

## New law lets Oregon tribes extend leases

(AP) — When Oregon Indian tribes place land into trust, it allows them to conduct business there that they couldn't otherwise, including enterprises that are off-limits to non-Indians—building a casino, for example.

Until earlier this month, though, there was a significant catch, at least for five of the state's nine federally recognized tribes:

Because tribes can't sell trust land, they could only enter into leases with other companies that might want to develop retail outlets, housing or something else on that land, leases that must be renewed every 25 years.

Two and a half decades isn't long enough to recoup a return on many investments, though, so the 1955 federal law that contains the lease restriction has the effect of stifling tribal economic development, the tribes have said. The tribes can build casinos on trust land, but they can't enter into other business agreements that involve long-term contracts for anything else.

At least, five of them couldn't. Starting with the Cow Creek Band of Umpqua Indians, four tribes have successfully appealed to Congress in recent years to get an exception, so they can sign leases of up to 99 years.

The Cow Creek Indians have arguably made the most of their casino profits, building an RV park, an advertising company, a truck and travel center and a communications business. Other tribes have looked to the Cow Creek operation in Canyonville as a model for branching out, using the proceeds of their casinos.

But, until President Obama signed Senate Bill 1448 into law on Dec. 22, five tribes still had only the 25-year lease option. Now, all of the state's Indian tribes can sign leases up to 99 years on trust land.

"We did think it was pretty important," said Bob Garcia, chairman of the Coos, Lower Umpqua and Siuslaw Indians, which owns and operates the Three Rivers Casino in Flo-

rence. "This is important for financial surety for potential investors."

That tribe—along with the Coquille, Siletz, Burns-Paiute and Klamath Tribes—now has the new dealmaking ability. And it could affect what ventures the tribes enter into in the future.

For example, Garcia said he could see the confederated tribes developing an outlet mall on their property in Florence, which includes the Hatch Tract, where their casino sits, and a stretch of land on Highway 101.

"If we did that, anyone who built it would need to know they have a lease on the property long enough to get their money back out of it," Garcia said.

In 2004, the tribes acquired a coveted 43-acre parcel of land at Coos Head near Charleston, when the U.S. General Services Administration agreed to turn the property over after declaring it "excess." The tribe doesn't know what might be in store for the property yet, but having the 99-year lease option expands the

possibilities.

"Without this bill, the only actor could have been the tribes," Garcia said. "And the tribes, like anyone else, have limits on the amount of funds we have available to do things."

The Coquilles also welcome the new law, tribal attorney Brett Kenney said. There's no specific project it affects at the moment, but it could affect the stretch of land the tribe owns adjacent to the Mill Casino in North Bend, where there has been talk of a mixed-use, waterfront development.

It's tough to borrow money for developments on trust land, Kenney said, because banks can't repossess the property if there's a default, so they charge higher interest rates.

"What the 99-year lease bill does is basically simulate a regular mortgage, providing lenders with a much longer lease term," Kenney said. "It gives them more security and lowers the cost of capital, and that's a good thing for everyone."

## Feds to fix salmon-eating sea lion control program

(AP) — The federal agency that manages fisheries says it can fix problems a federal appeals court has identified with a state program to kill sea lions feeding on salmon at Bonneville Dam on the Columbia River.

What that fix will be remains uncertain, however.

NOAA Fisheries Service spokesman Brian Gorman said the agency will not fight the 9th U.S. Circuit Court of Appeals ruling last Novem-

ber.

The Humane Society of the United States filed the lawsuit to stop the federally authorized state program that has killed 27 California sea lions over the past two years.

The court said NOAA Fisheries had failed to show how it could let fishermen kill some endangered salmon, when it would not let sea lions eat a smaller number of fish.

## Yakama release antelope

SPOKANE, Wash. (AP) — Pronghorns are reasserting themselves as the fastest land mammals in Washington, thanks to a partnership between the Yakama Nation and a sportsmen's group.

Yakama tribal members and volunteers from Safari Club International released 99 of the

prairie speedsters this month on the Yakama Indian Reservation after trucking them 700 miles from their capture site in Nevada.

Washington Department of Fish and Wildlife officials said they are supportive of the reintroduction.

## Auto accident claims tribal member

Investigation of a fatal vehicle accident near Metolius continues as the Jefferson County Sheriff's Department awaits lab results indicating whether use of alcohol or drugs contributed to the crash.

It appeared alcohol use was "a factor," Capt. Marc Heckathorn said soon after the early morning incident on Jan. 15.

The accident occurred near the intersection of Highway 361 and Eureka Lane.

Paul Roderick Miller, 21, of the Warm Springs tribes, died in the accident.

Two other Warm Springs residents—two men ages 31 and 22, respectively—were injured. So was a 30-year-old woman from Salem. Authorities haven't provided area media with their names but said the 22-year-old was the most seriously injured of the survivors.

It's still unclear whether the District Attorney's office will file charges against anyone involved, according to the Sheriff's Department.

Authorities also haven't made public which of the four people in the vehicle was driving when the accident happened either.

Initial reports say the driver

missed a turn and overturned the automobile. It continued moving until it reached nearby railroad tracks and was struck by a train traveling north.

It is believed Miller was ejected from the vehicle before it reached the tracks. It was reported that he died of a broken neck.

Railroad employees contacted area authorities and informed them of the accident.

Dressing and burial for Miller were completed Jan. 20. (See *Howlak Tichum on 8.*)

— Story from staff and wire reports

## Resources: 103 members employed at mill

(Continued from page 1)

It is commanding the highest price and has become a traditional building material.

"There's no such thing as a mill that is designed to cut every size and species of log... The only way the mill is going to survive out there is to have a steady supply of logs."

Currently, the mill has 103 tribal members employed. Thirty-eight are married into the tribes. The mill runs about 40 percent Douglas fir, 40 percent White fir and 20 percent Ponderosa pine. There is WSFPI wood being used in Belgium, Italy, Vietnam, Taiwan and other countries.

The current cutting contract between the tribes and WSFPI became effective in May of 2004. The termination date for the contract is December 2011.

Log market value is set by representatives of the tribes,

WSFPI and the BIA (identified as the "gang of three" at the workshop).

From the log market value, up to 15 percent is deducted as an enterprise deduction. Other deductions include the actual costs of logging, hauling, scaling, road maintenance, road construction, slash treatment and mainline road fees to reach the stumpage value.

From the stumpage value, another 10 percent is subtracted for Forest Management to arrive at the value the tribes will receive.

As it stands, Vanport purchases all log delivered to the WSFPI yard, and determines the log market value for each species and grade that it purchases with input on the price paid from WSFPI personnel.

Enterprise deductions and actual logging costs are still deducted from the log market

value. No scaling or yard costs are deducted. Log market value for logs sold to off-reservation mills is still the actual price paid.

"I have a problem with 'what's going on today,'" Council Co-Chairman Ronnie Suppah said. "Basically, Tribal Council is sitting here negotiating with these people. How many experts are present here today? All these experts are paid to come up with the best decision and recommendations that they can for the Tribal Council to consider. I'm hearing that they're going to throw it back to us... facts and statistics, expecting us to digest it all and come up with solutions for them."

Chairman Buck Smith suggested setting priorities and analyzing the enormous data that was presented at the workshop. "We're all going to have to come together with some direction for Warm Springs," he said.

## Enrollment: draft issues include dual enrollment, election process,

(Continued from page 1)

Chief Heath told of a man, a graduate of Stanford University, who discovered that he was a full-blood Warm Springs Indian. However, during the time of the census his mother lived in Portland. Her name was not included on the list of tribal members.

"He came back to try to get enrolled, and he was denied. The interpretation at that time was that he lived in Phoenix. In the Indian way, they come from this land. In the white man way, he lives off-res, so we can't take him. Back when Madeline would take these from door to door, a lot of people didn't want the residency part in there. They wanted what the people said. But it comes down to residency and the meaning. There are some things said in our language that can't be turned into English."

"Ultimately," Arnett said, "that is the controlling interpretation in the tribes' constitution. The tribes are fully empowered to interpret."

### Adoption election process

Council also considered the adoptions/elections process.

The constitution says that an adoption election is to be called by the Secretary of Interior. There are alternate ways to hold elections, via tribal elections under Ordinance 44.

According to records compiled by atwai Madeline Queahpama, elections have been conducted by both the secretary and tribally in the past.

In the last adoption elections, less than 50 percent of eligible voters participated.

"You can't make people vote," Council Chairman Buck Smith said. "But we might present tribal members with the idea that if nobody objects to a person being enrolled that it's assumed that [the adoption] has passed."

"I remember atwai Caroline Tohet's feelings on this subject, years ago," Louie Pitt said. "She said you could talk about this and that, she didn't care. She wanted to know who you are. Where do you come from? Who are your family members? She wanted to know if people knew these things."

Currently, there are over 200 applications from potential adoptees.

"There's more," Olivia Wallulatum said. "I was thinking about a workshop that I attended about 20 years ago, there were some documents presented back then that supported this enrollment ordinance. I think that if it was around back then, it must have been a priority for atwai Madeline. It was something that she wanted to get taken care of. It would help our department to have something like this in writing."

Enrollments, Wallulatum said, were at about 12 per month on average. However, after the Martinez decision in 2003, that number could be up to 50 applications per month.

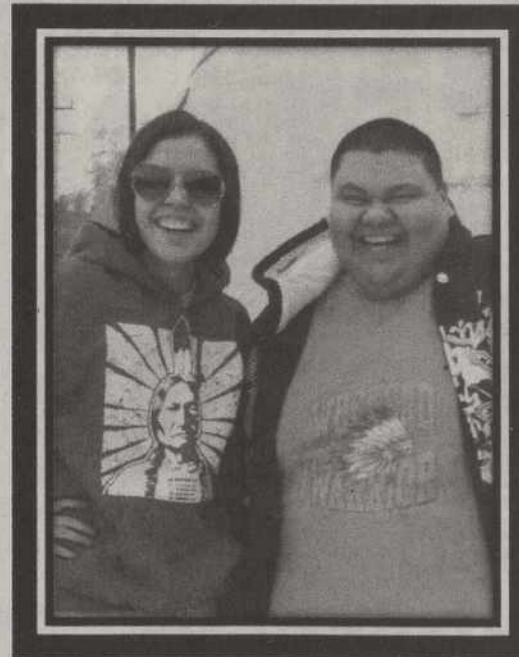
The adoptions draft ordinance was tabled for consideration at a later date.

"This is something that I would feel more comfortable about if I was able to talk it over, present it to the people," Co-Chairman Ronnie Suppah said.

Legal Aid Services of Oregon provides free assistance to low-income Oregonians in many civil cases. Speak with an attorney during drop-in hours 1 to 4 p.m. on

the first Monday of the month at the Family Resources Center in Warm Springs. Or call 385-6944 Monday through Thursday between 9 a.m. and 4 p.m. (at lunch from noon-1 p.m.)

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