

Judge: Give sugar deal a chance

By Curtis Morgan
Miami Herald

MIAMI — Calling the opportunity to “buy out the polluters” the most logical solution to cleaning up the Everglades, a Miami federal judge decided not to wade into a dispute over a stalled \$700 million reservoir -- at least for now.

Chief U.S. District Judge Federico Moreno late Wednesday denied a request by the Miccosukee Tribe to order work resumed on a massive, partially completed basin once considered a key to Everglades restoration plans.

Water managers and conservation groups had told the judge that continuing that project could threaten something more promising for the Glades -- the proposed state buyout of U.S. Sugar.

“The court cannot ignore the potential for monumental environmental improvement that the land acquisition would offer, even if actual returns are not realized until many years down the road,” Moreno wrote in a three-page ruling.

“Delay may indeed be the enemy of the Everglades, but paradoxically, there is no quick fix for its problems.”

But Moreno also warned that if the land acquisition didn’t happen in a “reasonable amount of time,” he would immediately revisit the tribe’s request.

In May, the South Florida Water Management District first halted construction of the 25-square-mile reservoir in the former sugar fields of western Palm Beach County, citing uncertainty posed by a separate pending federal lawsuit by environmental groups.

In a hearing Monday in Moreno’s Miami courtroom, lawyers for the district, state and some of the state’s largest environmental groups urged the judge not to act, arguing that forcing water managers to issue a contract for the reservoir’s next \$300 million phase could jeopardize the district’s ability to secure bonding needed to finance the still-tentative \$1.75 billion purchase of the nation’s largest sugar grower.

That land deal, they said, also could help resolve many of the Everglades’ chronic pollution and water supply problems and make the reservoir, at least in its current location, obsolete.

Dexter Lehtinen, the tribe’s attorney, argued the land buy was only the latest state “excuse” to delay cleaning up pollution damaging the Everglades and could push the reservoir and other restoration projects back 15 years or more.

Moreno, who oversees cleanup efforts under a 20-year-old lawsuit that forced Florida to reduce pollution flowing in the Everglades, expressed “sympathy” for Miccosukee views but noted the tribe’s motion was supported by only one environmental group, Friends of the Everglades, and opposed by six others.

The judge wrote that he wanted to see the outcomes of both the U.S. Sugar negotiations and the separate, still-pending reservoir lawsuit before reconsidering the tribe’s motion but he also expressed reservations that “past promises have not been timely kept.”

“If the prime movers responsible for environmental remediation could simply suspend or cancel projects that they have committed to construct every time they were offered a ‘better deal,’” Moreno wrote, “the environment would likely be doomed.”

The state has spent nearly \$2 billion building a network of pollution treatment marshes to improve water quality flowing into the Everglades and maintains that it is meeting pollution standards. But its marshes have yet to remove enough of the key pollutant, phosphorous, which is a fertilizer component, to reach the super-low standards scientists consider critical to maintaining the Everglades’ native plants and animals.

Comanche pact may help settle tobacco dispute

By Omer Gillham
Tulsa World

TULSA — A new tobacco compact between the state and an American Indian tribe may soon affect many tribal tobacco agreements and, state officials hope, settle a long-running fight between the state and many of the tribes.

Under the compact between the state and the Lawton-based Comanche Nation, tribal smoke shops and retailers can sell cigarettes bearing a 51.5-cent tax stamp, or half of the state’s tobacco tax rate, and the tribe is required to charge a 15-cent tribal tax per pack, as well. This combined tax of 66.5 cents is about 20 cents less per pack than those sold at many Tulsa-area tribal stores.

The Comanche compact, which was filed June 26 and went into effect July 1, gives many tribes that have tobacco agreements with the state an opportunity to get out of their current compacts. At the same time, the new compact has raised the ire of some non-tribal retailers.

QuikTrip spokesman Mike Thornbrugh said the Governor’s Office is going back on its word to

level the playing field by reducing the tax advantage that tribal stores have had over nontribal stores.

“This is such a back-door attempt to appease the smoke shops and tribes,” Thornbrugh said. “This is what we object-

ed to all along. We recognized that the language of the compact allowed the governor to change the compact any way he wanted to. By giving the tribes most-favored-nation language, they could change it at will and they are doing just that.

“This is just intellectually dishonest, what Scott Meacham has done,” Thornbrugh said.

State Treasurer Scott Meacham is considered one of the main architects of the state’s new tobacco compact system, which has raised heated complaints from nontribal and tribal retailers during the past four years.

Although the new compact with the Comanche tribe appears to further complicate the state’s tobacco system — which has six different tribal rates — by adding a new one, this new orange stamp may be the state’s strategy to simplify the system. It allows the tribes to invoke the “Most Favored Nation” language of their compacts and use the single new rate offered in the Comanche compact.

Under the “Most Favored Nation” clause written into most of the state-tribal compacts, if one tribe gets terms that are more favorable, another tribe can invoke the clause to receive the same terms.

Under the Comanche compact, the state would get a bigger slice of the cigarette revenue, the total amount of the tax, when compared to the

other compacts, in which the state gets 46 cents and rebates the remaining amount back to the tribe, Meacham said.

Meanwhile, the agreement also gives the tribes back their tax advantage over nontribal retailers — 36.5 cents per pack — which they had prior to the passage of State Question 713 in 2004. The measure was created to raise tobacco taxes to fund health care initiatives and curb smoking. The new tax also changed the way in which tobacco taxes were levied while attempting to decrease the tobacco tax advantage by tribes.

“To me it seems like a reasonable compromise for everybody,” Meacham said. “The state gets additional revenues, but the tribe gets the price advantage they had under the old compacts. To me it’s sort of a win-win.”

Meacham said he hopes other tribes sign on to the deal using the “Most Favored Nations” clause, and the agreement has already been sent to the Cherokee Nation, Osage Nation and the Muscogee (Creek) Nation, which does not have a compact with the state.

“We’re very hopeful. We’ve talked to Creeks, we’ve talked to the Cherokees, we’ve talked to the Osages and we’re planning on having additional conversations about it,” Meacham said.

While the new compact possibly provides tribes with an opening for new terms in

their compacts, the Cherokee Nation is playing its reaction to the new compact close to the vest.

“We’ll let the Comanches and the state talk about the relative merits of the compact they have negotiated,” said Cherokee Nation Spokesman Mike Miller. “The Cherokee Nation’s discussions with the state continue as we try to find a mutually beneficial compact agreement. We are optimistic that we can work with the state and other tribes to find a deal that is good for everyone.”

Meacham said that non-tribal stores were able to compete with tribal smoke shops before and they should be able to compete again if the new compact is widely accepted by the tribes, and that the cut in the price differential between the two groups never actually materialized.

Nontribal stores “were able to compete very effectively under the old compacts,” Meacham said, although he knows they would rather there be no tribal price advantage.

But the state couldn’t make it happen.

“You can see the difficulty we had trying to lower the price advantage from 36 1/2 cents to what it is under existing compacts. We haven’t been able to enforce that, and it’s never actually occurred because tribes keep looking for loopholes and filing lawsuits and challenging arbitration rulings. I think they (non-tribal retailers) would rather it

be none or lower, but I just don’t know how we can get something there that will stick.”

If widely adopted by tribes, this compact would not completely eliminate low-tax areas around the borders that smaller tribes have. But it could reduce the number of low-tax stores in northeastern Oklahoma.

The compact increases penalties on retail-to-retail sales, a tactic that was used to funnel low-tax cigarettes into higher-tax zones in the past.

Under the Comanche compact, a tribe and its tribal retailers are strictly prohibited from selling to other tribal smoke shops, and if a tribal retailer is out of compliance, the Oklahoma Tax Commission can notify the tribe of the offender. If the tribe fails to act, the state tax commission can remove the retailer from the approved list of purchasers from wholesalers, essentially cutting off the retailer’s cigarette supply, Meacham said.

“There’s some good things in there as far as government-to-government cooperation that requires our tax commission and their tax commission to share information and work together better,” he said. “In the past, we’ve never been able to share info and work together. There were some perceived legal hurdles to that I think we’ve worked out in our compact.”

River Rock Casino aided by liquor license

By Steve Hart
Santa Rosa Press Democrat

SANTA ROSA, Calif. — River Rock Casino’s revenues declined in the second quarter, although its new liquor license helped to blunt the impact of a slowing economy, the Geyserville casino reported Thursday.

“In June we began offering alcohol to our guests, and we believe that this has begun to have a positive impact on our business,” said Shawn Smyth, CEO of River Rock Entertainment Authority.

The tribal casino reported \$33.7 million in sales for the quarter ending June 30, down about \$1 million from the same period last year.

Still, sales rose 1.5 percent from the first quarter, in part because the casino began selling beer, wine and cocktails.

The U.S. gaming industry is suffering because of the economy’s slump. Four U.S. casinos have filed for bankruptcy this year and Moody’s has downgraded the debt of almost 20 gaming companies.

“We were pleased with our performance, particularly given the challenges presented by the current macroeconomic environment,” Smyth said.



Associated Press

Archaeologist Daniel Thompson, second from right, answers a question Aug. 7, as Larry Starkloff, left, Logan Smagge, Gabe Holley and Kenaitze Indian Tribe youth advocate Lou Dodson work on an archaeological site alongside a road in Kenai, Alaska, during an archaeology camp hosted by the tribe.

‘Women of the West’ take on prison rodeo

By Julie Bisbee
Oklahoman

McALISTER, Okla. — Lakota Wise has spent most of her life taking risks and cheating death. This weekend is no different.

But the adrenaline rush of riding on the back of rearing bull is the high 29-year-old seeks this weekend.

The women’s prison rodeo team from Mabel Bassett prepares for this weekend’s...

Wise is one of nine women who make up the “Women of the West” rodeo team from the Mabel Bassett Correctional Center in McLoud. The women, who have been training since June, will be one of two female teams to compete in the rodeo this weekend in McAlester. The women will compete in bronc riding, bull riding and cattle dogging. Teams from 10 different prisons will compete in the rodeo. Louisiana and Oklahoma are the only states with prison

rodeos and Oklahoma’s rodeo is the only one in the world behind prison walls.

Organizers expect 12,000 to 16,000 people to show up for the annual event tonight and Saturday night, said Terry Crenshaw, warden’s assistant at the state prison. The prison rodeo in McAlester is legendary with such events as “Money The Hard Way,” where inmates scramble to get a piece of ribbon attached to a bull’s horns. The winner gets \$100.

Few inmate teams practice with livestock before coming into the arena at McAlester.

“It’s a whole lot different when you get down in the chute and see that bull,” said Deborah Graumann, a rodeo team coach and health administrator at the prison.

Wise is a sturdy American Indian woman who is serving a lengthy prison sentence for drug possession and forgery. It’s her first year on the team.

“We’re not here because we’re innocent,” Wise said. “We’ve risked our lives out on the street, now we’re doing it on the back of the animal. This is something positive and the first time I’ve done something like this sober.”

Tonight’s rodeo will also be the first time the team has ridden livestock.

But on the back of a training bull, they’ve tackled the most formidable foe, their own doubts and fears, said Warden Millicent Newton-Embry.

“It’s a demon to beat and that gives them a real sense of accomplishment,” said Newton-Embry. “That bull is just a metaphor for their demon, be it fear, drugs or whatever it was that brought them into the system. They figure if they can do this, they can do anything.”

The afternoon sun blazes and glints off the razor wire as nine women huddle around a barrel anchored to the ground.

The women have traded their prison-issued smocks for black jeans and purple work shirts. They sport cowboy boots made of smooth black leather or lace up work boots. The boots are sent in by family members specifically for rodeo training.

The women had been training well before their boots and dungarees arrived.

“We’ve been rolling down that hill trying to learn how to fall,” said Bobbie Gragson, who is serving a sentence for manufacturing methamphetamine. “You got to learn how to ride, but you also got to learn how to fall.”

Gragson, 42, is the only veteran team member. This will be her third trip to the rodeo. She takes on the role of team captain.

The first time Gragson stared down the back of a bull she was hoping to get hurt, to dull the pain of losing her mother that year.

“My first year was about

self-destruction. I didn’t want to be able to get through it,” Gragson said. “But it helped me get in touch with my fear. I think it’s helped us all blossom.”

Gragson’s long dark hair spills out of a black felt cowboy hat and trails behind her as she rides the bull. The women have been training on a barrel shaped like the back of a bull and anchored to the ground. On the back, two women heave the barrel to simulate the kicks of a bull. Another woman stands at the front of the barrel and pulls forward.

Lowery, 27, holds tight and lasts for six seconds. The women cheer her as she hops off the barrel. A few months ago, the thought of riding a bull or riding a horse bareback was out of the realm of possibility for Lowery, who is serving a sentence for second-degree burglary and completing a substance abuse treatment program.