

Feds approve casinos for 2 Calif. tribes

SAN FRANCISCO (AP) — The Obama administration has approved casino proposals from two California Native American tribes under a rarely-granted exception to the federal law that prohibits gaming on reservations established after 1988.

The U.S. Department of Interior last week approved the Enterprise Rancheria of Maidu Indians' proposed 1,700-machine casino and 170-room hotel near the Northern California city of Marysville and the North Fork Rancheria's 2,500-machine casino and 200-room hotel in the Central Valley city of Madera.

Both the tribes' proposed gaming sites are dozens of miles away from their current reservations and put them closer to urban centers. The Enterprise Rancheria casino would be 40 miles north of Sacramento. The North Fork proposal would put it 30 miles north of Fresno, according to the Department of Interior.

Federal officials said the projects would benefit the tribes economically without hurting the surrounding community.

"Both tribes have historical connections to the proposed gaming sites, and both proposals have strong support from the local community, which are important factors in our review," Larry Echo Hawk, assistant secretary of the interior for Indian

Affairs, said in a statement about the decisions.

But Doug Elmets, who represents half a dozen California tribes that already have casinos, said the decision sets a dangerous precedent.

"It's a horrible, flawed policy that is now going to allow tribes to build casinos away from their aboriginal territory simply for economic gain," he said. "And probably more importantly, it opens the floodgates of urban gaming throughout California, if not the nation."

Under the 1988 Indian Gaming Regulatory Act, tribes can build casinos on reservations that existed before Oct. 17, 1988, but not on lands taken into trust after that date.

The law allows the Secretary of Interior to make an exception in cases where the off-reservation acquisition is in the tribe's best interest and does not hurt the surrounding community.

There have been only a handful of such exceptions granted since 1988, according to Kathryn Rand, co-director of the Institute for the Study of Tribal Gaming Law and Policy at the University of North Dakota.

Rand said last Friday's decisions by the Obama administration reflect a change in the federal government's approach to off-reservation gaming from

the Bush administration.

The Bush Interior Department in 2008 all but ruled out approval of tribal casinos that are not within commuting distance of reservations. It rejected applications from more than 20 tribes, including one for a casino 1,400 miles from the reservation.

"The Bush administration was leaning in the direction that distance mattered more than anything else," Rand said.

Distance from the reservation remains a factor for the Obama White House, she said.

The Interior Department last Friday also rejected a casino proposal from the Pueblo of Jemez, which had proposed a casino on land close to El Paso, Texas, nearly 300 miles from its reservation in New Mexico. Federal officials cited concerns about the tribe's ability to oversee land that was so far away.

Tribal officials have said they are reviewing their options.

But Rand said overall, the administration appeared to be taking a more pragmatic, case-by-case approach.

The Enterprise Rancheria and North Fork Rancheria proposals are now before California Gov. Jerry Brown, who has one year to decide whether to approve them. The projects would also need state legislative approval, according to Charles

Banks-Altekruse, a spokesman for the tribes.

"We're confident that the governor shares our goal of bringing jobs and business opportunity and community investment to California," Banks-Altekruse said.

Evan Westrup, a spokesman for Brown, said the governor will review the decisions in the months ahead.

"Each proposal will be assessed individually, and our office will continue to engage all stakeholders to ensure the interests of the tribes, local communities and the people of California are all considered," he said.

The Interior Department on Friday also rejected a casino proposal from the Guidiville Band of Pomo Indians, which had sought a gaming facility in the San Francisco Bay area city of Richmond, more than 100 miles from its existing tribal lands.

The Guidiville proposal already appeared to have been scuttled earlier this year when the Richmond City Council rejected it.

The Interior Department said in its decision that Guidiville did not have a modern connection or a significant historical connection to the proposed site.

A call to a tribal spokesman on Saturday was not immediately returned.

Tribal police chief also accomplished dancer

ROSEBUD INDIAN RESERVATION, S.D. (AP) — Whether she is wearing a police badge and carrying a pistol or an eagle feather plume and the traditional regalia of a Native American fancy dancer, Grace Her Many Horses has earned the respect of the community she serves.

Her Many Horses is the first female chief of police for the Rosebud reservation and a champion powwow dancer who has been

winning titles since she was 12.

The Rapid City Journal reports that 53-year-old Her Many Horses often works 60 to 70 hours each week overseeing 12 officers on the vast reservation covering 21 communities and 2,000 miles in South Dakota.

Suicide and violence are common on the reservation. The mother of three children — ages 28, 21 and 17 — says she pays special attention to crimes against children.

Creighton to study diabetes among Neb., SD tribes

OMAHA, Neb. (AP) — Creighton University has been awarded a \$207,000 grant to study whether traditional Talking Circles help American Indians on Nebraska and South Dakota reservations address their diabetes.

The university says Talking Circles are similar to modern therapy groups and could help American Indians better self-manage their diabetes. American Indians have the

highest diabetes death rate of any ethnic group in Nebraska and South Dakota.

Staff with Creighton's School of Nursing will work with health care providers at the Omaha Tribe's reservation in Macy and the Rosebud Sioux Tribe's reservation in Rosebud, S.D. A total of 40 tribe members will be included in the two-year study.

The grant money came from the National Institutes of Health.

Resolutions of Tribal Council

(The following are recent resolutions of the Tribal Council.)

Casino compact

Whereas by Tribal Council Resolution No. 11,380 approved February 9, 2011, the Tribal Council agreed to move the Tribe's existing Class III casino located at Kah-Nee-Ta High Desert Resort and Casino to a temporary facility located along U.S. Highway 26 across from the Museum at Warm Springs ("Highway 26 casino"); and,

Whereas Tribal Council Resolution No. 11,380 also appointed a Temporary Casino Planning Team to plan and carry out the development of the new Highway 26 casino, including the requirement of amending the existing Warm Springs/Oregon Compact governing Class III gaming at Kah-Nee-Ta ("Kah-Nee-Ta Compact"); and,

Whereas the Temporary Casino Planning Team has worked diligently over the past several months negotiating with representatives of the State of Oregon regarding amendments to the Kah-Nee-Ta Compact to accommodate the relocation of Class III gaming from Kah-Nee-Ta to the Highway 26 facility; and,

Whereas the "2011 Amended and Restated Tribal-State Government-To-Government Compact for Regulation of Class III Gaming on the Warm Springs Reservation" ("Highway 26 Compact" attached as Exhibit: "A" to this Resolution) represents the amended and restated Compact providing for the relocation of Class III gaming from Kah-Nee-Ta to the Highway 26 location; and,

Whereas the Temporary Casino Planning Team has reviewed the proposed Highway 26 Compact with the Tribal Council and recommends its adoption; and,

Whereas the Tribal Council believes that approval of the proposed Highway 26 Compact and submission of the Compact to the Department of Interior for approval pursuant to the provisions of the Indian Gaming Regulatory Act would be in the best interests of the Tribe and its members; now, therefore,

Be it resolved by the 25th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(a), (f) and (1), of the Tribal Constitution and By-Laws, that the Tribal Council hereby approves the Highway 26 Compact, attached hereto as Exhibit: "A", and the Chairman of the Tribal Council, or his designee, is hereby authorized to execute such Compact on behalf of the Tribe; and,

Be it further resolved by the Tribal Council that the Highway 26 Compact's limited waiver of tribal sovereign immunity for the sole purpose of enforcement of the Compact's agreements and commitments, as set out in Section 17.2.c.(ii) of the Highway 26 Compact, is approved;

This waiver of sovereign immunity of the tribes from suit or action is adopted pursuant to the terms of Warm Springs Tribal Code Chapter 30 and shall be strictly construed and limited to its specific terms and the specific waiver granted. (Resolution no. 11,484.)

Criminal fines

Whereas the Warm Springs Tribal Code provides that any person not subject to the criminal jurisdiction of the Warm Springs Tribal Court who violates any provision of the Warm Springs Tribal Code may be subject to civil penalties; and,

Whereas WSTC 200.050 currently provides that such a

civil penalty shall not exceed the sum of \$500 for each infraction; and,

Whereas WSTC 307.030 similarly provides that civil penalties for liquor violations shall not exceed the sum of \$500 for each infraction; and,

Whereas the Warm Springs Tribal Court may impose a fine of up to \$5,000 on a criminal defendant for committing a criminal offense set forth in the Warm Springs Tribal Code; and,

Whereas the Tribal Council believes that the Warm Springs Tribal Court should have the discretion to impose a civil penalty on a person who is not subject to the criminal jurisdiction of the Warm Springs Tribal Court that is comparable to a fine that it may impose on a criminal defendant; and,

Whereas WSTC 200.360(3) requires a non-Indian applicant for admission to practice in the Warm Springs Tribal Court to post a cash bond of \$180; and,

Whereas the Tribal Council believes that the bond amount contained in WSTC 200.360(3) should be raised from \$180 to \$200; now, therefore,

Be it resolved by the 25th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(i), (l), and (u), of the Tribal Constitution and By-Laws, that the Tribal Council hereby amends WSTC 200.050 to provide for a maximum civil penalty of \$5,000 by replacing the phrase "\$500 for each such infraction" with "\$5,000 for each episode resulting in one or more civil infractions"; and

Be it further resolved that the Tribal Council hereby amends WSTC 307.030 to provide for a maximum civil penalty of \$5,000 by replacing the phrase "\$500 for each such infraction" with "\$5,000 for each episode resulting in one or more civil infractions"; and

Be it further resolved that the Tribal Council hereby amends WSTC 200.360(3) to require a cash bond in the amount of \$200 by replacing the term "\$180" with "\$200"; and

Be it further resolved by the Tribal Council that the amendments to WSTC 200.050, WSTC 307.030, and WSTC 200.360(3) set forth above shall be effective immediately. (Resolution no. 11, 438.)

Fishing guides

Whereas the Treaty with The Tribes of Middle Oregon June 25, 1855 reserved to the Confederated Tribes of the Warm Springs Reservation of Oregon the "exclusive right of taking fish in the streams running through and bordering the Reservation"; and

Whereas the Fish and Wildlife Committee in conjunction with the Natural Resources Department has reviewed and proposed to the Tribal Council the 2011 Fishing Guide Service Regulations for tribal member owned fishing guide services conducted on lakes and rivers within and bordering the reservation; and

Whereas the Tribal Council has reviewed the proposed 2011 Fishing Guide Service Regulations and has determined that enactment of such regulations would be in the best interest of the tribe, its members, and of the natural resources of the Warm Springs Reservation of Oregon; and now; therefore,

Be it resolved by the 25th Tribal Council pursuant to Article V, Section 1 (l) and (u), of the Constitution and pursuant to Warm Springs Tribal Code Section 340, that the following rules and regulations are hereby adopted for the 2011 season:

1. Tribal member preference

(Resolution 8363 and 8363a) shall be used in the selection of all guides.

2. Tribal members have top priority for fishing opportunities on the reservation. Any and all fishing guide business is to be conducted in a way so as not to interfere with any tribal member fishing from waters running through and bordering the Reservation.

3. Annual approval by the Tribal Council of each new fishing guide service is required before the start of the fishing guide season for guide services which have not previously been approved by the Tribal Council. Once a guide service has demonstrated a satisfactory business record and is approved by Tribal Council, it may provide guide services indefinitely, subject to securing appropriate liability insurance and subject to any changes in rules and regulations, unless and until its approval is revoked or rescinded by or at the direction of Tribal Council.

4. The fishing guides will ensure that their non-tribal member clients comply with the Warm Springs Visitor Fishing Regulations; Fishing Guide Regulations developed by the Fish and Wildlife Department any applicable state fishing regulations. Guides will provide copies of these annual tribal and state fishing regulations to all clients.

5. Fishing Guide Services will only be permitted to launch and take out from the Warm Springs Boat Launch, Annie Dick's Property (River Mile 85), Whiskey Dick (River Mile 78), and the North White Horse Rapids Area (River Mile 74.5), North Junction and Hardy. No other launching or take out areas will be permitted.

6. If guiding is conducted with a vehicle and or by hiking into a fishing area, the operator of the guide service must ob-

tain written authorization from allotment owner, whose land may be utilized to access the river. Overnight guiding will be permitted subject to the foregoing restriction. The guides must have this authorization document in their possession at all times. Use of allotted lands without owners written consent will subject the guides and clients to citations for trespass violations and will subject the guide service operator to revocation of his/her Tribal Council approval.

7. Permitting or securing access to Reservation waters for non-tribal members does not, by itself, constitute approved guiding or guide services. Fishing guides must be in unaided visual or voice contact with their clients at all times, physically directing the non-tribal fisher's angling travel and activities throughout the duration of the non-tribal fisher's angling activities on Reservation waters.

8. Monthly fishing reports must be submitted to the Fish & Wildlife Committee or Fish & Wildlife Committee secretary or to the Natural Resources, Fish and Wildlife Department. Monthly reports will be in a format developed by the Fish and Wildlife Committee and the Natural Resources, Fish and Wildlife Department.

9. Any violation of the rules and regulations applicable to Fishing Guide Service set out in this Resolution will subject the Fishing Guide Service operator to revocation of the Tribal

Council's approval to operate a fishing guide service on the waters running through and bordering the Warm Springs Indian Reservation.

Be it further resolved that for the 2011 season, the guide services owned and operated by: Alysia Aguilar are hereby approved. (Resolution no. 11,475.)