



Tribes soon to approve land leases

WASHINGTON, D.C. (AP) – A bill giving Native American tribes authority over agreements to lease their lands for development awaits the president's signature.

Supporters say the legislation, called the HEARTH Act, will hasten housing con-

struction, clean energy and business or industry development on tribal lands.

It allows tribes to approve their own land leasing agreements rather than the Bureau of Indian Affairs, if they choose.

The Navajo Nation al-

ready has this sort of authority.

The Interior Secretary still must approve the tribes' leasing regulations.

The bill does not apply to oil and gas leases. The administration issued new leasing regulations last Novem-

ber that set deadlines for approval of leases to end long delays.

The House approved the bill in May. The Senate approved it last week by voice vote. The president's signature would make it law.

DOJ supporting inmates in ceremonial tobacco lawsuit

SIOUX FALLS, S.D. (AP) – The U.S. Department of Justice is supporting Native American inmates in their lawsuit challenging South Dakota's ban on tobacco in religious ceremonies.

Inmates Blaine Brings Plenty and Clayton Creek in their 2009 federal lawsuit against the South Dakota Department of Corrections contend that a prison policy that bans the use of tobacco during religious ceremonies is discriminatory. The state said ceremonial tobacco inside the state penitentiary was becoming increasingly abused, and the policy is not overly restrictive because it allows other botanicals such as red willow bark to be burned.

The Justice Department, in a brief filed last Friday, said the state's position runs contrary to the Religious Land Use and Institutionalized Persons Act and U.S. Supreme Court precedent.

"The court should decline this invitation to determine the importance of tobacco use to practitioners of Native American religions," the Justice Department attorneys wrote. "Accordingly, the court should also reject defendants' argument that they have not placed a substantial burden on plaintiffs' religious exercise."

The South Dakota prison system went tobacco-free in 2000 but made an exception for tobacco used in Native

American ceremonies. But officials in October 2009 eliminated that exemption, saying tobacco was being sold or bartered and inmates had been caught separating it from their pipe mixtures and prayer ties.

Members of prison-based Native American Council of Tribes sued, arguing that for Native American prayer to be effective, it must be embodied in tobacco and offered within a ceremonial framework.

Brings Plenty and Moore in their suit said the policy change violates their U.S. Constitutional rights ensuring that no prisoner be penalized or discriminated against solely on their religious beliefs or practices.

Their attorney, Pamela Bollweg, argued before U.S. District Judge Karen Schreier in March that prison officials have to show there's a compelling interest in limiting access, and even if there is a compelling interest they have to use the least restrictive alternative.

James Moore, the attorney representing prison officials, argued that South Dakota's policy change followed more than 10 years of conversations with tribal elders and traditional healers, some of whom perform pipe ceremonies without tobacco. He said prison officials stopped short of banning the use of pipes.

Ex-council member receives one-month sentence

SIOUX FALLS, S.D. (AP) – A former Crow Creek tribal council member was sentenced on accusations he concealed information from authorities investigating a bribery conspiracy on the South Dakota reservation.

Loren "Rocky" Fallis pleaded guilty earlier to misprision of a felony. The U.S. attorney's office says the 58-year-old Fallis lied about a meeting in 2008 where a contractor allegedly divided cash between several current and former members of the council. U.S. District Judge Roberto Lange sentenced Fallis to one month in custody. Four other participants in the 2008 meeting were sentenced earlier to prison terms ranging from 15 months to 10 years.

Feds, Kalispel sign deal for trout

SPOKANE (AP) – Three federal agencies and the Kalispel Tribe have reached an agreement to spend \$39.5 million over the next decade to improve stocks of native bull trout and westslope cutthroat trout in northern Idaho's Lake Pend Oreille watershed.

The money will be spent on a variety of projects intended to improve populations of trout species whose numbers have diminished since the 1950s, when the Albeni Falls Dam was built on the Pend Oreille River.

But the accord aims to do more than restore fish numbers and improve angling. Tribal officials point to the cultural significance tied to the fish and to rekindling the centuries-old fishing traditions used by their ancestors on Lake Pend Oreille, the Pend Oreille River and tributaries.

"At some point in the future, we want our people to be able to harvest these fish again, and everyone else to be able to harvest them, too," Deane Osterman, executive director for the Kalispel Tribe's Natural Resources Department, said.

"We want the improvements to benefit the entire

community."

Bull trout are listed as a threatened species in Idaho and Washington, and westslope cutthroats are considered a species of concern. Fish biologists typically link health populations of both species with pristine, healthy watersheds.

Some older anglers can recall the days of reeling in trophy bull trout and cutthroat from the Pend Oreille system, according to Jim Fredericks, regional fisheries manager for the Idaho Department of Fish and Game. Lake Pend Oreille holds the world record for the largest bull trout: a 32-pounder caught in 1949.

Idaho officials cheer the idea of restoring the species in numbers that would enable anglers to keep a limited number. Rules now require anglers to put back both species, even though Lake Pend Oreille supports one of the West's healthiest remaining bull trout runs.

In 2008, the lake's bull trout population was estimated at 8,000 spawning adults. But that total is a fraction of its historic, pre-dam levels, when the bull trout had access to more than 200

miles of spawning streams, said Joan Jewett, spokeswoman for the U.S. Fish and Wildlife Service.

A central goal of the project is restoring fish passage over or around the 90-foot dam, Osterman said. The dam was built without fish ladders and prevents young gull trout from migrating upstream to Lake Pend Oreille, where the fish historically have matured into adulthood before swimming back downstream to spawn.

The dam also altered river flows, creating warmer pools of water. As part of the accord, the tribe and federal agencies will collaborate on dam operations, hoping to manage flows in a way that sends cooler water into the system for bull trout in late summer and fall.

Money also will be spent on acquiring and protecting habitat, researching the viability of building a hatchery and removing non-native, predatory fish from tributary spawning streams.

The three federal agencies involved in the accord include: the Bonneville Power Administration, U.S. Army Corps of Engineers and the Bureau of Reclamation.

Remains found in Wis. construction project

ONALASKA, Wis. (AP) – Archaeologists are finding ancient remains that might be of Native Americans beneath the reconstruction of Highway 35.

Scientists from the Mississippi Valley Archaeology Center have found almost two dozen likely skeletal fragments. They've also found hundreds of food and garbage pits, cooking hearths, tools and other artifacts of the Oneota people who inhabited the Onalaska area between about 1300 and 1600 A.D.

All burial sites are protected by state law. Jim Becker, the archaeology program manager for the Wisconsin Department of Transportation, told the La Crosse Tribune that any time remains are discovered during construction, the state must

stop work and consult with the Wisconsin Historical Society.

"We knew that we had a burial site in there and that there was going to be more coordination," Becker said.

In accordance with federal law, state officials met with interested parties, including the historical society and the Ho-Chunk Nation to agree on a process for monitoring construction and looking for archaeological and human remains.

The site was previously a village occupied by ancestors of the Ho-Chunk, Ioway, Oto and Missouri tribes, said laboratory director Connie Arzigian. In many cases, Arzigian said, they've only found bone fragments, which will be sent to a skeletal analyst to verify whether they are human.

When remains are found, archaeologists usually try to leave them in place, but the road project makes that difficult, Arzigian said.

"If there are remains found, we want them placed back in the ground," said Bill Quackenbush, historic preservation officer for the Ho-Chunk Nation. How and where those remains are interred, he said, will be determined at the end of the process.

Last week, archaeologists unearthed a bison scapula shaped into a hoe blade that would have been grafted onto a stick. They also found a bone sharpened into an awl used to make clothing from animal hides.

The Oneota people were farmers, growing mostly corn, squash and beans, but also hunted deer and elk and

caught catfish, drum, northern and other fish. Arzigian said the bison hoe was likely acquired through trade or crafted during a winter hunt on the western plains.

Archaeologists knew there was a native settlement under the road, but Arzigian said they've been surprised by the density of features found—more than 400 pits in a four-block area. Unlike other local sites, this one hasn't been plowed or eroded.

"One of the nice things about this is it's more undisturbed," she said. "The road has actually protected it."

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