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Nevada lawmakers take steps to block Yucca Mountain

Politics, History and Semantics: The Federal Recognition of Indian Tribes

How the Iroquois Great Law of Peace Shaped U.S. Democracy

FROM NARF: Arctic Wildlife Refuge/Implementing the UN Declaration in the United States/

Kickapoo Water Settlement Nevada Magazine photo needs

Soda taxes work: a small victory for public health in the fight against diabetes in obesity Pyramid Lake PLT Paiute officer promoted, named Nevada Guard provost marshal

Even More Scholarships with April 1-15

Deadlines Smithsonian's collections include iconic objects that tell the stories of American women,

Meet the First Female Director of the American History Museum

Bigfoot Lives

Yurok Tribe's Wellness Programming



Pride, joy, and humpies! Thanks to Josephine Shangin from Akutan for sharing her beautiful Salmon Life!



Nevada lawmakers take steps to block Yucca Mountain

Nevada lawmakers will fire the first shot Tuesday(yesterday) in the expected legislative battle over Yucca Mountain in the new Congress.

miaminewtimes.com

FPL Wins Battle to Store Radioactive Waste Under Miami's Drinking Water Aquifer

POLITICS, HISTORY, AND SEMANTICS: THE FEDERAL RECOGNITION OF INDIAN TRIBES

RENÉE ANN CRAMER. CASH, COLOR, AND COLONIALISM: THE POLITICS OF TRIBAL ACKNOWLEDGMENT (UNIVERSITY OF OKLAHOMA PRESS: NORMAN 2005)

MARK EDWIN MILLER, FORGOTTEN TRIBES: UNRECOGNIZED INDIANS AND THE PEDERAL ACKNOWLEDGMENT PROCESS (UNIVERSITY OF NEBRASKA PRESS: LINCOLN AND LONDON 2004)

COMMENTARY BY MATTHEW L.M. FLETCHER*

Once, in a story, I wrote that Indians are everywhere. Goddamn right.

-Simon J. Ortiz

Tribal histories often begin long before there were humans walking on the earth. According to the creation story of the Anishinabeg,² for example, the Great Mystery, Kitche Manitou, created the world free from human habitation.³ But disaster befell the world and it became covered in water, the animals staying close to the surface of the water, clinging to life.⁴ Sky Woman, Geezhigo-Kwe, a spirit who lived high in the sky, conceived a

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¹Assistant Professor, Political Science, California State University, Long Beach.

^{&#}x27;Assistant Professor, Michigan State University College of Law. Director, Indigenous Law and Policy Center. Appellate Judge, Pokagon Band of Potawatomi Indians, Hoopa Valley Tribe, and Turtle Mountain Band of Chippewa Indians. Member, Grand Traverse Band of Ottawa and Chippewa Indians. Thanks to Kara Gansmann, Liz Pendlay, Jon Carpenter, Craig Larsen, and the other editors of the North Dakota Law Review. Migwetch to Wenona Singel, Myriam Jaidi, and John Petoskey for their support and comments.

^{1.} SIMON J. ORTIZ, Travels in the South, in GOING FOR THE RAIN 34, 35 (1976).

^{2.} The Anishinabeg, or Anishinabek, are the Odawa (Ottawa), the Ojibwe (Chippewa), and Bodewadimi (Potawatomi) people of the Great Lakes, known as the "Three Fires" in Michigan. See generally Edward Benton Benal, The Mishomis Book: The Voice of the Ohiblay (1979); Charles E. Cleland, Rites of Conquest: The History and Culture of Michigan's Native Americans (1992); James A. Clepton, George L. Cornell, & James M. McClurken, People of the Three Fires: The Ottawa, Potawatomi and Ohibway of Michigan (1986).

See BASIL JOHNSTON, THE MANITOUS: THE SPIRITUAL WORLD OF THE OHBWAY XV (1995); BASIL JOHNSTON, OHBWAY HERITAGE 12-13 (1976) (University of Nebraska Press 1990). For a slightly different version of the Anishinaube creation story, see BENAI, THE MISHOMIS BOOK, sapra note 2, at 2-4.

See Johnston, The Manitous, supra note 3, at xv; Johnston, Olibway Heritage, supra note 3, at 13.

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Faculty Publications 1-1-2006
Politics, History, and Semantics: The Federal Recognition of Indian Tribes
Matthew L.M. Fletcher
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How the Iroquois Great Law of Peace Shaped U.S. Democracy

https://www.pbs.org/native-america/blogs/native-voices/how-the-iroquois-great-law-of-peace-shaped-us-democracy/?

fbclid=lwAR2H0curYeOj6V2VF3yiEfGtxH8RzhiRcDoP_78eWTWN06_0svzqY8oOAp0

From NARF:

February 2019

The Gwich'in people have worked tirelessly to protect their way of life and oppose oil and gas development in the Arctic National Wildlife Refuge. Right now, you can help by lending your voice and commenting to the Bureau of Land Management. Get more information from the link below.

Take Action Now to Protect

Arctic National Wildlife Refuge

Take action now to stop a blatant land grab and protect this national treasure and sacred resource of the Gwich'in people. Comment before the March 13 deadline.

ACT NOW

March 15: Implementing the UN Declaration in the United States

Join the discussion on how to advance the UN Declaration on the Rights of Indigenous Peoples and develop a strategy for implementation in the US.

GET DETAILS

Alaska Natives Have Voice in DC

For more than four decades, the Kickapoo Tribe in Kansas has worked tirelessly to make sure that its reservation has the water that it needs to serve its people and ensure their livelihood. It has worked diligently with a variety of interested parties, including the State of Kansas, private landowners, and others, to reach a viable arrangement. The Tribe is committed to continuing this work and ensuring that its members and facilities have the water that they need. Recently, they drafted a water settlement agreement to quantify the Tribe's water right. According to NARF Staff Attorney Steve Moore, "[T]his Agreement is one step in a long process to secure a viable water supply for the Kickapoo people for many generations to come.... This Agreement with the State of Kansas recognizes and quantifies the Tribe's water right.... The Tribe and the State worked together the past 2 1/2 years to put the details of this Agreement in place. Both sides are to be congratulated." Read further to learn more about this essential and ongoing work.

KICKAPOO TRIBAL WATER RIGHTS SETTLEMENT

Since the 1970s, the Kickapoo Tribe in Kansas has worked to achieve water security for its livelihood and that of its members. After construction of a small dam and water intake and treatment system in the 1970s, the Tribe embarked on a larger scale water development project, in partnership with local water and conservation districts, the State of Kansas, and the United States Soil Conservation Service ("SCS" now "NRCS"). Under the SCS Small Watershed Program, also known as the PL 83-566 Program, the Tribe and its state and federal partners began in 1983 a decade long effort to design, plan and seek congressional approval of a water storage project known as the Plum Creek Project. Plum Creek is a tributary to the Upper Delaware River which flows through the Reservation; its long been considered the most viable site on the Reservation to build water storage. A federal Watershed Agreement was executed by all the parties in 1994, with a contemporaneously issued federal Environmental Impact Statement and final Record of Decision by NRCS, and congressional approval was secured in 1996 (Senate side) and 1998 (House side).

The effort stalled due to the Tribe's inability to persuade all landowners in the proposed Plum Creek Project area to agree to sell their land to the Tribe. A dispute arose between the Tribe and the local watershed district over the use of the watershed district's authority under Kansas law to condemn the land. Condemnation of land is almost always required for the siting of reservoir and watershed projects. The Tribe asked the federal court to resolve that dispute in a lawsuit filed in 2006. In 2013 the federal court ruled in favor of the watershed district. The Tribe did not appeal that issue, and the matter was laid to rest. In the intervening years the Tribe has acquired from willing sellers a substantial portion of the remaining land in the project area.

The Tribe is committed to continuing to work with the landowners in the Plum Creek drainage to secure the remaining lands necessary for the project. The Tribe also intends to work with NRCS and the Congress to re-evaluate the proper size and purposes for the Plum Creek Project.

In order to construct a storage project on Plum Creek or anywhere else on the Kickapoo Reservation, the Tribe must first have its water rights quantified. In the years since the filing of the lawsuit in 2006, the Tribe, the State of Kansas, and the United States (Interior and Justice Departments), with the assistance of technical staff and consultants, have negotiated a water right for the Tribe, and its constituent elements and associated details that will enable the State to administer State law based water rights in the Delaware River watershed respecting the Tribal water right as the senior right.

Legal counsel for the Tribe, the State and the United States over the past two and a half years negotiated a comprehensive settlement agreement for submission to the federal court in Kansas for preliminary review.

For Without Water, We Cannot Survive as a Tribe or a Community (Repeat)OVERVIEW OF GLOBAL KICKAPOO WATER SETTLEMENT AGREEMENT

This briefing document is intended to provide interested persons with an overview of the Kickapoo Tribe's campaign for water security, with the support and assistance of its federal and state counterparts. The water settlement agreement will require congressional approval. The

Interior Department also needs Congress to approve it and to direct Interior to carry out the obligations of the United States.

- Current Kickapoo Tribe characteristics:
 - Reservation is 30 square miles (5 mi. x 6 mi. near intersection of Hwy 75 / Hwy 20 in Brown County, KS);
 - 822 members living on reservation; 61 non-members many served currently by Tribal water system;
 - o No Tribal reservoirs; low-head dam for municipal water plant; casino & housing.
- Tribe has a federal water right linked to establishment of its reservation in 1832: Federal reserved water rights were recognized by the U.S. Supreme Court in *Winters v. United States* (1908).
- Delaware Watershed Characteristics:
 - o Delaware River and several tributaries flow through Reservation;
 - Avg. precipitation is 35 in/yr, and land is 85% agricultural;
 - Little to no groundwater available on Reservation; susceptible to drought; surface water storage essential to tribal water needs;
 - O Drainage: above Perry Reservoir = 1141 sq. miles.
- Main Components of the Settlement Agreement:
 - Delaware River Basin has sufficient water supplies to satisfy the rights of the Kickapoo Tribe without reducing the established water rights of Kansas water right holders.
 - Tribal water right: annual direct use amount + max. amount in storage.
 - direct use -4,705 acre feet for all present and future uses:
 - Annual indirect use defined as evaporate and seepage values; level of reservoir seepage a site-specific figure.
- Metering of Tribal consumption and annual water use reporting by Tribe to Kansas Division of Water Resources (DWR).
- Agreement specifies who may use the TWR, where and under what conditions.
- KDWR protects Tribal Water Right in times of shortage, when non-domestic junior water users are impairing the Tribal Water Right.
 - o First in time, first in right: Tribe has senior right in the Basin;
 - State review of any state water rights application that could affect the Tribal Water Right, including notice provisions to Tribe and U.S.;
 - Tribe asks for impairment investigation;
 - If DWR finds impairment, it curtails junior upstream rights to protect tribal usage.
- Tribe, State [and eventually the United States] enter into a Memorandum of Agreement setting out the specific administrative details for the Tribal water right and junior State water rights. MOA is patterned after similar MOAs that the Kansas DWR enters into with water right holders on river systems elsewhere in the State.
- Reporting, Cooperation and Communication between State and Tribe for access to Tribal property where/when necessary;
- Tribe will adopt a Tribal Water Code to govern tribal members' water use.
- Judicial enforcement in case of disputes concerning the interpretation and implementation of the Settlement Agreement and the MOA.

Tribal representatives recently traveled to hearings in DC to fight for their homelands. Thank you to everyone who helped make sure that Native voices were heard. **Learn More**

Nevada Magazine photo needs May/June 2019 issue Deadline: Friday, March 15 ***Important: In order to be considered for publication, you must include your name, address, phone number, and information about the photo (where it was taken, how it was taken, etc.).***

Fly Geyser - Send us your shots of this geologic wonder and other features of Fly Ranch, located on the edge of the Black Rock Desert. Please note, the geyser is on private property.

Reno Rodeo - The Wildest, Richest Rodeo in the West turns 100 this year! Send us your Reno Rodeo shots, old and new.

Lovelock - Send us your shots of this northern Nevada town. We're looking primarily for shots taken in the city limits, not just the surrounding areas.

Las Vegas Weddings - We're looking for anything and everything to do with weddings in or around Las Vegas.

Cottonwood Station - This restaurant opened in 2018, and is the only dining option in the tiny town of Blue Diamond. Send us your food shots.

Spring/early-summer Events - Any images that capture the spirit of a popular May/June celebration in Nevada are desired.

Visions and Cover shots - Captivating images from your collection could be used in this department. Think seasonal and timely to the issue.

Always get permission to photograph on private property. If you just want publication and photo credit (no pay), please notify us when you submit your images.

 $\ensuremath{^{**}Please}$ note that we strictly adhere to all FAA regulations regarding the usage of drone photography and video. When submitting drone images or video, please include proof of FAA-approved certification. $\ensuremath{^{**}}$

Editor's Note: If you can, try and get people enjoying Nevada in your photos. Remember, people engaging in activities adds a nice touch.

If you're interested in further understanding the type of photography *Nevada Magazine* typically looks for, click **HERE** to subscribe to the magazine

E-mail images to:
Art Director Kippy Spilker at kspilker@nevadamagazine.com
Please put the subject and issue date (MJ19) in the subject line, and provide your mailing address. We prefer you send an initial sampling of low-resolution images. A staff member will contact you if we need the high-res versions.

Mail CDs or slides to: Attn: Kippy Spilker, Nevada Magazine, 401 N. Carson St., Carson City, NV 89701

By submitting photos to *Nevada Magazine*, you agree to the payment structure below. Visit **nevadamagazine.com/home/photographers-guidelines/** for more information.

PAYMENT: Photos are accepted on speculation. Payment is on publication and varies according to the size published:

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Cover - $250
                      Spread (across two pages) — $250
                                                                  Full Page — $175
                      1/2 Page — $125
                                                                  1/4 Page — $75
3/4 \text{ Page} - $150
                                            1/3 Page — $100
1/6 \text{ Page} - \$50
                      1/8 Page — $35
                                            Thumbnail — $25
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Photos for Web Extra stories — \$25

*It is important to note that payment could take up to a month after publication to get processed and mailed to the photographer.

Connect With Us

* If you have a Facebook account, we'd be honored to add you to the Nevada Photographers group: <u>HERE</u>

It is with great excitement we unveil our new website and first-ever digitial version of our venerable magazine. For 83 years, our print magazine has been the go-to source for all Nevada lovers, and now we're proud to offer our readers the chance to view the full magazine online. Currently, our digital archive includes all our magazines from 2013 to today, but also, all issues from 1936-1952 are also now digitally available. This is the first time these historic issues have been available in this format, and we could not be more excited to share them with you. Eventually, our entire archive of magazines will be available to our digital subscribers. This is an unparalleled opportunity to truly be a part of the magazine's history, not to mention the state's history.

Starting March 1, our current print subscribers will receive a free 30-day digital subscription.

Learn More →

"What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the wintertime. It is the little shadow which runs across the grass and loses itself in the sunset."

Crowfoot, Blackfoot Warrior and Orator

Soda taxes work: A new UC Berkeley study found soda consumption dropped 52 percent after the city of Berkeley adopted a consumption tax on sugary drinks. It revealed why the soda industry works so hard to strong-arm the Legislature into blocking these taxes. Read <u>our editorial</u> and then let us celebrate a small victory for public health in the fight against diabetes in obesity. SF Chronicle



Mirya Obomsawin February 19, 2017 near Shubenacadie, NS, Canada ·

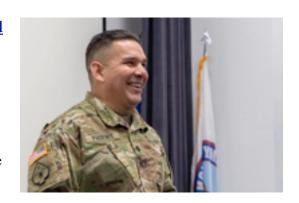
Snow sculptures done. Representing the Missing and Murdered Indigenous Women.

newsmaven.io

Pyramid Lake Paiute officer promoted, named Nevada Guard provost marshal -

IndianCountryToday.com

Lieutenant Colonel James Phoenix laughs while telling a story at his promotion ceremony at the Office of the Adjutant General in Carson City, Feb 22, 2019. Phoenix is a graduate of Pyramid Lake High School and member of the Pyramid Lake Paiute Tribe.(Photo: Sergeant Walter H. Lowell)



Even More Scholarships with April 1-15 Deadlines

OAN Bill Egan Memorial Award	\$500	04/15/2019
OAN Bob Fessler Family Foundation/Woodburn Nursery Award I & II		
	\$1,000	04/15/2019
OAN Clackamas Chapter Award	\$1,500	04/15/2019
OAN Clackamas Chapter Ed Wood Memorial Award	\$1,500	04/15/2019
OAN Joseph H. Klupenger Award	\$550	04/15/2019
OAN Mt. Hood Chapter Award I & II	\$1,000	04/15/2019
OAN Nurseries Foundation Award	\$1,000	04/15/2019
OAN Royal Boltman Memorial Award	\$500	04/15/2019
Ohio EPA Scholarship	\$2,500	04/15/2019
Operation Thank an Officer College Scholarship	\$1,000	04/05/2019
Operation Thank an Officer Scholarship - High School	\$1,000	04/05/2019
Outdoors Writers of KansasHarper Memorial Scholarship	\$1,000	04/15/2019
Peters Foundation, Corp. Scholarship	\$20,000	04/10/2019
PFLAG Norman Scholarship	\$1,000	04/03/2019
PFLAG South Orange County Student Scholarship	\$2,500	04/01/2019
Pine Cone Foundation Scholarship	\$5,550	04/14/2019
PLS Foundation Scholarships	Varies	04/01/2019
Powering Education Scholarship	\$2,000	04/01/2019
Prince Kuhio Hawaiian Civic Club Scholarship	\$1,000	04/01/2019
Project Yellow Light/Hunter Garner Video Scholarship	\$5,000	04/01/2019

Ed note: Please be very certain you realize these postings are only a few of the many scholarships available. Specific school, fraternity, sorority, community, etc scholarships are not listed. Do take time to scroll through them as they provide a unique look at what professions are being supported, opportunities for those with challenges, ie diabetes, MLS, etc, as well as rewarding academic excellence or recognizing financial need. You may not be eligible, but you may know someone who is! sdc

The Smithsonian's collections include iconic objects that tell the stories of American women, the challenges they faced and how they have shaped our nation. https://womenshistory.si.edu/collections

In addition to photographing the Sioux performers sent by Buffalo Bill Cody to her studio, Käsebier was able to arrange a portrait session with Zitkala Sa, "Red Bird," also known as Gertrude Simmons

(1876-1938), a Yankton Sioux woman of Native American and white mixed ancestry. She was born on the Pine Ridge Reservation in South Dakota, like many of the Sioux traveling with the Wild West show. She was educated at reservation schools, the Carlisle Indian School, Earlham College in Indiana, and the Boston Conservatory of Music. Zitkala Sa became an accomplished author, musician, composer, and dedicated worker for the reform of United States Indian policies. Käsebier photographed Zitkala Sa in tribal dress and western clothing, clearly identifying the two worlds in which this woman lived and worked. In many of the images, Zitkala Sa holds her violin or a book, further



indicating her interests. Käsebier experimented with changing backdrops, including a Victorian floral print, and photographic printing. She used the painterly gum-bichromate process for several of these images, adding increased texture and softer tones to the photographs.

ca 1898

Kasebier, Gertrude

Wilma Mankiller Principal Chief, Cherokee Nation

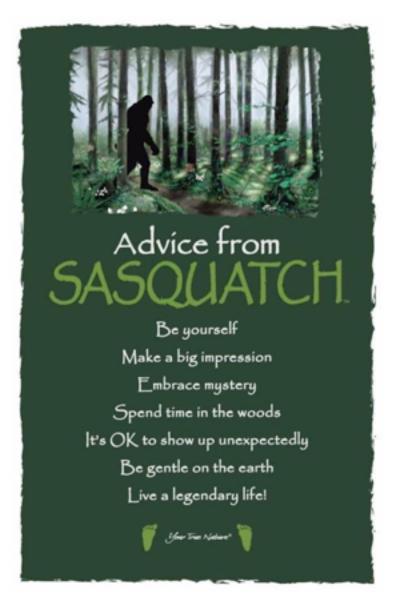
IN BELL, OKLAHOMA, 25 percent of people didn't have indoor plumbing and lived in dilapidated conditions. We proposed they build a waterline and rehab their houses, as volunteers. We'd supply the technical engineering.

Most were on welfare; people said they'd never show up. They showed up.

We proved that Cherokee values were alive. I was trying to encourage our people to trust their thinking again, to look to themselves for solutions.

I want to be remembered as the person who helped indigenous people restore faith in themselves.

Wilma Mankiller's memoir is at the Smithsonian. It will be used to tell her story and other women's stories of inspiring her people and leading a nation.



Meet the First Female Director of the American History Museum

The National Museum of American History has welcomed Anthea Hartig as its new Elizabeth MacMillan Director – and the first woman to hold the director position since the National Museum of American History opened in 1964. An awardwinning public historian and cultural heritage expert, Dr. Hartig has dedicated her career to making the nation's richly diverse history accessible and relevant.

Bigfoot Lives I'm still looking for more Bigfoot stories from Idaho for the next book. Anybody have anything they want to share?

<u>Penny Hart</u> Is this poster for sale somewhere?

<u>Bigfoot Lives</u> We are working on it thanks for asking! I'll let you know as soon as we have them available

Perspective: http://htwins.net/scale2/?bordercolor=white

Be patient; its worth it!

Native SpiritsFollow

<u>January 15</u> · Dancing Dog to Native American Song **Fab**

NEW on NCAI's YouTube Channel: Yurok Tribe's Wellness Programming (2018 Honoring Nations Awardee)

At NCAI's 2018 Annual Convention in October, <u>Harvard Honoring Nations</u> - which identifies and celebrates outstanding programs in tribal self-governance - bestowed its 2018 Honoring Nations Awards on six worthy recipients for their difference-making approaches in critical areas of tribal governance.

Each week for the next several weeks, NCAI's Partnership for Tribal Governance (PTG) is releasing a new video featuring one of the 2018 Honoring Nations Award Recipients. This week, PTG shares the story of the <u>Yurok Tribe's Wellness Programming</u>.

Among the recipients was the Yurok Tribe's Wellness Programming. Grounded in Yurok village values of reciprocal responsibility, the Yurok Tribal Court's Wellness Programming is reclaiming its people - and its future. Operating in a PL-280 state, the court practices concurrent jurisdiction with the State of California and infuses traditional values into contemporary jurisprudence to serve tribal citizens in culturally appropriate ways.

Sharing the Yurok Tribe's story of governance success in this video is Chief judge Abby Abinanti of the Yurok Tribal Court.

To watch the Yurok Tribe share its tribal governance success story, please click here.

Other 2018 Honoring Nations Award Videos:

Sitka Tribe of Alaska's Indian Child Welfare Act Partnership Miami Tribe of Oklahoma's Myaamiaki Eemamwiciki Program

To learn more about the Harvard Honoring Nations program, please click <u>here</u>. **NCAl Contact:** Ian Record, Director, Partnership for Tribal Governance, <u>irecord@ncai.org</u>

