

Journal #4164 from sdc 5.25.18

Is the Supreme Court coming around on Indian law? New ruling favors tribes

Disputed Keystone Pipeline project focus of court hearing

GRACE-FO Will Help Monitor Droughts

A simple test using marshmallows can predict how successful you can become

Our National Forests Are Too Valuable to Frack

Scholarships

Complete list of the 2018 Indigenous Music Award Winners ...

Honored Elders Day

GrantStation

California is shattering renewable records. So why are greenhouse emissions creeping up?

Drought conditions set to intensify in U.S. Southwest

What will we eat in 2050? California farmers are placing bets

'Time for action' to avert Colorado River crisis, federal official says

Plan Way Ahead Calendar

How Birds Survived After An Asteroid Killed the Dinosaurs



Is the Supreme Court coming around on Indian law? New ruling favors tribes

The Upper Skagit Tribe has been in Washington for centuries. In 1855, it struck a deal with the U.S. government, trading its lands for “\$150,000 and other promises,” as Justice Neil Gorsuch wrote in [Monday’s opinion](#) in *Upper Skagit Indian Tribe v. Lundgren et vir*.

Originally rendered nearly

landless, the Tribe has acquired more than 500 acres since 1981, some of which is [held in trust](#) for the Tribe by the U.S. government. In 2013, the Tribe purchased a 40-acre plot located on ancestral land near land held in trust. Because of its proximity, that land is a strong candidate to become trust land. For that to happen, the Tribe had to commission a survey. The survey found the plot an acre short: A 1,300-foot barbed wire fence blocked off access to an acre that neighbors Sharline and Ray Lundgren claimed as their own.

After the tribe conveyed that it would be reclaiming its acre and building a new fence, the Lundgrens filed a quiet title action, asking a court to declare that the acre was theirs, “quieting” other claims. Their arguments? Adverse possession (c’mon guys, it’s been this way for a long time) and mutual acquiescence (the guy who owned this property before the tribe didn’t mind us taking his acre).

The tribe's brief points out that its sovereign immunity "is a matter of federal law." That principle was clearly established in a 1998 decision, *Kiowa Tribe v. Mfg. Techs., Inc.* Tribes have sovereign immunity; there's no waiver of sovereign immunity in the absence of express language. The same case declares that "the immunity possessed by Indian tribes is not coextensive with that of the States."

The Lundgrens, meanwhile, relied on a Supreme Court decision they claimed established that a state court could enforce law with respect to property owned by a tribe (*in rem*), just not the tribe itself (*in personam*), despite the assertion of sovereign immunity. In other words, the Lundgrens could not sue the tribe, but their action to claim tribal property under Washington state law was a-okay.

The Washington Supreme Court agreed with them. Gorsuch did not. Rather, he quoted their finding and noted simply, "That was error." The majority clarified that *Yakima* cannot be used to abrogate tribes' sovereign immunity. The case now returns to state court for consideration of the Lundgrens' secondary, common law argument.

Gorsuch claims the justices opted for remand because the Lundgrens' fallback argument was belatedly introduced in an amicus brief from the U.S. government. That's probably not the full story; Gorsuch likely wanted to go farther, ruling that there's no abrogation of tribal sovereign immunity for a fee land purchase within a tribe's reservation. That would mean tribal land is tribal land, as protected as the tribe itself.

Lacking five votes for the right course, Gorsuch opted to assemble a seven-justice majority for the next best option. Which is, to be clear, a big, big deal. It is a procedural win for the tribe, and a victory that resolves a subject of contention in the lower courts in favor of tribes, opening the door for litigation.

Bigger yet? It signals a potential shift for the Supreme Court toward protecting tribal sovereign immunity. The anti-tribe block, as a friend who practices Indian law describes it, has had six votes for a while, sometimes seven. That Gorsuch managed a seven-justice majority is spectacular. Especially given [his reputation](#) for clashing with his colleagues.

The ruling bears on Washington's [second Indian law case](#) before the Supreme Court this term. The same Indian law expert offered delicately, "Washington is fucked in the culverts case."

One sour note: Chief Justice Roberts' concurrence.

Roberts stated, "[t]he correct answer cannot be that the tribe wins no matter what; otherwise a tribe could wield sovereign immunity as a sword and seize property without impunity, even without a colorable claim of right."

That's an astonishing sentence even in a maddening concurrence. There's no potential for tribes to effect seizure; only reclamation of lands rightfully theirs.

Disputed Keystone Pipeline project focus of court hearing

ABC News

Attorneys for the Trump administration are due in a Montana courtroom Thursday to defend the approval of TransCanada's disputed Keystone XL oil sands pipeline project. [Read the full story](#)

[GRACE-FO Will Help Monitor Droughts](#)

By Space Daily, 5/15/18

NASA's Gravity Recovery and Climate Experiment mission was the first satellite system to directly measure global changes in the water stored underground in the world's largest aquifers. GRACE Follow-On, scheduled to launch this month, will continue this important task.

Michio Kaku - Reimagine Tomorrow

[Jay Shetty](#) posted a new video on [Facebook Watch](#).

World-renowned physicist Michio Kaku reveals how **a simple test using marshmallows can predict how successful you can become.** Credit: [Goalcast](#)



Our National Forests Are Too Valuable to Frack

A huge amount of momentum is building to defend the Ruby Mountains of northern Nevada from fracking, [will you lend your voice in support of protecting these irreplaceable public lands?](#)

Right now, the U.S. Forest Service is considering opening up 54,000 acres of the Ruby Mountains to oil and gas development, a move that stands to permanently alter and destroy this iconic Great Basin Mountain Range.

Under pressure from Secretary of the Interior, Ryan Zinke, the Forest Service is being pressed to agree to allow the leasing of lands to the oil and gas industry, a move that would effectively privatize the landscape.

It's not an exaggeration to say this would be a devastating move. The Rubies are the source of water for the nearby Ruby Lake National Wildlife Refuge. The Rubies' forested peaks stand as a vital refuge for imperiled fish and wildlife like Lahontan cutthroat trout, sage grouse, and more.

[Speak out today and get your voice on the record. Tell the Forest Service that Americans don't support sacrificing such critical public lands.](#)

It gets worse. Right now, barely any oil and gas development actually exists in Nevada. In fact, all indications are that leasing in the Rubies is all about enabling industry speculation.

Our public lands deserve better. They shouldn't be allowed to be used by oil and gas companies to pad their assets in the hopes that prices will rise.

We can do this, but we need your help. [Sign a letter today to the Forest Service and make sure they know where you stand.](#) [SEND A LETTER](#)



**For the Wild,
Jeremy Nichols, Climate &
Energy Program Director, Wild Earth Guardians**

– Here is an insightful essay about being focused on the long term in a world that is all about instant gratification: “The analogy I like to use is building a fire. Most of your life you gather firewood. It’s not useful by itself, but it has potential. You keep gathering. You keep storing away information, memories, thoughts, opinions. You do this until one day you get a spark of inspiration and decide to start a fire. Your fire starts small. A few people see it, but most ignore it. [You keep throwing more logs on the fire and it burns brighter. Maybe more see it and take notice, but it’s still mostly unknown. You keep at it day by day, night by night until you have a roaring blaze .](#)” (Of Dollars and Data)

“To handle yourself, use your head; to handle others, use your heart.” – Eleanor Roosevelt

Scholarships

What does the number five mean to you?

One is the loneliest number. Three is a crowd. Then there is five. What's so special about five? Well, for starters, this lucky number could help you win a \$1,500 scholarship.

It would take more than just one hand to count all the reasons why the number five is important - and we want to know what you think! What is it about the number five that's so significant to you? One great reason is that May is the fifth month - which just so happens to be a great time to apply for fun scholarships.

Help us bring awareness to the fifth month and the number five. We're awarding one \$1,500 scholarship to a lucky student - and an endless supply of high fives.

Applicants must:

- Be thirteen (13) years of age or older at the time of application
- Be legal residents of the fifty (50) United States or the District of Columbia
- Be currently enrolled (or enroll no later than the fall of 2024) in an accredited post-secondary institution of higher education

Submit an online written response to the question:

"May is the fifth month of the year. Write a letter to the number five explaining why five is important. Be serious or be funny. Either way, here's a high five to you for being original." (250 words or less)

The Fifth Month Scholarship winner will be notified by email or phone on or around August 31, 2018.

[Apply now](#)

Award Amount: \$1,500

Application Deadline: May 31, 2018

[Samsung American Legion Scholarship Application](#)

ELIGIBILITY: High school juniors who are a direct descendant, i.e. child, grandchild, great-grandchild or a legally adopted child, of a U.S. veteran who served during a period of war and is a delegate to either an American Legion Boys State or American Legion Auxiliary Girls State program. Application is an on-line process- [here](#). All questions must be answered in order to be considered.

[Samsung Scholarship Frequently Asked Questions](#)

[Robert Turner Baseball Scholarship Application](#)

Scholarship is available only to Michigan residents who have graduated from high school, are on a 2018 American Legion Baseball Team roster filed with the National Headquarters, and who are planning to attend any nationally accredited college or university. Selection is based on the application information, the student's GPA of 2.5 or higher, and two letters of testimony (one from the American Legion coach or team manager, and the other from a community leader, school official or minister). The scholarship award amount is \$500. Deadline date is July 1, 2018 [Click Here for Legion Baseball Scholarship Application](#)

Any team manager or head coach of an American Legion (post – affiliated) team may nominate a player for consideration of this award. The scholarship application, letters of recommendation

and certification form must be completed, postmarked and mailed to the department headquarters no later than July 15, 2018. Three letters of testimony must be attached to the nomination form.

Attach a one-page letter of recommendation from your:

- (1) Legion coach or team manager,
- (2) American Legion post commander or adjutant
- (3) Community leader, (i.e. teacher, minister, Scout leader, church leader, principal)

Each Department Baseball Committee will select a American Legion player who best meets the qualifications as the 2018 American Legion Baseball Scholarship winner. Each department winner will receive a \$500 scholarship from The American Legion.

DIAMOND SPORTS SPONSORSHIP

The Department Baseball scholarship winners shall be considered for The American Legion All Academic Team sponsored by Diamond Sports, the official baseball for American Legion National tournaments. Eight players selected by a scholarship selection committee at The American Legion World Series will receive an additional \$2,500 scholarship. A ninth player, selected as the most outstanding member of the All Academic Team, will be awarded an additional \$5,000 scholarship.

Scholarship recipients will be eligible to receive their scholarships immediately upon graduation from an accredited high school. Scholarship winners must utilize the total award within eight (8) years of their graduation date, excluding active military duty.

The scholarship may be used to attend a school selected by the student, provided it is state accredited and above the high school level. The national treasurer of The American Legion will make disbursement from the scholarship fund jointly to the student and the school at the beginning of each semester. Deadline date is July 15, 2018 [Click here to read more about our baseball program](#) to [About Discussion](#)

Complete list of the 2018 Indigenous Music Award Winners ...

IMA's took place on a stage adorned with red dresses in honor of Missing and Murdered Indigenous Women and Girls. Pat Vegas of Redbone received a lifetime achievement award. On Friday night, 20 CBC Music Indigenous Music Awards were announced on...

[Read more](#)
indiancountrymedianetwork.com



Honored Elders Day Public · Hosted by [California State Indian Museum](#)
Saturday, June 2 at 10a.m. - 3 p.m. 2618 “K” Street Sacramento

GrantStation

National Funding

Capital Support for Veteran Housing Projects Nationwide
[Home Depot Foundation: Veteran Housing Grants Program](#)

The Home Depot Foundation’s Veteran Housing Grants Program awards funding to nonprofit organizations throughout the United States for the new construction or rehabilitation of multifamily, permanent supportive housing and transitional facilities for veterans. Grants ranging from \$100,000 to \$500,000 are available solely for the physical construction or repair of housing for veterans (hard costs), and the grant amount must comprise less than 50% of the total development cost of the project. Nonprofit organizations that have been in existence at least five years and have a current operating budget of at least \$300,000 are eligible to apply. Requests are reviewed three times per year; the upcoming application deadline is July 13, 2018. Visit the Foundation’s website to review the funding guidelines and take the online eligibility quiz.

Programs for People in the Americas Affected by HIV Funded
[Elton John AIDS Foundation](#)

The Elton John AIDS Foundation supports nonprofit organizations working with people who are most affected by HIV in the Americas, defined as the United States, Canada, Mexico, the Caribbean, and Latin America. Through the annual request for proposals (RFP), grants are provided to organizations working toward one or more of the following goals: wellness, rights, quality of life, and resilience. The grantmaking priority populations include people living with HIV, Black women and men, LGBT populations, Hispanic/Latinx people, migrants and immigrants, women and girls, adolescents and young adults, sex workers, people who use drugs, and incarcerated people. Organizations that are led by and based in the communities being served are of special interest. (The Foundation has also released a special

RFP for projects focused on addressing the HIV-related needs of transgender people and black gay, bisexual, and SGL men.) Online letters of inquiry for both RFPs are due June 30, 2018. Visit the Foundation's website to review the RFPs and to submit an online letter of inquiry.

Grants Promote Youth and Scientific Education

American Honda Foundation

The American Honda Foundation supports nonprofit organizations and educational institutions nationwide that address the areas of youth and scientific education. The Foundation's primary funding priority is youth education, specifically in the areas of science, technology, engineering, and mathematics; the environment; job training; and literacy. Grants range from \$20,000 to \$75,000. The upcoming deadline for organizations that have never received funding from the Foundation is August 1, 2018. Visit the Foundation's website to take the required eligibility quiz and submit an online application.

Initiatives to Enhance Climbing Opportunities Supported

Access Fund: Climbing Conservation Grant Program

The Access Fund's Climbing Conservation Grant Program supports projects that preserve or enhance climbing opportunities and conserve the climbing environment throughout the United States. The focus is on projects that demonstrate local climber support, collaboration with land managers, and a commitment to long-term change. Requests are accepted from local climbing groups, governmental agencies, conservation organizations, land trusts, as well as individuals who wish to sponsor a local project. Most grants are in the range of \$1,000 to \$4,000. Requests are reviewed two times per year; the upcoming application deadline is August 1, 2018. Visit the Access Fund's website to review the grant guidelines and download the application form.

Regional Funding

Funds for Music and Dance Programs in Oregon and Washington

Jubilation Foundation: Grants for Organizations

The Jubilation Foundation, a fund of the Tides Foundation, supports nonprofit organizations in Oregon and Washington with an exceptional talent for helping young people feel fully alive through rhythm, as expressed in music and dance. Grants generally range from \$2,000 to \$10,000. Letters of intent must be submitted by July 15, 2018. (The Foundation also provides grants for Special Projects, as well as Fellowships for individuals, nationwide. These programs have a separate application process.) Visit the Foundation's website to learn more about the Grants for Organizations funding priorities.

Grants Strengthen Forest and River Conservation in Central Appalachia

National Fish and Wildlife Foundation: Central Appalachia Habitat Stewardship Program

The Central Appalachia Habitat Stewardship Program, an initiative of the National Fish and Wildlife Foundation (NFWF), is offering grants to restore and sustain healthy forests, rivers, and streams that provide habitat for diverse native bird and freshwater fish populations in the Appalachian region of Maryland, New York, Ohio, Pennsylvania, Virginia, and West Virginia. Priority will be given to projects that address at least one of the following strategies: Forest Conservation, Connectivity, and Management; and Healthy River Systems. The program will

award approximately \$2 million this year, with grants ranging from \$50,000 to \$200,000. The proposal deadline is July 12, 2018. Visit the NFWF website to review the Request for Proposals.

Support for Oral Health Projects in Wisconsin

[Wisconsin Dental Association Foundation](#)

The Wisconsin Dental Association Foundation is committed to improving the oral health of Wisconsin residents by providing grants to community-based, nonprofit oral health promotion programs throughout the state. The Foundation's Annual Grant Program offers support to initiatives that provide dental care to the underserved and philanthropic endeavors related to dentistry in Wisconsin. Grants of up to \$5,000 are considered for dental supplies and equipment for low-income dental clinics, dental health education programs, and other nonprofit dentistry programs. Proposals must be submitted via email by July 31, 2018. (A letter of endorsement from an officer of the local component dental society is required.) Visit the Foundation's website to review the grant guidelines.

Fire Prevention Initiatives in California Funded

[California Fire Foundation](#)

The California Fire Foundation and PG&E are offering grants to help fire departments and firefighter associations in California address fire prevention and education in their communities. Funding requests may target issues such as improved land-use planning regarding vegetation near power lines, clearing grass and brush near homes, rebates/education on fire-retardant roofs for homes and businesses, specialized firefighting equipment, or other fire safety and disaster preparedness and prevention programs. Grants will range from \$2,500 to \$15,000. The application deadline is June 15, 2018. Visit the Foundation's website to submit an online application.

Federal Funding

Program Supports Development of Rural Communities

[Department of Agriculture](#)

The Rural Community Development Initiative supports organizations that will provide financial and technical assistance to recipients to develop their capacity to undertake projects related to housing, community facilities, or community and economic development. The application deadline is June 25, 2018.

Funds Available to Assist Poor and ESL Taxpayers

[Department of the Treasury](#)

The Low-Income Taxpayer Clinic Program provides support to represent low-income taxpayers in disputes with the IRS and to educate persons who speak English as a second language about their rights and responsibilities as U.S. taxpayers. The application deadline is June 27, 2018.

PathFinder: Featured Resource

A library of quality resources designed to help you develop your career path as a grants professional.

[The New Normal: Capacity Building During a Time of Disruption](#)

The rapid pace of recent political change has left nonprofits and funders alike scrambling to adapt. A new report from Open Impact, *The New Normal: Capacity Building During a Time of*

Disruption, takes a closer look at the impact of the 2016 U.S. election and its aftermath on the social sector. This report discusses how the current economic and political environment are impacting the capacity building needs of social change leaders, nonprofits, networks, and movements; how funders are responding to these changing needs; and how they can better support this work going forward.



May 24 in 1897 *Aurora* [Illinois] *Daily Express*: “Nevada Lands. An opportunity is now offered to secure land in the beautiful valley of Los Vegas Nevada that may never occur again. These lands can now be bought for \$1.50 and in a few years will be considered cheap at from ten to one hundred dollars per acre. They are equal in all respects to lands in California for fruits of all kinds such as Grapes, Peaches, Apples, Figs, Almonds, and all fruits that are grown on the Pacific coast. ... Geo. F. Watson, Room 340 Coulter Block. Aurora.”;

[California is shattering renewable records. So why are greenhouse emissions](#)

[creeping up?](#) By Nathanael Johnson, Grist, 5/23/18

The green beacon that is the state of California is making clean-energy strides, according to new stats out this week. It’s harnessing a record amount of solar power, building more turbines to capture wind power records, and closing in on the moment when the grid goes 100 percent carbon free.

[Drought conditions set to intensify in U.S. Southwest](#)

By Karen Graham, Digital Journal, 5/23/18

Rivers are drying up, popular mountain recreation spots are closing and water restrictions are in full swing as a persistent drought intensifies its grip on pockets of the American Southwest.

What will we eat in 2050? California farmers are placing bets

By Nathanael Johnson, Gist, 5/22/18

Chris Sayer pushed his way through avocado branches and grasped a denuded limb. It was stained black, as if someone had ladled tar over its bark. In February, the temperature had dropped below freezing for three hours, killing the limb.

*****g*****

'Time for action' to avert Colorado River crisis, federal official says

By Ian James, The Desert Sun, 5/23/18

The Colorado River has for years been locked in a pattern of chronic overuse, with much more water doled out to cities and farmlands than what's flowing into its reservoirs.

Plan Ahead Calendar

July 10-12 First Nations Development Institute hosting HUD Self-Monitoring Basics & Best Practices Training: - Hotel Andaluz, Albuquerque, New Mexico Recipients of the Indian Housing Block Grant (IHBG) are required to complete an annual self-monitoring to ensure compliance with IHBG and other applicable federal requirements. Registration for this training is FREE, but you must register to attend. See the attached flyer. For more information, and to view the agenda, please click [HYPERLINK "https://www.cvent.com/c/express/d5d18e0d-cf6a-4161-a50c-bf24ea1bc22e" here.](https://www.cvent.com/c/express/d5d18e0d-cf6a-4161-a50c-bf24ea1bc22e)

Aug. 13-16 2018 Tribal Lands & Environment Forum Spokane, WA

8th annual Tribal Lands & Environment Forum (TLEF) features special trainings, field trips, and breakout sessions focused on our conference theme: A National Conversation on Tribal Land and Water Resources. Topics highlighted at the forum include solid/hazardous waste management, brownfields, UST/LUSTs, Superfund sites, and emergency response. Tribal water program topics – water quality, drinking water, and habitat restoration (including wetlands, streams and fisheries) will also be included with breakout sessions, trainings and field trips. More at <http://www7.nau.edu/itep/main/Conferences/Index>

Sept. 12-14 2018 New Mexico Housing Summit Albuquerque, NM

Follow link to view speaker updates and to register <http://summit.housingnm.org/>" <http://summit.housingnm.org/>

<http://www.latimes.com/science/sciencenow/la-sci-sn-birds-after-asteroid-20180524-htmlstory.html#nt=tertiarynavbar>