.

Since most local tribes are small, family conflicts can often occur when disputes erupt in tribal communities. For tribes that participate in the system, the intertribal court serves as an independent judiciary, where people can appeal tribal council decisions, Brandenburg said.

The court "takes the personal and political aspect out of it," Brandenburg said.

The member tribes are: Los Coyotes Band of Mission Indians, La Jolla Band of Luiseno Indians, Manzanita Band of Kumeyaay Nation, Mesa Grande Band of Mission Indians, Pala Band of Cupeno Indians, Pauma Yuima Band of Mission Indians, Rincon Band of Luiseno Indians, San Pasqual Band of Mission Indians, Santa Ysabel Band of Diegueno Indians and Jamul Indian Village.

The intertribal court is largely funded by its member tribes and assistance from the Southern California Tribal Chairmen's Association, a non-profit organization that administers various welfare, educational and cultural programs for local tribes.

Last year, the intertribal court handled about 100 cases. Most of the cases involved trespass disputes and family matters, such as child custody and child support disputes. It served as a mediator or arbiter in about 25 other cases, Aguilar said.

BIA bison roundup leads to lawsuit

By Laura Tode
The Billings Gazette

BILLINGS, Mont. — A Fort Smith couple has filed a lawsuit against the Bureau of Indian Affairs after the agency rounded up more than 150 of their buffalo from land they thought they had leased.

George and Nelvette Siemion, who have operated White Buffalo Ranch on the Crow Reservation for almost 40 years, discovered this spring that leases they thought they had been awarded through a bid process were awarded to other Fort Smith ranchers. They claim the BIA didn't follow fair bidding practices and bypassed rules that for decades had given Nelvette, a member of the Crow Tribe, preference on tribal land leases.

BIA officials involved in the case would not comment

on any details regarding the case.

In late May, the Siemions paid, under protest, \$15,000 in fees to get the BIA to release their impounded bison. The fees were to cover the cost of the roundup and care of the animals. They say the roundup was unnecessary and came without adequate warning.

Slogging through knee-deep mud in the rain, the Siemions loaded the animals on a truck to take them home on June 5, the day the BIA planned to sell the herd at auction.

The animals come from generations of captive-born bison, but they are still wild animals by instinct and are more sensitive to stress than cattle, George said. Many calves died from stress and injuries they received during the moves, and the BIA admitted to killing at least one during the roundup,

George said.

The suit includes two appeals, said Tom Towe, the Siemions' lawyer, and addresses the confiscation of the bison, which the Siemions argue was unnecessary, and the BIA's alleged failure to follow its bidding procedures.

The Siemions ultimately want the BIA's decisions on the leases to be overturned, because without the leases the Siemions will be forced to liquidate the herd. They are also demanding reimbursement of the trespass fees and losses to their herd caused by the roundup as well as losses that came after the leases were awarded to other ranchers.

The Siemions' lawsuit names the BIA and George Gover, the superintendent of Crow Agency, who they believe gave the final approval on the leases.

Because he is named in the lawsuit, Gover declined to comment on the situation, but said, speaking generally, that tribal land leases are decided by the tribe, and the BIA acts only as a trustee.

According to court documents, Nelvette Three Irons-Siemion bid on 24 grazing leases, totaling 4,000 acres of tribal land, in 2006. Each lease was for five years. Nelvette had previously held the leases on the land and grazed bison on them for at least the past 15 years. On 10 of the leases, Nelvette was the only bidder.

Preference in awarding leases on tribal lands goes first to members of the Crow Tribe, then to ranchers who own property adjacent to leases.

In every case, Nelvette met the criteria for all the preferences.

If a bidder who qualified

for the same preferences put in a higher bid, the rules state that Nelvette, because she has leased the land in the past, should be given a chance to match the higher bid to retain the lease, Towe said. But she said that never happened, and she never heard anything on the leases.

The Siemions believe the leases were issued to William He Does It and Leland Walking Bear, members of the Crow Tribe who had never been awarded the leases before and who, George said, are not active ranchers in the area.

The Siemions claim that He Does It and Walking Bear were paid by neighboring, non-Indian ranch owners to bid on the leases and, while the leases are in their names, they're letting Grapevine Ranch and CH Cattle Co. run cattle on them. Tribal law does not allow subleasing, Towe said.

A relationship between the Indian leaseholders and the ranches, if any exists, could not be confirmed. Neither He Does It nor Walking Bear responded to calls requesting information on the leases. Repeated calls to CH Cattle Co. were not returned. The owner of Grapevine Ranch, Paul Warren, a Billings attorney, declined to comment.

George said they're not challenging the high bid process if that was the case, but he and Nelvette believe the BIA didn't follow its procedures, specifically on the applications on which Nelvette was the only bidder, most of which were awarded to He Does It.

Nelvette said she was at the bid openings, which is how she knows she was the only bidder on at least 10 of the leases.

The Siemions said they were never told whether they were given the leases and assumed because of past practice that they had received them.

They said the BIA never returned their bid deposits of \$50 for each parcel, which would have indicated denial. As Nelvette later discovered, she was awarded only two of the 24 leases on which she bid.



Associated Press

Bison graze near Gardiner, Mont. Inside the Corwin Springs compound, near Gardiner government veterinarians draw blood from the necks of young bison for disease screening and clip off pieces of ears for genetic testing.

Tribe makes \$30.8 million payment

By Nicole Sack
North County Times

PECHANGA INDIAN RESERVATION — The Pechanga Band of Luiseno Indians made its first payment Wednesday to the state of California under the terms of its amended tribal compact.

Pechanga's payment to the state's general fund totaled \$30.8 million, tribal officials said. That amount covers the tribe's payment to the state for the period of early February through the end of June.

This first payment is greater than the entire amount Pechanga paid to the state for all of 2007 under its original compact, tribal officials said.

Pechanga also made a quarterly payment of \$500,000 into the Revenue Sharing Trust Fund, which supports non-gaming tribes throughout the state. That amount for non-gaming tribes is nearly twice the annual amount that Pechanga previously paid.

"I am sure that the voters of California are happy to hear that they got exactly what they voted for: more state revenue without raising taxes," Mark Macarro, chairman of the Pechanga Band of Luiseno Indians, said in a written statement. "The state now has the flexibility to use this additional funding for education, public safety, healthcare, and other vital public services."

Anna Carr, deputy director of legislation and public affairs for the California Gambling Control Commission, confirmed that the state had been authorized by the tribe to draw the payment on Wednesday. Carr said that while quarterly payment information is confidential under the compact, the Pechangas chose to release its numbers — a rather unprecedented step, she said.

Carr said payments also were received Wednesday from the Morongo Band of Mission Indians in Cabazon

and the Agua Caliente Band of Cahuilla Indians near Palm Springs.

However, the economic downturn affecting Southern California has had an impact on the gaming business. Pechanga Resort & Casino announced last week that, because of the economic downturn, it was laying off about 400 members of its 4,700-person workforce.

Gov. Arnold Schwarzenegger and Pechanga reached an agreement to amend the tribe's compact in 2006, allowing Pechanga to operate up to 7,500 slot machines in exchange for significantly more revenues to the state. The compact guaranteed a payment to the state of \$42.5 million annually on the casino's existing 2,000 slots and up to 25 percent of the profit from any additional slot machines.

In February, voters throughout the state approved the new compact.

Recognition of Little Shell as tribe pushed back

By Travis Coleman
Great Falls Tribune

GREAT FALLS — A decision on whether the Little Shell Chippewa Tribe will become a federally recognized tribe could come in January 2009, according to a federal official.

It would conclude more than a century of campaigning for federal recognition of the tribe.

The Office of Federal Acknowledgement has received a 180-day deadline extension for its final determination on the status of the landless, state-recognized tribe that has its headquarters in Great Falls.

The new deadline is Jan. 28, 2009, according to a letter from the office director, R. Lee Fleming, to Little Shell Chairman John Sinclair. The letter is dated July 24.

The office, which is under the U.S. Department of the Interior, can request an extension "if warranted by the extent and

nature of evidence and arguments received during the response period," according to the letter.

Sinclair said Wednesday that Fleming is ready to give his decision but Sinclair believes there is political pressure to hold off on revealing it until President George W. Bush leaves office.

"It is frustrating because we know we should be recognized," Sinclair said. "But this just pushes everything back."

In 2000, Fleming's office announced it was leaning toward recognition for the Little Shell Tribe. But the government said the tribe's case needed to be bolstered.

Recognition consideration for the Little Shell Tribe then restarted in August 2007.

Tribal members have previously said recognition would provide access to federal health care, affordable housing and education grants.

Cherokees plan new health centers at hospital site

By Clifton Adcock
Tulsa World

TAHLEQUAH — The 45 acres of weeds, rocks, tangled brush and post oaks adjacent to the W.W. Hastings Indian Hospital soon might be home to a beacon in Indian health care.

Cherokee Nation officials laid out the tribe's long-term plans to build a health complex at the hospital during a news conference Monday attended by officials from the tribe, the city of Tahlequah and Tahlequah City Hospital.

The plans and the tribe's intended takeover of the hospital likely will be discussed at an Aug. 5 special meeting of the tribe's health committee.

The hospital now is operated by Indian Health Services, a division of the U.S. Department of Health and Human Services, but the Cherokee Nation announced in April that it intended to take over operations at the hospital.

Plans for the hospital include separating the outpatient clinic from the inpatient hospital and providing a new

outpatient surgery center, a new facility for doctors' offices, a new medical support building and a new center for future expansion for educational and health programs.

No cost or completion estimates have been established. The tribal council is still in discussions about taking over operation of the hospital, said Cherokee Nation

Principal Chief Chad Smith, although officials said they hope that the complex will be developed in five to 10 years.

"Not only do we have an obligation, we have an opportunity to become that center of excellence in health care in Indian Country," Smith said. "Some (aspects) could come to fruition within a year; other aspects could take longer."

The tribe also will be working with the Tahlequah City Hospital to develop some of the planned complexes and might share some of the facilities, such as the doctors' offices, with the hospital.

The Cherokee Nation's taking over W.W. Hastings

will help the expansion and funding and will improve health-care access for patients, Smith said.

The expansion also will keep patients who need special services in Tahlequah, he said. Now, many are forced to go out of town for treatment.

"Having that kind of medical cluster here will help us all," Smith said.

The tribe has a target date of Oct. 1 to take over operations at the hospital, tribal spokesman Mike Miller said.