

## Senecas vow to keep Buffalo casino open

By Dan Herbeck  
Buffalo News

BAFFALO, N.Y. — Despite some setbacks in a federal court case, Seneca Nation officials vow to continue operating their small, temporary casino in downtown Buffalo and eventually build a much bigger one.

Calling the temporary facility on Michigan Avenue “a huge success,” the Senecas insisted Wednesday that they still hope to win approval from the National Indian Gaming Commission for a new gaming ordinance for Buffalo.

They also expressed hope that, within the next few days, the U. S. Justice Department will appeal an Aug. 27 federal judge’s ruling that the Buffalo casino is operating illegally and directing the gaming commission to proceed “forthwith” with enforcement actions.

“The Seneca Nation of Indians remains committed to vindicating its rights and actions relating to its Buffalo Creek gaming facilities,” said the tribe’s president, Maurice A. John. “[We] remain confident that Class III gaming will continue to operate in Buffalo.”

“A year from now, from the [Seneca] Nation’s standpoint, we hope that these legal issues are resolved, the credit markets open up again, and we hope to be moving forward with the construction of our permanent Buffalo Creek Casino,” said Martin E. Seneca Jr., counsel to the Seneca president.

Seneca stated that rulings made by U. S. District Judge William M. Skretny over the summer had no impact on the tribe’s late August decision to halt construction of the \$333 million Buffalo casino/hotel project. The halt was simply linked to problems in the credit market making it hard for the nation to get loans at an acceptable rate, he said.

The comments about the future from Seneca leaders came one day after casino opponents filed court papers that they hope will deliver a death blow to the Buffalo casino.

Attorneys for two anti-casino organizations asked Skretny to hold the Indian Gaming Commission in contempt of court and order the commission to “terminate” gambling at the casino within five days.

According to Cornelius D. Murray, lead attorney for the anti-casino groups, the Indian Gaming Commission has “willfully” ignored Skretny’s orders by refusing to shut down the casino.

The federal commission has “not taken any effective enforcement action whatsoever, making a mockery of the law and [Skretny’s] prior orders,” Murray said in court papers.

“[The] Senecas have continued to openly conduct that illegal operation without a valid ordinance, and the [commission] has failed to take effective steps to stop them,” Murray added, referring to the gaming commission as “arrogant.”

The harsh allegations aroused little reaction from Shawn D. Pensoneau, chief spokesman for the Indian Gaming Commission.

“It’s a little early to react,” Pensoneau told The Buffalo News. “We’re waiting to see what the judge decides. Because it’s ongoing litigation, we’re not commenting.”

Martin Seneca denied reports that the tribe is no longer pursuing an application for a new Buffalo gaming ordinance.

“Our application was pending, but the [gaming commission] asked us to withdraw it and resubmit it,” Seneca said. “We did that . . . Now, that restarts the clock and gives the commission another 90 days to consider our application.”

# Counties balk on lake plan

By Becky Kramer  
Spokesman Review

SPOKANE VALLEY, Wash. — After three false starts, the state of Idaho and Coeur d’Alene Tribe reached agreement this summer on managing a century’s worth of mining pollution at the bottom of Lake Coeur d’Alene.

The long-awaited plan is intended to keep the U.S. Environmental Protection Agency from stepping in with a Superfund remedy for 83 million tons of lake mud tainted with heavy metals. Taking action to protect Lake Coeur d’Alene’s water quality will keep the metals capped at the lake bottom, the plan says.

But the 160-page plan lacks support from a key constituency: boards of commissioners in Kootenai, Benewah and Shoshone counties aren’t endorsing it.

A six-page letter, sent by the three counties to the tribe and the state, says the plan amounts to too much study and not enough action on water quality.

Internal documents from the Idaho Department of Environmental Quality also indicate that commissioners have questions about the tribe’s role in future lake management. According to a memo written by a DEQ employee, the counties fear the lake plan could increase the tribe’s ability to impose rules on non-Indians. The records were obtained through a public records request.

“Keep in mind that you have someone from DEQ taking minutes,” said Rick Currie, chairman of the Kootenai County board of commissioners. “I don’t want to make any more comments . . . The last thing we need is controversy . . . We’re trying to work through our differences with the state and the tribe.”

But DEQ documents over a six-month period refer to counties’ concerns and distrust of the tribe, which owns the southern third of Lake Coeur

d’Alene.

During meetings with the three counties this summer, Dan Redline, the DEQ’s regional administrator in Coeur d’Alene, recorded commissioners’ talking points in his notebook: “In general, the state is too accommodating to tribal interests” reads one note. “More comfortable with EPA running a (Superfund) cleanup action than relying on the tribe,” Redline’s notes also said.

The notes also include items about funding. The lake plan, as proposed, would cost \$1.2 million a year — money that would come from state, federal and tribal sources.

In December, Gwen Fransen, a DEQ scientist working on the lake plan, sent an e-mail to Redline and other DEQ co-workers, with notes from a meeting with Kootenai and Shoshone county commissioners, and Jack Buell, chairman of the Benewah County board of commissioners.

“They perceived the (lake management plan) will increase the Tribe’s authority over non-Indians,” Fransen wrote.

Fransen’s memo said Buell gave several examples of difficulties his constituents have had in working with tribal officials. “They remain convinced this (lake management plan) will give the Tribe more power and they don’t want to agree to anything that does that.”

As a result of that meeting, the DEQ sent its deputy director to Coeur d’Alene to meet with commissioners.

Curt Fransen (Gwen Fransen’s husband) is an attorney versed in jurisdictional issues related to the Coeur d’Alene Tribe’s lake ownership, which the U.S. Supreme Court affirmed in 2001. He was in Coeur d’Alene “to specifically address concerns regarding Tribal authorities expressed by the counties,” according to a letter signed by DEQ Director Toni Hardesty. Curt Fransen hoped to meet with commissioners from all three counties, but

only Kootenai County commissioners were present.

Nothing in the lake plan gives the tribe additional authority, state and tribal officials said.

“There’s no new regulations in this plan. It looks at how the current regulations are working,” said Marc Stewart, the Coeur d’Alene Tribe’s public relations director, who had not seen the minutes and memos. “If you don’t have new regulations, how can you have more authority?”

The tribe is committed to developing a local plan, which community members said they preferred to EPA action, Stewart said. “It’s a ridiculous notion that the tribe’s doing anything underhanded,” he said.

The current plan is the result of 18 months of negotiation between the state and the tribe. After three efforts at drafting local lake management plans failed, the EPA paid for a mediator.

The DEQ and the Coeur d’Alene Tribe wrote the plan because the two entities are responsible for making sure the lake meets federal Clean Water Act standards, said Glen Rothrock, DEQ coordinator for the lake management plan.

Sherry Krulitz, chairwoman of the Shoshone County board of commissioners, attended at least one of the summer meetings where Redline took notes. She said she can’t recall the conversation, but cautioned against drawing conclusions from his brief notes, which she said may lack important context. But Krulitz said she does worry about finding annual funding for the plan, especially in the current economic climate.

Benewah County’s Buell said the tribe’s management of the lake was discussed, but not in a derogatory way. “You’re looking at questions on jurisdictions,” he said.

Buell said the counties wanted to know more about which government entities manage various aspects of the plan, which covers the entire Coeur

d’Alene basin. The plan focuses on reducing phosphorus, nitrogen and other nutrients flowing into the lake, because they fertilize algae blooms and other plant growth. As the plants decay, the water’s dissolved oxygen levels go down. That disrupts the chemical process that keeps the metals on the lake bottom.

“I don’t have any doubt that everyone wants to make the lake better. We’re in harmony on that,” Buell said.

But the counties wanted to be included in negotiations, he said.

Public meetings would have been a better bet, added Jon Cantamessa, a Shoshone County commissioner. “The lake belongs to everyone,” he said.

County commissioners also said they were baffled by a three-year study in the plan to track the sources of nutrients that come into the lake. Work by the U.S. Geological Survey indicates that the Coeur d’Alene and St. Joe rivers contribute 80 percent of the nutrients.

Commissioners said the plan should focus on fixing eroding river banks, which contribute nitrogen and phosphorus to the lake.

“What we hear is that our process has been exclusionary. This is simply not the case,” said DEQ’s Gwen Fransen.

Regular meetings were held to keep counties in the loop, she said.

State officials also said that fixing eroding river banks is a priority in the plan, and that work will begin right away. However, managing nutrients in the lake requires precise knowledge, beyond even the most recent USGS study, Rothrock said. Other sources beside erosion are contributing nutrients to the rivers, he said.

In addition, a waterfront subdivision with leaky septic tanks might contribute small amounts of nutrients to the lake’s overall load, Rothrock said. But the leaks could create significant water quality problems in a sheltered bay, he said.

## Tacoma rally shows support for Dems

By Clare Jensen  
Tacoma Weekly

TACOMA, Wash. — American Indians from throughout the Puget Sound area gathered at the Greater Tacoma Convention and Trade Center Oct. 19 to rally their support for Democratic candidates in the upcoming election.

“Native Vote 2008” is a campaign in and of itself that has been working to get American Indian adults registered to vote, and reminding them to vote when the time comes, because of historically low voter turnouts for the demographic.

“Years ago, our people wouldn’t vote,” said Puyallup Tribal Councilmember Nancy Shippentower-Games. “I notice more and more Native Americans are voting, and that’s a good thing...because these elections affect us.”

Representatives from the Puyallup, Tulalip, Hoh, Colville and Nisqually tribes were at the convention center decked out in their campaign T-shirts, hats and pins, showing immense support for Democrats in the running, U.S. Senators Barack Obama and Joe Biden, Governor Chris Gregoire and U.S. Representative Norm Dicks.

Traditionally, American Indians have favored Democratic candidates over Republicans, largely based on Democrats’ policies on Indian issues, funding and rights.

## Inherit the wind?



Jim Wilson/The New York Times

A wind turbine feeding power to the Rosebud Casino in Rosebud, S.D., Sept. 30. Wind is to South Dakota what forests are to Maine or beaches are to Florida: a natural bounty and a valuable inheritance. Native American tribes like the Rosebud Sioux now seek to claim that inheritance.

# Menominee seek delay on Kenosha casino

By Don Walker  
Milwaukee Journal-Sentinel

MILWAUKEE — In a letter sent Wednesday to U.S. Interior Secretary Dirk Kempthorne, the Menominee Indian tribe has asked that he temporarily suspend consideration of the tribe’s application for a Kenosha casino and entertainment center.

“We are taking this extraordinary step because it has come to our attention that, in what are now the final days of the Bush Administration, Secretary Kempthorne’s office is responding to political pressure and is about to issue a hasty, arbitrary and capricious end-of-term disapproval of our long-pending application,” Lisa S. Waukau, chairman of the Menominee Tribe, wrote in the letter to George Skibine, assistant secretary for Indian affairs at the Department of the Interior.

Waukau wrote that the tribe wants its application to be given fair and impartial consideration, “and we are now confident that we cannot receive such consideration from Secretary Kempthorne.”

Evan Zeppos, a spokesman for the tribe, said members of the tribe had received indications that the application would be rejected after a series of discussions with Bureau of Indian Affairs officials.

The BIA is part of the department. Those discussions occurred within the past 10 days.

Zeppos said the proposal had strong support among staff at BIA but Kempthorne was “looking to reject the Menominee application due to his personal opposition to off-reservation gambling, rather than any legal basis for a denial.”

Kempthorne could not be reached for comment. Kempthorne has rejected at least 11 such applications this year.

The Kenosha casino, estimated to cost \$1 bil-

lion, would be built at the site of Dairyland Greyhound Park, just off I-94 in Kenosha County.

Casino-entertainment proponents say the complex would create 3,000 jobs and billions of dollars in revenue. The Mohegan tribe is the financial muscle and a partner in the Menominee effort to build the casino complex.

Zeppos said that if Kempthorne rejects the Menominee application, “we are nonetheless prepared for other outcomes.”

“The tribe has a number of avenues at its disposal to fight an illegal and inappropriate rejection and is strongly committed to pursuing them.”

The project was first proposed nearly five years ago. Even if Kempthorne approves the project, the casino must still be approved by Gov. Jim Doyle.

A spokeswoman for the Department of the Interior said the agency had not yet received the letter and declined to comment.