

New year brings changes to law enforcement

By Dave McMechan
Spilyay Tymoo

In the coming year, the Tribal Law and Order Act will bring important changes to law enforcement on the reservation. The changes will effect prosecution of crimes—serious felonies prosecuted in federal court, and criminal cases in tribal court.

The tribal Justice Team is working with the U.S. Attorney's Office in Portland regarding how to implement the Tribal Law and Order Act.

The Justice team includes the tribal secretary-treasurer and chief operations

officer, director of parole and probation, chief of police, human services director, legal counsel, tribal court representatives and others.

They met recently with assistant U.S. Attorneys at Kah-Nee-Ta to discuss the Tribal Law and Order Act, which became law this past summer.

Part of the initial challenge, said Assistant U.S. Attorney Bill Williams, is figuring out the requirements of the act, as they apply to the Warm Springs Reservation. Some provisions of the law appear to apply to situations that exist among other tribes but not Warm Springs. While other provisions in time could have significant consequences for

the Confederated Tribes of Warm Springs.

"This is a work in progress—deciphering what it means and how to implement it," Williams said of the act.

He introduced a draft Indian Country Law Enforcement District Operational Plan. The plan will cover communication between the tribes and the U.S. Attorney's Office, investigations, victim advocacy, training outreach, reduction of violence against women and children, and accountability.

A point of discussion during the meeting was the rate and manner in which the U.S. Attorney's Office declines to pursue prosecution of cases

arising on the reservation.

There has been some criticism about the number of cases that the U.S. Attorney declines to prosecute, said Williams. These decisions, he said, are based on whether the attorneys believe they have a chance of convicting the defendant or defendants.

There are various reasons for declining cases. As examples: The witness may be unreliable or unwilling to testify; or the initial police investigation may have been handled in a way that would exclude important evidence at trial.

See LAW and ORDER on 9

Biomass boost from lawmakers

By Terri Harber
Spilyay Tymoo

U.S. Rep. Greg Walden is among a group of Congressional members asking the Environmental Protection Agency to review a rule change that would classify bio-mass as a non-renewable energy source.

The Warm Springs Tribes plan to build a 35-megawatt bio-mass plant in 2013 that will be located on a 100-acre site near the landfill.

While the Tribes see the plant viable moneymaking venture comparable to wind or solar energy production, bio-mass would fall under the same category as fossil fuels such as oil and coal under the new rule.

Walden and more than 30 representatives signed a letter dated Dec. 10 and addressed it to EPA Administrator Lisa Jackson. They specifically ask her to hold off on implementing the new rule, which is scheduled go into effect early next month. The lawmakers seek enough time to review comments provided to the EPA regarding the decision.

A bio-mass plant owned by the tribes "has the potential for a lot of benefits," said Ellen Grover, an attorney with Karnopp, Petersen LLP. The law firm represents the tribes on this matter and is based in Bend.

"It's a good project," she said. Tribal officials estimate that this type of plant would bring 60-70 new jobs to the reservation. About 30 of the jobs would be at the plant and the rest would support plant operations, such as truck drivers and forest workers.

Grover warned that any resulting project delays "could have the potential to be too long."

This is because the new rule could make it harder to file Investment Tax Credit grants by the January 2014 deadline, she said.

Money from this source would help pay for the plant, which is also being financed with \$4 million in federal stimulus money.

Also accompanying the EPA rule change is a likely cost increase for permits to operate it because it would be no longer considered a green energy plant, Grover said.

"This is a job-killing rule that threatens future investment in this very promising technology," said Andrew Weiland, a spokesman for Walden, Oregon's 2nd district representative.

Concerns Weiland cited include threatening job creation in rural communities such as Warm Springs, and potentially shutting down production of an alternative energy source that is "renewable," offers "tangible greenhouse benefits" and would improve "the air, forests, ecosystems and the economy."

Walden will be returning to the Energy and Commerce Committee in 2011, Weiland added.

Industrial bio-mass can be grown from a variety of plants and trees. The tribes' mill would supply a significant amount of dry wood fuel to the bio-mass plant under an agreement forged earlier this year.

Proponents of bio-mass say it produces much less carbon than oil or coal, and that the common practice of slash burning to clear a wooded location for agriculture, fire control or other land management purposes already causes carbon releases anyway.

See BIOMASS on page 5



Several inches of snow fell on the reservation last week, giving young people a chance for some winter sledding.

Dave McMechan/Spilyay

Year in Review

TelCo, canoe journey big stories of 2010

By Duran Bobb
Spilyay Tymoo

This year the people were witness to a number of noteworthy events on the reservation. It was the year when difficult political decisions were made, and the year that the tribes lost a beloved chief. Here, we conclude our 2010 year in review, taking a look back at just some of the events that made this year truly unforgettable.

In July of this year, a shootout took place in West Hills, eventually leading to the arrest of Aldo Antunez Sr, 31. Antunez is facing charges for firing shots at officers during high speed chases on June 20. Antunez, who was injured at the time he surrendered, is also facing additional charges for the shootout in West Hills.

Also in July, the Warm Springs canoe team arrived at Neah Bay. This was the first time the Confederated Tribes participated in the Tribal Journeys canoe gathering.

Telecommunications

In August, the tribes were awarded \$5.5 million through the Department of Agriculture for development of a telecommunications enterprise on the

reservation. The money will allow Warm Springs Telecommunications to bring high-speed broadband Internet and telephone service to the reservation.

Business investment

The same month, Tribal Council allocated \$2 million for a fund that will help business and economic development on the reservation. Tribal officials feel the Business Investment Revolving Fund is necessary to address immediate economic needs among the tribal membership.

In early August, 13 tribal officers were sworn in as special deputy sheriffs of the Wasco County Sheriff's Department. This allows tribal officers to arrest non-Indians who commit state crimes on the reservation. Officers were cross-deputized by Jefferson County at an earlier event.

Casino study

Also in August, the Department of the Interior published the final environmental impact statement regarding the tribes' Cascade Locks casino proposal. The publication marks the end of the environmental review and assessment process which has been going on for

about five years, or twice as long as expected.

In September, the tribes received the long-awaited letter of intent to impose remedies from HUD. Out of 10 initial findings, the letter identified eight that remain open. HUD says that it intends to adjust some or all of the tribes' future Indian housing block grants and limit the tribes' availability of some payments.

The same month, the White Lightning Complex fires remained 95 percent contained. The fires were ignited from lightning strikes during a storm the month before.

Also in September, Brutis Baez was nominated for a Native American Music Award for his recording of "Lifestyle Muzik".

Gatherings in September included the Festival of Nations in Cascade Locks and the Basket Makers Convention at Kah-Nee-Ta.

Simnasho water

In October, tests confirmed that the levels of arsenic remained at unsafe levels in Simnasho's water supply. Drinking water has been delivered to residents since May of 2007. Construction of a new water pipeline will start

in mid 2011.

The Battle on the Rez tournament drew a standing room only crowd to Kah-Nee-Ta in late October. Hosted by the Warm Springs Boxing Club, the event included 12 bouts.

In November, the tribes reburied ancestral remains and funerary objects that originated from the Oregon-side of the Columbia River. A claim submitted back in 2004, NAGPRA Coordinator Roberta Kirk said, leading to the return of the remains. The remains include 42 ancestral remains, 687 associated funerary objects, and 93 unassociated funerary objects.

Also in November, An administrative law judge disagreed with most of the assertions made by the OLCC's investigative office in Bend. The high number of calls for law enforcement assistance and other emergency responders to the area were not due to Rainbow Market's sale of alcohol, the judge determined. Rainbow has cleared one hurdle, but still must face the OLCC meeting in Portland.

Former Public Safety GM, Jim Soules, welcomed his replacement, Stan Suenaga, in November.