

NATIVE NEWS FROM ACROSS THE NATION

Canadian Indian Guilty of Violating Eagle Protection Act

SEATTLE, WA. (AP) — A Canadian Indian who said he was acting in his capacity as a medicine man when he brought bald eagle feathers and parts into this country has been convicted of violating the U.S. law that protects the birds.

Terry Antoine, 47, of Duncan, British Columbia, was found guilty recently of four counts of violating the Bald and Golden Eagle Protection Act and one count of illegal importation.

Antoine, who is scheduled to be sentenced in January of 2002, faces a maximum 12 years in prison and \$600,000 in fines.

Antoine's Lawyer, Michael Filipovic, said he plans to appeal to the 9th U.S. Circuit Court of Appeals. He said he was disappointed by the verdict.

Prosecutors applauded the U.S. District Court jury for convicting Antoine on all counts. "The Bald and Golden Eagle Protection Act is an extremely important part of the federal wildlife protection scheme," said Lawrence Lincoln, U.S. Attorney's Office spokesman. "We hope this verdict reminds the public of the continuing need to protect

these magnificent birds."

Prosecutors had argued that Antoine smuggled eagle remains across the U.S. border without a permit, then sold or bartered them for cash, beadwork and other goods in Washington state, Montana and Arizona as part of a black-market scheme.

Antoine did not deny that he brought the eagle feathers over the border. However, he said he was acting as an Indian medicine man when he traded eagle parts to other Indians, who use the parts in religious ceremonies.

"This case is, in large part, about an effort to impose the laws and values and views of a majority culture and apply it to an individual in a minority culture," said Filipovic.

Prosecutors said Antoine knew he was breaking the law.

"Mr. Antoine would sell openly his beadwork," said Assistant U.S. Attorney Helen Brunner. "What he didn't sell openly was eagle parts. That was done behind closed doors."

Brunner also countered a defense claim that Antoine gave away eagle feathers, wings, tails and bones as gifts.

"Mr. Antoine set the price. These transactions were not gifts," said Brunner. "The only one who characterized these transactions as gifts was Mr. Antoine, the man with the most to lose." Brunner cited witness testimony and records of the defendant's border crossings and visits to a U.S. storage facility, where parts from nearly 30 eagles were found.

Antoine testified that he brought the items across the border because Tribal Elders had given him the rare power to purify the sacred birds for ceremonial use.

Antoine said gift giving within Tribes is a cherished practice that can't be equated with the capitalist concept of a sale.

Prosecutors told jurors a sale is a sale.

"Just think of how our system of justice would work if everyone had the ability to interpret the law to their own liking," said Peter Murtha, a Prosecutor with the U.S. Department of Justice's wildlife section who assisted with the case. "That's what the defendant is asking you to do in this case."

Eagle feathers are used by Tribes

throughout North America to make masks, whistles and medicine bundles used in coming-of-age ceremonies, name-giving rituals, funeral rites and other special occasions.

Once endangered, bald eagles are now listed as threatened in the lower 48 states. They're protected by law in the United States and in Canada.

In this country, only religious practitioners in federally recognized U.S. Tribes can legally obtain eagles or eagle parts, and the wait can be as long as three years. A similar permit system exists in Canada, where waiting lists are much shorter.

During the trial, prosecutors displayed pictures of various eagle parts confiscated from a storage locker Antoine rented in Fife, south of Seattle. U.S. Fish and Wildlife forensic ornithologist Pepper Trail said at least 29 bald eagles and a golden eagle had been stored there.

Parts from more than 100 eagle carcasses were discovered at Antoine's home in Canada, where he faces similar charges. Antoine is a member of the Cowichan band of the Salish Tribe. He was not accused of killing any eagles.

Tribe, Water District Near Deal On Power Plant

LAS VEGAS, NV. (AP) — After a year of negotiations, the Las Vegas Valley Water District and the Moapa Band of Paiute Indians say they are about to strike a deal to bring a \$600 million power plant to the Paiute reservation.

The deal could allow the Moapa Paiutes to sell water from beneath their reservation to cool a natural gas-fired plant on Tribal homelands 45 miles northeast of Las Vegas. The Paiutes in exchange would drop a long-standing claim to the waters of the Muddy River, which the water district wants to use to supply Las Vegas' urban expansion.

Tribal and water district officials say they expect to sign the arrangement within weeks.

The plant would assure new electric power for more than 140,000 Nevadans.

San Jose, California-based Cal-

pine Corp. is confident plant construction will start by June of 2002, company officials said. The facility should begin operating by the summer of 2004.

"We have what we hope is a deal," Water District Deputy General Manager David Donnelly said. "There's still a few details to work out, but we're very optimistic."

But federal agencies remain worried about the project's effect on local groundwater supplies and air quality. And Calpine officials cautioned that they are far from certain that their plant will provide any guaranteed output to Nevada users, as sought by the water district.

"It's under discussion with the water district. We haven't agreed to the terms and conditions of it yet," Project Development Manager John Doyle said.

Tribal officials have said that the company has agreed to pay more than \$200 million over the plant's expected 45-year life span to the Tribe, which has been largely left out of southern Nevada's economic boom. The Tribe is known to most Las Vegas for its small fireworks and cigarette shop on Interstate 15.

Tribal attorney Steve Chestnut called the \$200 million figure a "low projection," saying the "Tribe will make significantly more than that."

"I think they've made a very good deal, and I think it would change in a favorable way the economic condition of the Tribe," he said.

The money would be a payment for allowing the company to use reservation land close to interstate gas and electric transmission lines. Calpine also hopes to lease groundwater from the Tribe — water for which the Paiutes have yet to se-

cure the rights — to cool the plant.

Water-cooling would allow the facility to operate as much as 10 percent more efficiently than a competing air-cooled plant, particularly during the summer months of peak electricity demands.

But the pumping cannot begin before Nevada's state engineer grants the Tribe rights to the water flowing beneath its reservation.

Nevada water is considered the property of the state. The engineer can grant the right to use it to any person or corporation that can put the water to an economically productive use. But the state engineer can deny water applications if it is proved that they would draw down supplies in a way affecting those with existing water rights.

Chestnut said he expects the state engineer to conduct a hearing on the Tribe's water rights early next year.



Grand Ronde Elementary School students watch as an Alaskan bald eagle named Chinook steps off of her perch and on to trainer Shannon Lamonica's gloved hand. Chinook and several other hunting birds were at the school as part of the Oregon Zoo's traveling "Birds of Prey" exhibit. The exhibit is sponsored by a grant from the Grand Ronde Tribe's Spirit Mountain Community Fund.

"Wow! Did You See That?"



Trainer Cathi Wright holds a red-tailed hawk named Sundance while explaining the bird's hunting habits to the children in the audience. Sundance is part of the exhibit that reaches 40 rural schools a year educating children.

Photos by Peta Tinda