

Federal Judge Rules Makah Tribe Can Hunt Whales

Tacoma, WA (AP) — A federal judge has dismissed a challenge by animal welfare groups to the Makah Indian whale hunts, clearing the way for the gray whale hunts to resume.

U.S. District Judge Franklin Burgess recently ruled that the whale hunt opponents failed to prove that federal agencies' assessment of the hunts' impact was arbitrary or capricious.

"The ruling is a pretty important victory," said John Arum, lawyer for the Tribe. "It likely means the litigation over Makah whaling is at an end."

The lawsuit was brought by the



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New York-based Fund for Animals, The Humane Society of the United States and others.

They contend the federal agencies had not adequately assessed the effect of the hunts on public safety and so-called resident whales, which linger to feed along the northwest Washington coast

during the grays' annual migration between winter breeding grounds in Mexico and summer feeding grounds in Alaska.

Michael Markarian, Executive Vice President of The Fund for Animals, said there would be an appeal.

"It's important to note the fall

migration of gray whales will start in late September. We're certainly hoping this can be resolved before that time," he said.

The Makah retained whaling rights under their 1855 Treaty of Neah Bay.

They stopped whaling in the early 20th century, after commercial whaling decimated global whale populations. The Tribe sought to resume whaling after gray whales were taken off the Endangered Species List in 1994.

Modern-day Makah whaling — on-again, off-again due to court challenges — has so far resulted in one kill, on May 17, 1999.

Weather Prevents Tribes From Paddling Into Taholah

Taholah, WA. (AP) — Bad weather prevented the intrepid mariners of Tribal Journeys 2002 from paddling their traditional wooden canoes into Taholah, but the welcome that was waiting for them was ecstatic nonetheless.

More than 20 ocean-going dug-out canoes representing 23 Indian Nations from the United States and Canada were trucked down from Queets and launched into the Quinault River for the arrival ceremony. Fog and heavy seas forced the cancellation of the last leg of their journey, which for some Tribes began on the other side of the Olympic Peninsula.

A Puyallup canoe capsized and a support boat swamped in rough surf. The 14 Puyallups aboard — including six women, two of whom were described as Tribal Elders — all made it to shore safely.

The journey to the Quinault Reservation is the latest in a series of inter-Tribal cultural exchanges in which American Indians from across the Pacific Northwest visit a Tribe via canoe.

The canoes had assembled at Neah Bay and on their way to Taholah stopped at Ozette, LaPush, Hoh River and Queets.

After the canoes arrived in Taholah, they were launched into the Quinault River as Quinault Tribal members sang traditional songs and made a drum circle.

The Tribes then paraded their canoes before a crowd of about 5,000 people. Quinault women and children, dressed in red and black robes as well as traditional cedar-bark headbands and belts, greeted them with dances.

The canoes circled in the river before rafting together in front of a

dais on which stood the Quinault Tribal Council. Beginning with the Frank Nelson family of Canada, which had traveled farthest, to get to Taholah, the leaders of each canoe delegation requested permission to come ashore, in their Tribal language and in English.

"We request permission to come ashore, for we are tired and hungry," said Nelson.

"We are honored that you have come so far to share in our hospitality," said

Pearl Capoeman-Baller, President of the Quinault Nation. "We are honored to have you come ashore."

Other Tribes represented were the Ditidaht, Mowachaht, Ucluelet, Tsokuke, Nanaimo, and Ehattesat Tribes of Canada, and the Tulalip, Makah, Quileute, Hoh, Squamish, Puyallup, Elwha, Skokomish, Suquamish, Muckleshoot, Port Gamble S'klallam, Swinomish, Nisqually, Squaxin, and Huu ay aht Tribes from the United States.

Washington

Taholah



Colville Tribes Reach Agreement With State

Spokane, WA. (AP) — The Colville Confederated Tribes, which for years have operated hundreds of slot machines that the state considers illegal, have reached a gambling agreement with Washington regulators.

The Colvilles will be allowed to operate up to 4,800 similar slot machines, which dispense vouchers for money instead of coins and do not have a pull-down arm. The Nevada-style slots must be removed.

The State Gambling Commission has been quietly negotiating with the Tribes for two years and is expected to approve the compact this week.

If the Colville Confederated Tribes' compact and a similar one with the Shoalwater Bay Indian Tribe are signed, Washington's sole remaining big-reservation Tribe without a gambling compact will be the Spokane Tribe, which also runs hundreds of allegedly illegal slot machines.

Under the deal, the Colvilles can have three main casinos and three smaller satellite casinos. All must be on their 1.4 million-acre reservation.

Tribal officials have told state officials they intend to maintain their existing casino sites near Lake

Chelan, Grand Coulee Dam and Okanogan.

There are no plans for the mini-casinos.

Without a state compact, it's much harder for Tribes to get financing for casino projects, said Ed Fleisher, a Special Assistant for Tribal Affairs at the Gambling Commission.

This is actually the second time the Colvilles have negotiated a compact with the state. The first was rejected in 1992 by then-Governor Booth Gardner.

This time, representatives for Governor Gary Locke and the U.S. Department for the Interior, both of whom must approve the agreement, have been in on the negotiation process.

Only three Washington Tribes, the Tulalips, the Muckleshoots and Puyallups, all in the Puget Sound area, are allowed two casinos by the state. Most Tribes only have one.

The Colvilles are the only ones in the state allowed to have three. They also are the only Tribes allowed to have the small satellite casinos.

The reason for that is that the Colville Reservation is absolutely huge and there's no big urban cen-

ter," said State Representative Alex Wood, D-Spokane, a member of the commission.

Federal law requires Tribes to spend their gaming profits the same way states spend their lottery money — supporting government

services.

Many Tribes have used the money to buy back reservation land, to pay for scholarships, to run Tribal government and to invest in other Tribal businesses like hotels or conference centers.

Yakama Indian Nation Sue Over Dam Repairs For Fish-Passage

Yakama, WA. (AP) — The Yakama Indian Nation has sued the federal government in an effort to force it to install fish-passage facilities at a major reservoir that serves irrigators from the Yakima Valley to Kennewick.

But the Federal Bureau of Reclamation says it intends to keep rebuilding Keechelus Dam until a court orders it to stop. Heavy equipment already has begun removing logs and reshaping the land near Interstate 90 at Snoqualmie Pass in an effort to finish the \$32 million project by the fall of 2003.

"This is a public safety issue," said Eric Glover, the Bureau's Area Manager in Yakima.

Tribal leaders said they are not trying to stop construction, but to

force the government to address fish-habitat problems.

Keechelus reservoir's capacity was reduced by about 17,000 acre-feet after crews in 1998 detected substantial holes in the dam that were left by rotted timbers that were buried during the dam's construction early in the 20th century.

Fish passage long has been contentious at Keechelus. However, the issue appeared settled in January, when the National Marine Fisheries Service agreed with the bureau's building plans, which are being pursued as a dam-safety project. The agencies recognized the potential for fish-protection improvements, but they agreed to keep that issue separate from the safety rebuild.